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So You Haven't Taught Legal Writing in a While . . .

By Judith M. Stinson

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It seems that each academic year brings a host of new administrative appointments for legal writing faculty. Many of these appointments require reduced teaching loads, and sometimes the demands of the administrative position make teaching legal writing (at least teaching it well and still performing the new administrative job) impossible. Fortunately, unless your goal is to become the actual dean of the law school, most of these appointments are temporary. But how do you jump back into teaching legal writing after a significant break?

Similarly, a number of people teach legal writing for a few years (sometimes as an adjunct) and then follow a different path for another few years—either moving back into practice or a clerkship or moving into a non-teaching position—and then take a position teaching legal writing again. The same question pops up—how do you make that transition back into teaching legal writing?

If you are facing this dilemma (or know someone who is),¹ the suggestions below might be helpful.

1) Set your anxiety aside and remember that teaching is FUN!

Teaching is somewhat like riding a bike; once you have learned how to do it, jumping back in years later should be easier than learning in the first place. But preparing to do anything you haven't done in a long time can be stressful. Fortunately, if you are like most legal writing faculty, you genuinely

enjoy teaching. Recall some of your favorite teaching moments, look through a drawer (or electronic file folder these days) of “thank you’s” from former students, or chat with some of the most energetic colleagues on your faculty about teaching. Surround yourself with those positive emotions. Remember that most of us really would teach for free (and even though the grading is a bear, seeing concrete proof of your students’ improvement is also lots of fun!).

2) Jump back in with both feet!

The same preparation you likely employed before you started teaching in the first place can be helpful, but now you have many more tools at your disposal. Use your position as a faculty member to help focus that preparation.

a) Read.

This suggestion may seem obvious, but even if you read it all before and even if you kept up on scholarship in the field, take the time to re-read some key sources. For example, either re-read the book you intend to assign² (or review a number of them), and decide if a different book might work better.

In addition, read (or re-read) some legal writing scholarship.³ For example, reading shorter pieces such as those found in the last two or three years of *Perspectives: Teaching Legal Research and Writing*⁴

² I would like to think I would have done this anyway, but I was forced to take this step. I had previously assigned Charles Calleros’s book, *Legal Method and Legal Writing* (7th ed. 2014); while I was serving as Associate Dean, Arizona State Law Professor Kim Holst became a co-author and they split the book into two separate books, *Legal Method and Writing I* and *Legal Method and Writing II* (8th ed. 2018).

³ If your law school happens to be in the midst of a faculty search for a legal writing position, you can offer to review candidates’ scholarship, which will simultaneously serve as helpful institutional service.

⁴ Additional publications in *Perspectives: Teaching Legal Research and Writing* are available at the following link: <http://info.legalsolutions.thomsonreuters.com/signup/newsletters/perspectives/>.

¹ I recently found myself in this position; I was very fortunate to have a post-associate dean sabbatical during which I could spend time thinking about and preparing for this transition. But even if you don’t have that kind of time, many of these tips should still be helpful.

“But how do you jump back into teaching legal writing after a significant break?”

and *The Second Draft*⁵ would likely be a quick and helpful way to reacquaint yourself with timely and innovative teaching ideas. Review past issues of more scholarly journals designed for those with an interest in legal writing,⁶ reading any articles that strike you as useful for your particular purposes. Review the Legal Writing Institute's SSRN e-journal⁷ and read (or at least skim) helpful articles. It might also be helpful to review some publications designed for practitioners, such as American Bar Association section publications.

In addition to legal writing textbooks and scholarship, review syllabi prepared by colleagues at your law school and nationally. This review will help you think through the structure of your course and ensure that you cover everything necessary. Many faculty include helpful information in their syllabi, such as the professor's policy on the use of electronic devices in the classroom. Moreover, some institutions have begun to require that certain topics be addressed (such as information about seeking accommodations and Title IX information). Reviewing syllabi from others at your law school can be very helpful in this regard.⁸

It might also be helpful to read old student papers (both with and without written comments). This review might remind you of what you can (and should not) expect of most law students and help you think more about if and how to change your commenting style. Similarly, you could ask a colleague to peruse some of her

recent student papers and read other student-drafted documents like moot court briefs.⁹

Last, but certainly not least in terms of reading, review your old teaching evaluations—from peer reviewers and from students, if both are available—to remind yourself of what worked well and what didn't. As always, take them with a grain of salt. But be open to using that feedback to improve.

b) Observe.

Either before you begin teaching again or as you start back in the classroom, sit in on some of your colleagues' classes. Legal writing classes will likely be the most helpful,¹⁰ of course, but you can also learn a great deal by sitting in on non-legal writing class sessions. You can also attend teaching workshops, whether offered through your law school, your university, or other groups (such as the LWI one-day workshops, offered late fall each year). Regional legal writing conferences, offered throughout the year at various law schools, also offer the opportunity to hear about (and sometimes watch) effective teaching methods.

c) Practice.

If possible, guest teach a class before you are slated to teach again. If that isn't possible, offer to teach a session at Orientation or a class for non-J.D. students. You could also give a talk on a paper or other project you're working on. Even though it isn't the same as teaching legal writing, it will help you get back into the swing of sharing your thoughts and ideas with others.

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⁵ *The Second Draft* is available at the following link: <https://www.lwionline.org/publications/second-draft>, and provides “an environment for sharing ideas and insights about teaching legal research and writing.”

⁶ Three main journals come to mind: *Legal Communication and Rhetoric*: JALWD, <https://www.alwd.org/lcr/>; *Legal Writing: The Journal of the Legal Writing Institute*, available at <https://www.lwionline.org/publications/jlwj>; and *The Scribes Journal of Legal Writing*, available at <https://www.scribes.org/the-journal-of-legal-writing>.

⁷ *Legal Writing eJournal* is available at the following link: https://www.ssrn.com/update/lsw/lsn_legal-writing.html.

⁸ Thanks to Alyssa Dragnich for letting me borrow large portions of her syllabus, including portions that are now recommended or required by Arizona State University.

⁹ This undertaking might also be a helpful way to perform some institutional or professional service: you could review student papers for your law school's assessment committee; you could evaluate student submissions for a writing competition, such as the Adam A. Milani Disability Law Writing Competition, sponsored by Mercer University School of Law and the American Bar Association Commission on Disability Rights; or you could review students' moot court briefs to help prepare them for oral argument or help them revise the briefs, if permitted by the competition rules.

¹⁰ In hindsight, I wish I had taken the opportunity to shadow a legal writing colleague for an entire semester. Prior to stepping down from my administrative role but when I had a target date in mind—and hence, knew which semester I would be back in the classroom—spending three or four hours a week to sit in on a colleague's course and talk with her about the class would have been immensely helpful. Time was at a premium, but I am certain I could have carved out forty to fifty hours over the semester to reorient myself to the course I was going to be teaching and to help me anticipate the course in its entirety.

“Administrative work provides a number of learning opportunities...”

d) Write.

Before you return to full time teaching legal writing, you may have the opportunity to think deeply about legal writing by researching and writing a lengthy, scholarly paper on a legal writing topic that interests you. Even if you do not have that amount of time, though, think about writing something (besides your syllabus and the problem or problems you will use that semester) to get you in the right mindset. It can be a book revision, a *Perspectives* or *The Second Draft* piece for a legal writing audience, or even just an outline of your goals and ideas for teaching legal writing again. The point is simple: writing about what you will be doing when you return to teaching legal writing ought to help you prepare to do just that.

3) Remember what you learned through your administrative service.

Administrative work provides a number of learning opportunities, and two of them stand out in terms of training that is helpful as you return to teaching: (a) a better understanding of the big picture; and (b) improved organizational skills.¹¹

¹¹ For some suggestions on how to improve your organizational skills, see Judith M. Stinson, *How LRW Faculty Can Best Position Themselves for Law School Administration*, 30 *SECOND DRAFT* 48, 52 (Spring 2017).

First, one of the main lessons most administrators learn is that perfect is the enemy of good; in the administrative context, for example, revising the semester class schedule six times may make the final schedule a bit better, but the ensuing delay in releasing the schedule to faculty and students would likely create larger problems. Similarly, in the legal writing context, although you could spend an additional fifty hours drafting comments on student papers, over-commenting is generally not an efficient use of your time and not actually very helpful for your students. Identify your goals for each assignment, generate a plan to achieve those goals, and then implement that plan.

Second, chances are your organizational skills improved during your time in an administrative role. Although many legal writing faculty already have some experience with administration (whether by virtue of serving as a program director or associate director, scheduling oral arguments, coordinating TA applications, and the like), after serving in a senior administrative position those skills were likely taken to a new level. You probably now block off a set time each day to deal with email; you now know which hours of the day you are most able to complete various types of tasks; and you are much less likely to feel overwhelmed (and hence, procrastinate) by any

Micro Essay

Artificial Intelligence and the Disappearing Faceless Audience

“Who is your audience?” Of course, advocates have always needed to know in order to effectively present a persuasive argument. Now, artificial intelligence is changing how lawyers approach answering this question. Emerging services, like Ravel Law (recently acquired by Lexis), are giving lawyers and law students new insights into decision-makers, pieced together by algorithms that can study judicial paper trails faster and better than humans. Soon, legal writing professors might need to assign fewer persuasive writing assignments with “faceless” audiences, and more proactively teach students to deliberately incorporate this evolving aspect of legal research into their writing process.

By Drew Simshaw, Visiting Associate Professor of Law, Legal Practice, Georgetown University Law Center.

task you have to face, because you know you can get it done. Take advantage of that increased efficiency and remember the tools that helped you be effective.

4) Remember it will all be okay; you have the best colleagues in the world!

You may not have enough time to prepare in all the ways suggested above. And even after all the preparation in the world, sometimes things don't work out exactly as planned. Returning to teach legal writing after a hiatus can be a little daunting, but know that it will all work out fine for one main reason: legal writing faculty are the best of the best.

At your own law school, your legal writing colleagues are probably some of your best friends. And your legal writing colleagues from around the country are also probably some of your best friends. They want you to succeed. They would do almost anything to help you succeed. They will give you

syllabi,¹² share problems,¹³ help with technology,¹⁴ and answer any and every question you have.

Even if you don't know many legal writing faculty, you can post a question on a legal writing listserv¹⁵ and get a number of responses, generally within minutes. You can also email or call almost any person who teaches legal writing at almost any law school in the country. If you don't remember this from your prior legal writing teaching experience, your colleagues in the field will gladly provide any help and guidance you might need.

In conclusion, embrace the opportunity to teach legal writing again, and I hope these suggestions help make the transition a bit easier.

¹² The entire ASU legal writing faculty sent me their syllabi as I started preparing to teach again; we also have a shared drive where we keep them all posted.

¹³ Thanks to Tamara Herrera for offering this recently.

¹⁴ Thanks to Kim Holst and Sue Chesler for offering to help me figure out TWEN; it seems time to jump into the twenty-first century and have my students submit their papers electronically instead of hard copy (although I am terrified of most technology).

¹⁵ The largest is the Legal Writing Institute's LRW-Prof Listserv (to join, see these instructions: <https://www.lwionline.org/listserv-subscription-management-archive-access>).

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Micro Essay

AI has made many tasks easier, including document review and checking legal citations. But as AI moves from merely mundane tasks to deciding disputes, there is a danger that it will violate human rights. Earlier this year, several human rights advocacy groups created the Toronto Declaration on Protecting the Right to Equality and Non-Discrimination in Machine-Learning systems. The Declaration applies human rights standards to the development and use of AI. It's a useful tool to help us guard against the violation of human rights by machines.

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