

# Association of Legal Writing Directors 2017 Biennial Conference



*Acknowledging Lines:  
Talking About What Unites and Divides Us*

Wednesday, July 19, through Friday, July 21

Hosted by the University of Minnesota Law School  
Minneapolis, Minnesota

Wednesday, July 19, 2017

1:00 p.m. to 5:30 p.m.

Registration  
Spannaus Commons

1:00 p.m. to 1:45 p.m.

Technology Session for Presenters  
Room 40

Set-up and Informational Session for Media Presentations  
Subplaza Hall

2:00 p.m. to 2:50 p.m.  
Concurrent Sessions

Room 20     **Shut up and Smile More; Sell out by Buying in: How Women in the Law Perpetuate the Values that Silence Women** (50 minutes)  
*Susie Salmon and Deborah L. Borman*

Professors Borman and Salmon bring together threads from both of their scholarship to highlight and explore a problem that affects legal education, legal academia, and the legal profession. Professor Borman has characterized it in the past as woman-on-woman crime: Female attorneys, judges, and law professors perpetuating the values of a system that has silenced women in the past. Sometimes it manifests as female law professors acting on implicit bias and perpetuating the values of traditional, male-dominated legal academia in criticizing, undermining, failing to promote, or otherwise discriminating against other female law professors. Other times, it shows itself as female oral-advocacy educators, attorneys, or judges uncritically reinforcing and extending the values of Classical rhetoric—themselves relics of a time when a woman’s voice was silenced in the public sphere—to perpetuate the stereotype that effective lawyers and advocates look and sound like men. Professors Borman and Salmon will explore how the various schools of feminism interact with this issue, discuss key psychological theories that help illuminate and potentially counteract this phenomenon, and propose concrete solutions to help female law professors and lawyers prevent reinforcing the implicit biases that prevent women from reaching their true potential in legal academia and the legal profession.

Wednesday, July 19, 2017

Room 30      **A Growing National Problem—Diversity and Inclusion at our Law Schools: What Can We Do to Help Foster a Supportive Learning Environment for ALL of Our Students?** (50 minutes)

*OJ Salinas and Alexa Chew*

Academic institutions throughout the country continue to face issues related to diversity and inclusion. Students at many institutions may be feeling unwelcomed and marginalized at their institutions, and these feelings can often impact our students' law school academic performance. As legal writing faculty, we are often the first individuals who provide a listening ear to our students. Through a moderated discussion and small group conversation, participants will discuss how issues related to diversity and inclusion can impact a student's overall law school experience, as well as his/her law school academic performance. Participants will be encouraged to share their experiences (i.e., their stories) relating to diversity and inclusion. As participants share their stories, the "listening" participants will be modeling and reviewing some of the same active listening skills and nonverbal behaviors that we should be engaging in when we work with students in individual conferences. Participants will also share ideas on how they or their academic institutions have addressed issues of diversity and inclusion.

Room 40      **Publish, Don't Perish: Fostering Scholarship in the Legal Writing Community** (50 minutes)

*Kathleen Elliott Vinson, Lindsey Gustafson, Sabrina DeFabritiis, Kristen Murray, Mark Cooney, Abigail Perdue, and Craig Smith*

Editors of all the publications in the legal writing community (LWI Journal, ALWD: LC&R, The Second Draft, Scribes, Perspectives, and the AALS Section newsletter) will provide advice to make the publication process in the legal writing community transparent. Specifically, they will discuss where to submit your scholarship, the submission process, and the common reasons for acceptances and rejections. Participants will receive a "Where to Publish Guide" describing all the legal writing community's publications and their focus. The information shared should provide guidance, support, and a sense of inclusiveness for all members of the legal writing community.

Room 50      **Retaining LRW Community in the Midst of Transformation?** (50 minutes)

*Emily Zimmerman and MaryBeth Moylan*

One of the hallmarks of the legal writing community is that it is a supportive and collegial community with shared interests. However, with more legal writing professors becoming tenured or tenure-track and with a growing focus on scholarship, are there tensions on that supportiveness and cohesiveness? What are the potential consequences (positive and negative) of legal writing professors having different responsibilities and priorities, with some professors focusing on

Wednesday, July 19, 2017

scholarship in addition to teaching and other professors focusing on teaching but not necessarily scholarship. Also, with a growing focus on scholarship, what does this mean for members (or potential members) of the legal writing community for whom scholarship is not currently a priority? Is there a “gold standard” for legal writing programs, or is there room for different models of legal writing programs that still promote status and security for legal writing professors and diversity within the legal writing community? During this session, we will facilitate a conversation about these difficult questions.

3:00 p.m. to 3:50 p.m.  
Concurrent Sessions

Room 20      **Going Deep: How In-Depth Interviews Can Bridge Cultural Differences** (25 minutes)

*Mary Adkins*

My volunteer work with my university's oral history program led to my being asked to interview Florida's retiring Supreme Court justice, James Perry, who is African-American. The in-depth interview led to collaboration on his biography, still a work in progress. Learning not only Perry's inspirational life story but also his recounting of, as he puts it, "what it's like to be black in America," has educated me in ways that have caused me to look at life differently. My presentation will suggest ways in which we can all learn to "go deep" with others of different life histories and different life views. Through taking the time to truly listen and understand, we can bridge the gaps of understanding.

**Educating and Mentoring Diverse Law Student Populations** (25 minutes)

*Shawn Fields*

Law professors, and particularly Legal Writing and Research professors, have a unique opportunity to expose students to issues affecting diverse and underrepresented communities. This presentation explores the importance of developing a curriculum that includes relevant exercises addressing cross-cultural issues and issues of importance to underrepresented communities. Whether teaching online legal research through an Islamophobia hate crimes hypothetical, exploring legal analysis techniques through consideration of recent marriage equality litigation, or creating an objective memo assignment based on a constitutional challenge to racial profiling police tactics, educators of practical legal skills can and should expose students to myriad perspectives and issues concerning diverse communities in our law schools and our nation. I look forward to an open and lively conversation about the propriety of consciously multicultural legal education in the Legal Writing curriculum, issues of academic freedom, and securing buy-in from law school administrators.

Wednesday, July 19, 2017

Room 30      **Everyone into the Pool: Increasing the Diversity of Law School Faculty**  
(25 minutes)

*Bob Brain, Aimee Dudovitz, and Cindy Archer*

There are many underrepresented voices both in the legal writing community and in the broader legal education academy. This is a problem that many of us know well and are committed to addressing. The mission is to craft a solution—a challenge made all the more difficult by limited resources and constrained faculty hiring. This presentation will provide an opportunity to share and discuss strategies for increasing the diversity of the faculty on our law school campuses and in our communities. Strategies to be discussed include using the recruitment of adjunct faculty and visiting scholar programs as an opportunity to increase diversity. We will also discuss outreach strategies to encourage well-qualified candidates to consider adjunct and full-time teaching opportunities, including contacting minority and other local bar associations, and effective use of the law school website, alumni communications, and school publications. As a part of the discussion, we will share the strategies and practices we are in the process of adapting at Loyola Law School, Los Angeles, and we plan to do a survey to find out what other schools are doing as well.

**White Doors, Black Footsteps: The Leveraging of "White Privilege" for Law Students of Color** (25 minutes)

*Leslie Culver*

This presentation explores the unique relationship between white professors and law students of color as an avenue to advance diversity in the legal profession. In the wake of the racial tensions in our country, perception and racial stereotypes continue to evolve into implicit (unconscious) biases that negatively impact people of color. When implicit biases are held by white professors, who are also holders of an unearned white privilege, the combination has an adverse effect on students of color. Relying on a nexus between social science and the law, this presentation proposes an environmental change to disrupt the white professor's implicit bias and foster an interethnic relationship, thus indirectly changing race-related habits. Specifically, white professors should increase contact with students of color both inside and outside the classroom to proactively develop associations. Thereafter, where merited, professors can use their white privilege to, for example, expose students to practicing attorneys and other professionals, thus opening the door to further students of color in the legal profession.

Room 40      **Does Our Teaching Divide Us from Our Students?** (50 minutes)

*Douglas Godfrey and Elizabeth De Armond*

Many in our profession are out of touch with how law is now practiced given that we have not worked as full-time lawyers for many years. Furthermore, given that we

Wednesday, July 19, 2017

are getting older as a group, we are further and further away from our students' experiences with technology. This divide leads to two dangers: 1) we are out of touch with how our students will prepare and convey the projects that employers will expect them to accomplish when they reach the workforce, and 2) we are out of touch with new resources available to them that can help them improve their research and writing. Because of this divide, we have prepared a survey that we will give to Chicago attorneys early on in their careers asking about the technology they use in their practices and the techniques they feel are the most important for new attorneys. We will report the results of the survey in our presentation.

Room 50      **Doing More with Less, or Just Doing Less: Responses to the Tension Between Scholarship and Teaching** (50 minutes)

*Jan Levine, Sue Liemer, Gail Stephenson, and Nancy Soonpaa*

The panel will address historical tensions in our field between teaching and scholarship, and will discuss how internal and external forces have exacerbated the tensions and are changing legal writing instruction and scholarship. We will address how scholarship and teaching has affected status, the costs paid for those achievements, why some people have departed our field, how publication opportunities have changed, and what is happening because of the decline in the abilities of new law students and shifts in the economics of legal education.

4:00 p.m. to 4:50 p.m.  
Concurrent Sessions

Room 20      **Making a Great Second Impression: Resetting a Legal Writing Class after a Rough Stretch** (50 minutes)

*Joe Fore and Emily Grant*

Legal writing professors know the importance of starting strong—beginning the semester in a way that sets the tone for a motivated and productive class. But despite our best intentions, sometimes we fail to make the great first impression we all hope for. And sometimes things gradually drift off track. Maybe it's due to mismatched expectations. Or maybe it's an ineffective assignment or activity that causes student motivation to stagnate or wane. Or maybe it's due to a personality clash between instructor and students. What can legal writing professors do to get a course back on course? To address this question, this presentation will draw on existing pedagogical and psychological literature about resetting impressions and expectations, as well as the experiences of our colleagues.

Room 30      **Building an Inclusive Legal Writing Classroom** (50 minutes)

*Jane Grise and Diane Kraft*

Extensive research on diversity and inclusiveness indicates that a sense of belonging is key to academic success. One author has suggested that Maslow's hierarchy of

Wednesday, July 19, 2017

needs is an important consideration in fostering inclusiveness in students because unless students feel that they belong, they will not be able to attain academic success. This presentation uses educational and social science theory to propose that legal writing professors can create an inclusive classroom by building on the diversity of experiences and perspectives of our students to help them master the new material in the law school curriculum. Education theory makes it clear that students learn best when they draw upon their knowledge of a topic to learn new material. For example, to comprehend a case, readers need to interpret cases in light of their existing knowledge. By assessing students' existing knowledge and experiences and then introducing new concepts using examples that students are likely familiar with, legal writing professors can help foster a sense of belonging in our students, and improve their academic performance. This presentation will use examples from the critical reading curriculum, developed in connection with a 2014 LWI/ALWD/Lexis Scholarship Grant, *Critical Reading for Success in Law School and Beyond* (forthcoming 2017), as well as teaching strategies from the legal writing classroom.

Room 40      **Basic, Better, Best: Preparing Struggling Law School Writers for Legal Practice**  
(50 minutes)

*Carolyn Young Larmore*

Legal Writing Skills is a course designed for students who struggled with, but did not fail, their first year legal writing classes. The goal is to “salvage” these students with remedial lessons on legal analysis and writing that will help them to perform competently once in practice. Rather than simply rehash the lessons of first year, or do so at a slower pace, I have implemented a model for teaching legal writing and analysis that I call “Basic, Better, Best.” As we review how to draft an office memo, for example, I demonstrate how each section can be written in a basic way, in a better way, and ultimately in the best, most sophisticated way. This teaching model serves several purposes. First, it helps those students who did poorly in their first-year legal writing class by giving them a simpler option: rather than continue to struggle to construct a document in the “best” manner, they are offered a “basic” or “better” way that, while not ideal, will allow them to get their point across nonetheless. Rather than send our “C” students off to practice still trying (and failing) to emulate the “correct” construction advocated in their first year writing textbooks, this method develops in students the minimum writing competencies they need to be more competent and feel more confident in their abilities. Finally, it invites students to take ownership of their educational goals, and ultimately ownership of the type of lawyer they will be.

Wednesday, July 19, 2017

Room 50      **Effective Leadership through Negotiation: An Introduction (50 minutes)**  
*Cynthia Adams*

An effective leader is an effective negotiator. Whether we realize it or not, we are employing negotiation skills on a daily basis in our roles as professors, faculty members, committee members, and program directors. This presentation is designed to introduce attendees to proven methods for becoming more effective leaders and negotiators. This presentation will help attendees:

- Identify their core leadership and negotiation style (e.g., cooperative problem-solver or competitive adversarial).
- Work on ways to strengthen their style.
- Understand how body language can be used to communicate and persuade in any situation.
- Strategize negotiations or any discussions through pre-planning steps.

5:30 p.m. to 8:00 p.m.

#### **Opening Reception and Play**

Please join us at The Mixed Blood Theater at 1501 S. 4<sup>th</sup> Street,  
just a half mile from the law school.

Enjoy drinks and appetizers during a cocktail hour from 5:30 p.m. to 6:30 p.m. and then stay for an original production from Mixed Blood Theater addressing issues of diversity and inclusion in the legal writing community.

Thursday, July 20, 2017

7:30 a.m. to 9:50 p.m.

Registration  
Spannaus Commons

7:30 a.m. to 8:50 a.m.

Continental Breakfast  
Sullivan Cafe (Sub-Plaza)

8:00 a.m. to 8:50 a.m.

Committee Meetings  
Rooms 3, 5, and 7 on the Sub-Plaza are reserved for committee meetings  
Additional space is available in Rooms 20, 30, 40, and 50

9:00 a.m. to 9:50 a.m.

Concurrent Sessions

Room 1      **Lessons Learned: How to Combine Legal Research & Writing and Academic Support (25 minutes)**

*Allison Mittendorf, Melissa Kidder, and Katrina Kramer*

This presentation will explain how Academic Support and Legal Research & Writing faculty have collaborated to develop a short-term, intensive Legal Analysis course for first year law students. The presenters will explain the development of this course as it was first taught over eight years ago to its current format that has integrated negotiation and clinical faculty, alumni, practitioners, and even the undergraduate theatre department to create an interactive learning environment for students. Specifically, this presentation will share ideas for creating assignments that promote increased analysis skills, introduce students to the skills needed in the practice of law generally, and encourage collaboration within and outside the law school. The presenters will share examples of an exam rewrite, modified MPT, and mock negotiation created with law school collaboration. We will also share ideas for assignments that require collaboration outside of the law school, such as: a client interview, court session, oral argument tournament, and resume workshop. While these ideas were integrated into an intersession course, they could also be used in a traditional LRW class.

Thursday, July 20, 2017

**Seeking Common Ground: The Role of Metaphors in Teaching Writing to International Students** (25 minutes)

*Christine Venter*

Legal analogies are a crucial part of legal reasoning and one of the most challenging skills that novice legal writers struggle to acquire. Many international students particularly struggle with this type of reasoning, in large part because analogical reasoning is a kind of metaphorical thinking and metaphors are not understood in the same way in different cultures. As teachers we often struggle to comprehend why our students experience difficulties with this type of reasoning. That may be because we often fail to recognize the cultural biases implicit in the metaphors we use to understand, explain and apply the law. We overlook the fact that the ways in which experiences and shared concepts have shaped our own worlds is not universal. This presentation will identify some commonly used metaphors in law that contain implicit cultural biases. The presenter will discuss ways in which we can unpack some of those biases and use alternative metaphors to enable students to engage more comfortably in metaphorical and analogical reasoning.

Room 20

**Beyond Words: What Business Schools Can Teach Us About Non-Verbal Persuasion** (25 minutes)

*Erin Carroll and Shana Carroll*

As legal writing professors, much of our attention is focused on words. Yet, how we communicate as lawyers transcends words. Studies confirm that when we speak, our tone, volume, pace, stance, gestures, and expression may convey more to our listener than the content of our speech. Most of us teach oral presentation skills in the context of the appellate argument, the presentation to the supervising attorney, or the negotiation. But often these skills are afterthoughts to our focus on the written work in our classes. Drawing on the rich curriculum that business schools have developed around management communications, this talk will focus on teaching students an array of subtle and important ways they can persuade their audience beyond the well-reasoned argument.

**Two Minutes of Zen** (25 minutes)

*Chad Noreuil*

Our students are often stressed out or lost during their first year of law school. In an effort to keep their spirits up, I take the last two minutes of every class to (hopefully) impart some encouraging wisdom to my students. Two minutes of Zen encompasses tips/advice on learning theory, neuroscience, mindfulness, and navigating life as a 1L.

Thursday, July 20, 2017

Room 30      **Acting Affirmatively: A Systematic Approach to Promoting Opportunity for All Students** (25 minutes)  
*Mark Cooney*

With relatively little time and effort, law schools—with writing faculty at the forefront—can significantly enhance professional prospects for students from populations that are underrepresented in the legal profession. A systematic collaboration between writing faculty and school staff/leadership can help schools identify students who are well suited for various internships and scholarships (including some based on race or ethnicity), and can ensure that students are aware of, and effectively pursue, those opportunities. Too frequently, faculty or students, or both, aren't aware of these attractive opportunities, or aren't aware until it's too late. By adopting standard practices tied to first-year writing courses—and regular communication between writing faculty, deans, and career specialists—schools can intervene early, educate students, and support students in their efforts to secure these and other opportunities. This process also promotes a culture of support and trust.

**Inclusive Leadership: How LRW Faculty Can Lead in Law School Inclusive Education** (25 minutes)  
*Nantiya Ruan*

This presentation provides concrete steps for LRW faculty to become leaders in inclusive education in our discipline and in our schools. As law school teachers, we do not teach in a vacuum divorced from important societal issues. We are charged with instilling professional values to our students, and therefore, must address critical cultural competency issues in the classroom, as well as work to diversify the (mostly-white) legal writing field. The sad truth is that LRW faculty are among the least diverse in the legal academy. Yet we know that who stands up in front of the classroom to teach our law students, especially in the first-year, is critically important. As a profession, we have not done enough to initiate change in inclusive education. It takes leadership, initiative, and courage.

Room 40      **The Sooner, the Better: How Live-Client Work for 1L LRW Students Helps Them Develop a Shared Professional Identity** (50 minutes)  
*Margaret Hannon, Ted Becker, Nancy Vettorello, and Beth Wilensky*

During this session, faculty from the University of Michigan Law School will discuss their experience introducing live-client work into the first-year legal analysis, research, and writing course. As part of their coursework, each of our students works with a local organization representing immigration, landlord-tenant, or unemployment clients. We will first describe the nuts-and-bolts of getting this project up and running, how we integrated the work into the first-year course, successful aspects of the project and hurdles we overcame, and how we are

Thursday, July 20, 2017

evaluating the project. The heart of the discussion will be about how we use this live-client experience to reinforce the core competencies the course has always focused on and which are universal to legal work, and to introduce our students to professionalism issues that are universal to all legal settings. We use those experiences to help our students prepare for handling difficult client situations and unexpected issues, and to think about what kind of lawyer they want to be.

Room 50      **Sowing the Seeds: Using Collaborative Student Career Programs to Encourage Diversity in the Legal Writing Field (25 minutes)**

*Rosa Kim and Dyane O'Leary*

This presentation will introduce our experience organizing a student career panel that exposes students of diverse and non-traditional backgrounds to the possibility of a career in academia. One aspect of addressing the need for greater diversity within legal writing faculty is the challenge of hiring and retaining faculty of color. Despite this very real challenge, we need to find ways to enhance the diversity of legal writing and skills faculty, as professors in a small, skills-based classroom setting often have the greatest personal impact on law students and should reflect the increasingly diverse student body. The Diversity Committee of AALS Section on Legal Writing, Reasoning, and Research has been exploring concrete ideas that can address this issue. As part of that effort, one idea is to expose students to the possibility of an eventual career in academia, and inform them of the many positive aspects of such careers, as well as the challenges. In this presentation, we will share our experience at Suffolk Law in launching a career panel composed of a diverse group of faculty who teach in a variety of areas, including legal writing professors, clinical faculty and fellows, as well as academic support faculty. It is a collaborative effort involving student affinity group leaders, the faculty Diversity Committee, the Peer Mentoring Program, and the Career Services Office. The hope is that other schools can use the ideas and information offered in this presentation to launch similar programs and create positive momentum for increasing diversity among legal writing faculty.

10:00 a.m. to 10:50 a.m.

Speaker Series

**Addressing the Effects of Implicit Bias and Racial Anxiety in Law School Dynamics,**

*Rachel Godsil*

Lockhart Hall (Room 25)

10:50 a.m. - 11:10 a.m.

Refreshments

You'll find refreshments outside Lockhart Hall. Please feel free to take what you'd like and bring it with you as you join your small group in a breakout session.

Thursday, July 20, 2017

11:10 a.m. to 12:00 p.m.  
Breakout Sessions

Join a small group and facilitator to reflect on Rachel Godsil's presentation and begin conversations around the implicit biases we bring to our classrooms, schools, and organization.

Please see the General Information pages of this program for additional information on breakout sessions.

12:00 p.m. to 1:30 p.m.

Lunch  
Sullivan Café

12:45 p.m. to 1:45 p.m.

Awards Ceremony and ALWD Membership Meeting  
Lockhart Hall (Room 25)  
*All conference attendees are invited to attend this presentation of awards.  
Please feel free to bring your lunch.*

2:00 p.m. to 2:50 p.m.  
Speaker Series

**Maximizing Student Potential by Focusing on Hidden Barriers to Success, *Russell McClain***  
Lockhart Hall (Room 25)

2:50 p.m. - 3:05 p.m.  
Refreshments

You'll find refreshments outside Lockhart Hall. Please feel free to take what you'd like and bring it with you to the final speaker of the day.

3:05 p.m. to 3:55 p.m.  
Speaker Series

**So You Want to Teach Diversity?: Constructing a Law School Classroom Committed to Inclusivity, Equity, and Social Justice, *Tom Romero***  
Lockhart Hall (Room 25)

Thursday, July 20, 2017

4:00 p.m. to 5:00 p.m.  
Media Presentations

Please visit Subplaza Hall to speak with the creators of the media presentations. While posters will be on display throughout the conference, the presenters of other media presentations will be standing by to discuss their work with you during this hour.

**Planning Writing Assignments and Avoiding "Ally Theater",** *Emily Bishop*

**Bridging the Age Gap through Project Based Learning,** *Latisha Jones*

**"Jing" Me,** *Dyane O'Leary*

**But Whose Ground Is It? Reflections on Florida's "Stand Your Ground" Law,** *Stephen Paskey*

**Communicating Across Lines,** *Suzanne Rowe*

**Beyond PowerPoint,** *Rachel Stabler*

**Tribute to Marjorie Rombauer,** *Karin Mika*

5:00 p.m. to 6:00 p.m.  
Weisman Art Museum

From 5:00 p.m. to 6:00 p.m., enjoy private access to the Weisman Art Museum at 333 East River Parkway. The Weisman also offers free public access during the day. Housed in a striking stainless steel and brick building designed by architect Frank Gehry, the Weisman Art Museum offers an educational and friendly museum experience. The museum's collection features early twentieth-century American artists, such as Georgia O'Keeffe and Marsden Hartley, as well as a diverse selection of ceramics and contemporary art.

5:00 p.m. - 8:00 p.m.  
Gala Dinner at the Campus Club

From 5:00 p.m. to 6:00 p.m., join us for a cocktail hour followed by dinner at 6:00 p.m. at the Campus Club at 403 Coffman Memorial Union.

Friday, July 21, 2017

8:00 a.m. to 8:50 a.m.

Continental Breakfast  
Sullivan Café

8:00 a.m. to 8:50 a.m.

New Directors Breakfast  
Please bring your breakfast and join the group in the Auerbach Commons.

9:00 a.m. to 9:50 p.m.  
Concurrent Sessions

Room 20     **Communicating Across the Gender Divide in the Legal Workplace—How to Help Your Students and Yourself (50 minutes)**

*Dana Hill*

This presentation will discuss cross-gender communication in the legal workplace, including our law schools. The advancement of professional women can be negatively affected by subconscious gender stereotypes and the communication differences that play into them. This presentation will discuss differences in communication in the workplace (in interviews, giving and receiving assignment, meetings, self-evaluations, and apologizing) and provide advice on how men and women can recognize the differences and make changes to have more effective communication. Specifically, I will offer advice to all participants on how to communicate about their performance to colleagues and in evaluations. I will also demonstrate an exercise that I've used in my 1L course to introduce students to the concept of communicating effectively about themselves in the legal workplace. My "Job Skills Assignment" requires students to identify the professional competencies used by law firms to assess attorneys, such as writing and communication, analytical skills, legal knowledge, research, and business acumen. Because these competencies are the same criteria by which students will be evaluated in their summer employment during law school and in practice, students should be familiar with these criteria to assist them with their job searches and job performance. Upon completing the Assignment, we have a class discussion regarding how students can communicate their abilities in these competencies in interviews and other workplace settings. In addition to introducing students to how to successfully communicate, the competencies reflect the goals of my course.

Friday, July 21, 2017

Room 30      **A Discussion on Race and Advocacy** (50 minutes)  
*Kimberly Holst, Brad Desnoyer, Anne Alexander, Lucy Jewel, Elizabeth Berenguer, and Tracy Norton*

This presentation will address a range of topics in the context of race and advocacy. Panelists will present a short summary of topics from forthcoming law review articles and engage panelists in a discussion based on the themes that arise from the articles. The ideas that the panelists will share include:

- the role of rhetoric with regard to race and judicial opinions examined through the ongoing majoritarian narrative of race in Missouri,
- neuro-rhetoric and the impact of narrative, racial stereotypes, and the law on how our brains function,
- cognitive theory as a way of examining the ratification of implicit bias and racism in legislation, and
- the impact of metaphor on judicial decision-making.

Room 40      **Redesigning With The End In Mind: Developing A Multicultural LRW Curriculum** (50 minutes)  
*Johanna Dennis*

A multicultural legal education is one that involves transformation at multiple levels of consciousness: the student's critical thinking, the teacher's critical and conscious choice of substance, materials, atmosphere, and teaching styles; and the institution's provision for educational mechanisms and support. Legal educators have the duty harness the tools in multicultural educational theory to topple cultural barriers to learning by acknowledging the range of potential impediments to equal learning opportunities and redesigning aspects of the law school curriculum with the goal of providing students a multicultural learning experience. Further, using tools such as narrative voices, technology, and storytelling to frame dialogue surrounding bias, tolerance, and injustice and to challenge societal norms can assist in developing a fertile field upon which the legal educator let germinate seeds of the open mind. Through the lens of a legal writing curriculum which provides suggestions for redesign with an eye toward five overlapping goals, the legal educator can work to create a student centered, supportive environment where oppressive cultures and biases are eradicated and student differences are embraced and celebrated, thus paving the way for student learning.

Room 50      **I Was Here First!: How More Doctrinal Formative Assessments May Impact Our Students and Their Learning** (50 minutes)  
*Lindsey Gustafson*

New ABA Standard 314, which requires law schools to use both formative and summative assessment to "improve student learning and provide meaningful

Friday, July 21, 2017

feedback to students," promises to alter our students' mid-semester time and habits. While formative assessment done well improves student learning and feedback, formative assessment not coordinated across a curriculum or not structured to improve students' self-regulated learning risks alienating and stressing our weakest students. This presentation will discuss the possible risks of poorly executed assessments, including an increase in the effects of stereotype threat; an increase in triggers of a fixed (rather than growth) mindset; and (more practically) a decrease in extended, mid-semester efforts in writing courses. This presentation will then present techniques to use in our own classrooms and more broadly across our faculties to encourage students struggling with negative feedback and overwhelming demands on their limited time.

10:00 a.m. to 10:50 a.m.  
Speaker Series

**Encouraging Diversity and Creating Community: Research and Reflections**, *Erin Kelly*  
Lockhart Hall (Room 25)

10:50 a.m. - 11:15 a.m.  
Refreshments

You'll find refreshments outside Lockhart Hall. Please feel free to take what you'd like and bring it with you as you join your small group in a break-out session.

11:15 a.m. to 12:05 p.m.  
Breakout Sessions

Join a small group and facilitator to reflect on the Speaker Series.

Please see the General Information pages of this program for additional information on Breakout Sessions.

12:05 p.m. to 1:30 p.m.

Lunch and Panel Presentation  
Lunch will be served outside Lockhart Hall and the Panel Presentation will begin at 12:30 p.m.  
Please join us in welcoming a panel of local experts on civil rights and diversity issues.

Lockhart Hall (Room 25)  
*Please feel free to bring your lunch*

- Room 20      **Diversify the Law Review: Broader Perspectives, Better Articles, and Enhanced Experiences**  
*Mary Garvey Algero, Mary Beth Beazley, Rebekah Hanley, Suzanne Rowe, and J. Lyn Entrikin (50 minutes)*  
Student-edited law reviews are valuable to students, authors, lawyers, judges, and to the development of law over time. The presenters will consider questions about whether we can make the experience more valuable to all of these constituencies by injecting more diversity into their creation and production so that more diverse voices are heard and a more diverse group of people benefit from them. Diversification would be considered broadly to include diversity among student staff, student authors, outside authors, audiences, topics, and the article selection process. Some issues considered will include the following: 1) would diversification make the student-edited law review experience better for participants in their production (student writers, student staff, student editors, outside authors) and their various audiences (students, researchers, lawyers, judges, the public)?; 2) would diversification in the article solicitation and selection process lead to better articles on a wider array of topics by a more varied set of voices?; and 3) how can we keep the best of the current system and modify it to achieve the diversity identified?
- Room 30      **When "Best" is the Enemy of Excellent: Best Practices and the Standardization of the Art of Teaching (50 minutes)**  
*George Mader*  
I have undertaken the research behind this presentation to understand the appropriateness of applying the idea of best practices to teaching style (as distinguished from curricular content) in law schools. Is teaching an art form to which "best practices" applies? If so, are the practices labeled "best" really aimed at encouraging instructors to grow toward the ceiling or merely at raising the floor of the profession? The presentation will address these issues. Along the way, I will sort asserted best practices onto a spectrum running from minimal competencies to extraordinary teaching.
- Room 40      **Celebrating Diversity by Encouraging Students to Discover, Highlight and Share Their Uniqueness (50 minutes)**  
*Jo Ellen Dardick Lewis*  
The first step in celebrating diversity is to learn about, understand and appreciate each student's uniqueness. From the first week of legal writing class until the student secures a summer internship, legal writing professionals have the opportunity to play a critical role in assisting our students to discover, highlight and

Friday, July 21, 2017

share their uniqueness. This presentation will share ideas about how to assist students in such endeavor, both in the classroom and for their future careers. Two teaching ideas that will be shared are conferencing on student interest surveys and teaching students to “tell their story” in a persuasive legal resume and cover letter.

Room 50      **Grit in the LRW Classroom: Practices that Promote Passion and Perseverance**  
(50 minutes)

*Olympia Duhart and Heather Baxter*

Psychologist Angela Duckworth builds on her experience in neuroscience, business consulting and teaching in her new book *Grit: The Power of Passion and Perseverance*. Through lessons learned with dozens of high achievers and analysis of research on success, Duckworth relays powerful advice about how to cultivate grit. The cornerstones of her lessons involve practice, purpose and creating a culture of grit. This presentation will take the best advice from Duckworth’s text and apply it to the LRW classroom. Through specific activities on writing drafts (practice) to gamification (having fun) to rubrics (accountability), the presenters will share specific lessons that promote grit in the LRW classroom. Participants will receive lesson plans and handouts to help build grit among their LRW students.

2:40 p.m. to 3:30 p.m.  
Discussion Panels

In these Discussion Panels, participants will share ideas on the theme with one another and with attendees, inviting discussion.

Room 1      **Teaching Ideas: Analysis and Writing**  
*Meredith Stange, Robin Boyle, and Joel Atlas*

Room 3      **Teaching Ideas: Research, Critical Reading, and Citation**  
*Tara Willke, Craig Smith, Alexa Chew, and Jane Grise*

Room 5      **Upper-Level Courses and Use of Adjuncts**  
*Alyssa Dragnich, Tamara Herrera, Amy Langenfeld, Latisha Jones, and Martha Pagliari*

Room 7      **Collaboration between Legal Writing and Other Law Departments**  
*Anthony Niedwiecki, Kim Chambonpin, Mary Nagel, and Jo Ellen Lewis*

Room 20      **Promoting a Positive Educational Environment for Diverse Students**  
*Leslie Culver, Wanda Temm, Susan Bakhshian, Deb McGregor, and Joan Rocklin*

Friday, July 21, 2017

Room 30      **Leadership and Diversity in Legal Education**  
*Terrill Pollman, Ashley Hamlett, and Lurene Contento*

Room 40      **Building Diversity and Increasing Inclusion in the Field of Legal Writing**  
*Jodi Wilson, Sha-Shana Crichton, Laura Graham, Amy Milligan, Neil Sobol, Ellie Margolis, and Nantiya Ruan*

3:40 p.m. to 4:30 p.m.  
Concurrent Sessions

Room 20      **Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions: The Classroom or Workplace First for Eliminating Racism from Legal Practice? (25 minutes)**  
*Andrij Kowalsky*

Racism is an elephant in Canadian legal workplaces. In 2012, the Law Society of Upper Canada (LSUC), the administrative body responsible for regulating Ontario's legal profession in the interest of the public, formed a working group to address racial inequality. Four years later, in September 2016, the Challenges Faced by Racialized Licensees Working Group produced *Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions*. The nub of the study's recommendations task the LSUC to eradicate systematic racism from law firms and other legal workplaces by implementing programs and policing recalcitrant employers. Recommendation #10 – The Licensing Process, compels the LSUC to include topics of cultural competency, equality and inclusion in the professions as competencies to be acquired in the Licensing Process (equivalency to the testing programme imposed on lawyer candidates seeking admission to the bar in an American state). The LSUC's bold initiative sparks an unresolved issue: what trickle-down effect will it have on legal educators? In other words, does this document reveal a blueprint for curricular change that can yield a more inclusive learning environment for law students? The purpose of this presentation at the ALWD Conference 2017 is to present a paper that answers this primary research question and foments discussion among audience members about addressing diversity and improving inclusion in the classroom.

**Shared Stories (25 minutes)**  
*Carol Pauli*

In our divided nation, Americans are telling conflicting stories about who we are and what we must do next. Who can weave a larger, truer story that recognizes and dignifies everyone? Legal writing teachers—and our students—should be among that number. We can approach this goal on two levels. First, in teaching students to represent clients, we can move beyond legal arguments and add writing that

Friday, July 21, 2017

promotes settlement and long-term resolutions. Second, at a higher level, we can use our own public stature in the community or larger stage to help reframe conflict stories and thus open new avenues for public response. A relative newcomer to the ADR field, "Narrative Mediation," has pioneered work on the role of stories in conflict. This field provides the basis for this presentation.

Room 30      **Critical Skill Building for 1Ls: Ways of Knowing, Implicit Bias, and Legal Competence** (50 minutes)  
*Danielle Tully*

As lawyers, how we process information affects our lawyering and, ultimately, our duty of competence. This presentation will explore how skills curriculum can expose first-year law students to metacognition and implicit bias through a competence framework. I will provide a brief overview of how the unconscious brain processes information and examine the ways in which automatic attitudes and stereotypes can impact lawyering. I will also provide sample exercises that ask students to examine the schema or “mental shortcuts” that inform how they organize and interpret information. In addition, I will propose ways to integrate cross-cultural skills training and implicit bias interventions to improve conditions for analytical thinking and decision-making. By engaging 1Ls in exercises that ask them to explore how they come to know things—facts and law—and by developing a deliberate approach to critical self-reflection and practice, professors can encourage 1Ls to become and remain competent, client-ready, attorneys. This presentation will be a lecture format with time for discussion.

Room 40      **A Hitchhiker's Guide to the (New and Improved) 2017 ALWD/LWI Survey** (50 minutes)  
*Ken Chestek*

For over 15 years, LWI and ALWD have jointly conducted a survey of legal writing programs around the country. The survey has been a valuable tool for scholars and researchers, as well as for legal writing professionals seeking to improve their legal writing programs and the status of those who teach those subjects. But as the profession has grown and improved over that time, the survey has changed very little. In 2011, a joint ALWD/LWI task force studied the survey and recommended major changes to update the survey. One major recommendation was to ask all LRW professionals to respond to the survey, so that the data we gather is both more specific and more accurate. I was selected as the lead author of the new and improved ALWD/LWI survey, which launched in the spring of 2017. This presentation will focus on how to use the much more detailed information that the new survey will make available. I hope to be able to log on to the 2017 survey results during the presentation and pose queries formulated by members of the

Friday, July 21, 2017

audience to find out things about LRW programs in 2017 that we could never have known before.

Room 50     **Stronger Together: Helping International Students to Fully Engage in the U.S. Law School Experience** (25 minutes)

*Lurene Contento*

Statistics show that US law schools are enrolling ever larger numbers of foreign students in both LLM and JD programs. These students often face challenges that keep them from full integration in the classroom and in their greater law school communities. Culture, language, and even models of education can all act as barriers. Once we become aware of these barriers, we can make small changes in our teaching and implement programs that can help this cohort of students to succeed and to thrive. In this presentation, I'll discuss some of the challenges that keep foreign students from fully integrating in the law school experience and share some concrete ideas on what we can do to better engage them.

**The Legal Writing Classroom in a Post-Trump Presidency** (25 minutes)

*Karin Mika*

With the shock of a Trump presidency behind us, there are clear reverberations in the Legal Writing classroom. Although students, for the most part, have a liberal sway with many thinking Donald Trump's rhetoric was too awful and non-inclusive to remotely consider as being appropriate for leadership, many of the students have now discovered that many more than they expected do not have this belief. This includes some classmates that they least expected not to have the same values, or at least put those values aside to vote for Trump for other reasons. As the smoke clears, many students now find themselves not only frightened to be candid, but are looking around wondering how they could have been so wrong about the world around them. This presentation will examine the "before" and "after" classroom aspect of the election and discuss the future of how to address the various and conflicting classroom concerns of a very divisive America while still attempting to respect all opinions.