AALS SECTION ON LEGAL WRITING, REASONING, AND RESEARCH

The Association of American Law Schools
Advancing Excellence in Legal Education

From the Chair

KATE BREM
University of Houston
Law Center

Dear colleagues, I've been thinking a lot lately about generational theory. Experts explain that several factors will signal the shift from one generation to the next, among them societal changes, cultural shifts, and technological advancements.

AALS's very theme this year, Defending Democracy, reminds us that we live in a world where many voters, no matter their political persuasion, believe our democracy is in peril. Free and easy access to information has fundamentally changed how we access and share knowledge. And the rapid advent of large language models like ChatGPT has inspired us—from day to day, not year to year—to reevaluate our curricula and teaching methods.

Even so, in the face of these changing times, our role as teacher remains steadfast. Technology comes and goes, and today's ChatGPT will become tomorrow's electronic research—a useful tool incorporated in the mainstream of legal practice. But our instruction in critical thinking, methods of legal analysis and communication, and ethical behavior will endure because these skills are essential to the lawyer's trade, no matter the tools they employ.

With this in mind, our Section has been busy creating forums to discuss how we will continue teaching these essential skills in our rapidly changing environment. The Program Committee, led by Maria Termini and Hilary Reed, has developed an exceptional slate of programs for the 2024 Annual Meeting in Washington, D.C.

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The Section's Main Program, Rhetoric of Disagreement: Toward a Civil Zealous Advocacy, will offer us an opportunity to address the lawyer's role in civil discourse and discuss methods we can employ to best prepare students to be zealous but civil advocates as they develop their professional identities. The Sections on Professional Responsibility, Student Services, and Teaching Methods join us in co-sponsoring this program.

The Second Program, The AI Era: Leveraging Large Language Models to Improve the Lawyer's Craft, will directly address the impact of large language models and other advances in AI on legal writing and legal practice. Co-sponsored by the Section on Technology, Law, and Legal Education, this program offers an opportunity to consider how we can best prepare our students to employ these tools in practice and to expand access to justice for historically underserved and marginalized communities.

The Pedagogy Program, Learning with Our Students: Adjusting to Our Developing Understanding of the NextGen Bar Exam, will continue the conversation we began at AALS last January at our standing-room-only program. Co-sponsored this year by the Sections on Academic Support, Law, Libraries, and Legal Information, and Student Services, we will take a deep dive into the question of how we can best prepare our students to take the NextGen Bar Exam when we ourselves are learning about the exam at the very same time.

From the Chair
(continued)

And finally, if you teach legal writing and are a "newer" scholar—one who has published or had accepted for publication two or fewer full-length articles (excluding student notes)—we encourage you to apply to present your current scholarship at our Works-in-Progress session. Your work can focus on any topic, use any method, involve any level of controversy, and be suitable for publication in any scholarly form. And for purposes of the application, the Program Committee will consider works in a variety of stages of progress from outline to full draft.

Yes, we stand at the precipice of a generational shift. But legal writing has always been at the forefront of change in legal education. Now, in this era where change is afoot—whether it be exciting new technology or a revamped bar exam with extra emphasis on practical skills—we are uniquely poised to lead our students through this tumultuous time. We hope you will plan to join us in Washington, D.C. in January for one or more of these wonderful programs. With focus on our time-tested, evidence-based methods of instruction in critical thinking, legal analysis and communication, and ethical behavior, we will pave the way for our students to employ not only today's new technology but also tomorrow's.

Enjoy your summer, and we'll see you in January.
Kate

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Thank you for your service!

2024 Annual Meeting

Defending Democracy

January 3 – 6 | Washington, DC

#AALS2024

MAIN PROGRAM

Rhetoric of Disagreement: Towards a Civil Zealous Advocacy

SECOND PROGRAM

The AI Era: Leveraging Large Language Models to Improve the Lawyer's Craft

PEDAGOGY PROGRAM

Learning with Our Students: Adjusting to Our Developing Understanding of the NextGen Bar Exam

Proposals due June 30, 2023

WORKS-IN-PROGRESS PROGRAM
Proposals due August 18, 2023

Calls for Proposals Follow ⟶

Rhetoric of Disagreement: Toward a Civil Zealous Advocacy

The AALS Section on Legal Writing, Reasoning, and Research invites proposals from speakers to present during our featured program at AALS 2024 Annual Meeting titled "Rhetoric of Disagreement: Toward a Civil Zealous Advocacy."

We have all heard the lawyer jokes: "Q: What do you call a smiling, kind, courteous person at a bar association convention? A: The event planner." Many lawyers disagree for a living. Ethical guidelines, lawyer oaths, and the public at times seem to view civility and zealous advocacy as incompatible values. In an increasingly polarized and contentious democracy, lawyers are hardly alone in their struggle to balance zealously advocating a position with engaging in disagreement in a civil and professional manner. As educators guiding future lawyers as they begin developing their professional identities, how can we best prepare students to be zealous but civil advocates?

The Committee seeks presenters who can speak on a range of topics relevant to civility and zealous advocacy. Proposals could address questions such as:

- Should zealous advocacy remain part of a lawyer's ethical duty? Where the duty of zealous advocacy has been removed from rules of professional responsibility, should it be reinstated?
- Do rules addressing lawyer civility tend to reinforce traditional hierarchies in the legal profession, including those based on race, sex, ethnicity, culture, disability, socioeconomic class, and area of practice?
- What does legal-communication research tell us about the relationship between civility and persuasion?
- What challenges do the polarized social and political climate present to legal educators striving to guide students in professional identity formation, advocacy, and civility? How can we best address those challenges?
- What role does judicial rhetoric—both in the courtroom and in orders and opinions—play in fostering civility or incivility in the legal profession?
- How might improving civility in the legal profession impact diversity, equity, and inclusion?

Submission

Please use this link (bit.ly/lwrrmain) or the QR code on the right to submit your presentation proposal by 11:59 p.m. PDT on June 30, 2023.
See page 9 for additional guidance regarding selection and submission.

CALL FOR PROPOSALS:
MAIN PROGRAM

The AALS Section on Legal Writing, Reasoning, and Research invites proposals from speakers to present during our featured program at AALS 2024 Annual Meeting titled "The AI Era: Leveraging Large Language Models to Improve the Lawyer's Craft."

Since the launch of ChatGPT in the fall of 2022, the impact of large language model-driven bots has dominated conversations about writing in the legal profession. As reports surfaced that chatbots have successfully drafted legal documents, and that law firms increasingly are using AI, law professors scrambled to understand and adapt to this new technology. The Committee now seeks to further the conversation on these cutting-edge issues.

The Committee seeks presenters who can speak on a wide range of topics related to the impact of large language models and other advances in AI on legal writing.

The Committee encourages collaboration with practitioners for this program—whether that takes the form of including a practitioner as a speaker in your panel proposal or a description of how you plan to elicit and incorporate practitioner experiences into the presentation.

The AI Era: Leveraging Large Language Models to Improve the Lawyer's Craft

Proposals could address questions such as:

- How are law offices already using large language models? What does the future hold for advances in AI in the legal profession?
- How can we help our law students prepare to be practitioners who will need to leverage these and other, not-yet-developed, technologies?
- How will the use of these newer technologies expand access to justice for historically underserved and marginalized communities? How can we, as law professors, help to facilitate that expansion?

Submission

Please use this link (bit.ly/lwrrsecond) or the QR code on the right to submit your presentation proposal by 11:59 p.m. PDT on June 30, 2023.
See page 9 for additional guidance regarding selection and submission.

CALL FOR PROPOSALS: SECOND PROGRAM

The AALS Section on Legal Writing, Reasoning, and Research invites proposals from speakers to present during our pedagogy program at AALS 2024 Annual Meeting titled "Learning with Our Students: Adjusting to Our Developing Understanding of the NextGen Bar Exam."

The NextGen Bar Exam will make its debut in July 2026, affecting some current law school students as well as new matriculants. Instead of focusing on content memorization, the NextGen Bar exam will emphasize skills-based knowledge—focusing on legal problem solving, research, writing, and client-management skills. How can law professors respond to this shift in focus?

In January 2023, our Section began discussing this question at the AALS Annual Meeting in San Diego. At a standing-room-only session, we heard from panelists who discussed the then-current information about the content of the NextGen Bar Exam and how law schools can approach preparing their students for that Exam. As July 2026 draws closer and we learn more about the Exam, the Section wants to continue this important discussion.

Both new and experienced law teachers will be shaping their courses to adapt to the bar exam's newest iteration. But sample materials and study aids will not be available until the second half of 2023, with the final exam and content available in the second quarter of 2024. We will therefore be learning about the NextGen Bar Exam at the same time we need to begin preparing our students to take that exam. This session aims to assist new and experienced law teachers by addressing how to incorporate the skills necessary to succeed on the NextGen Bar Exam.

Learning with Our Students: Adjusting to Our Developing Understanding of the NextGen Bar Exam

Potential topics could include:
- Current status of the NextGen Bar Exam and its content: what is the latest information on coverage and content?
- What aspects of legal writing instruction are most relevant to the NextGen Bar Exam, and how should we cultivate our instruction in these areas?
- The NextGen Bar Exam tests legal research skills—how does it do this, and should legal research and writing professors incorporate those approaches into their courses?
- What strategic collaborations within a law school community will best serve our students as we all prepare for the NextGen Bar Exam?

The Committee encourages anyone interested in submitting a proposal to listen to the recording of the January 2023 session, which is available here. (You may need to log into the AALS site to get access to the page of session recordings from the Annual Meeting. Then scroll down to or search for "Section on Legal Writing, Reasoning, and Research | Pedagogy Pivots: Leading Legal Education's Transition to the NextGen Bar Exam" and click the link.) In selecting panelists for 2024, the Committee will be looking for proposals that add to or build on the 2023 session, rather than repeat information already covered in 2023.

Submission

Please use this link [bit.ly/lwrrpedagogy] or the QR code on the right to submit your presentation proposal by 11:59 p.m. PDT on June 30, 2023.
See page 9 for additional guidance regarding selection and submission.

CALL FOR PROPOSALS: PEDAGOGY PROGRAM

SELECTION

In addition to the proposed presentation's contribution to the subject matter of the session, please note other considerations that will inform the Committee's review and selection process.

The Committee is committed to programming that advances the AALS core value of diversity. We especially welcome submissions from junior faculty, women, people of color, people with disabilities, members of the LGBTQIA+ community, immigrants, and others who are members of communities that are underrepresented in legal academia. We also recognize that diversity has many dimensions, including faculty status, years of teaching experience, geographic location, and viewpoint. The Committee evaluates proposals anonymously, so please include in your proposal any information you would like us to know about how your presentation would support the diversity of the program. (See Submission Instruction 4.)

The Committee encourages proposals from both individuals and groups. While group applications can include speakers from the same school, having speakers from different institutions is encouraged to expand representation. The Committee will consider all individual and group applications as it creates a panel for the session. Applicants—whether individual or group—should be prepared, if selected, to coordinate with others who also have been invited to present. The Committee will appoint a moderator to work with the selected speakers to ensure cohesion among presenters.

The Committee recognizes that well-designed interactive or demonstrative components can enhance the value of presentations but also understands that such components are not always relevant.

SELECTION & SUBMISSION: ADDITIONAL GUIDANCE

SUBMISSION

When submitting a proposal for the Main, Second, or Pedagogy Program, you will be asked to include the following information:

1. The name, contact, and biographical information for each proposed presenter, including designation of the primary contact person;
2. A proposed title for your presentation;
3. A detailed description of your presentation, including content and format;
4. A statement of how your presentation promotes diversity;
5. An indication of how many minutes you will need (e.g., 15 or 25 minutes of the entire one hour and forty-five-minute session); and
6. A brief bibliography of materials relevant to your presentation.

Questions?
Email the Program Committee Chairs:
Maria Termini, maria.termini@brooklaw.edu
Hilary Reed, hsreed@central.uh.edu

CALL FOR PROPOSALS: WORKS-IN-PROGRESS

The AALS Section on Legal Writing, Reasoning, and Research seeks participants for a Works-in-Progress session during the 2024 AALS Annual Meeting. This session is designed to support newer scholars in the legal writing community. The Program Committee will select three or more authors of works in progress.

The session will begin with selected authors presenting brief summaries of their works in progress to all attendees. Attendees will then break into smaller groups—one for each of the authors—so discussants and other Section members can pose questions and share feedback specific to one of the works in progress.

Who Should Apply?

Anyone who teaches legal writing and would like input on their scholarship is strongly encouraged to apply, with top priority given to "newer" scholars who have had two or fewer full-length articles published or accepted for publication. For these purposes, the Committee defines full-length articles to mean articles, excluding student notes, that are 10,000 words or more and that are published in law reviews or legal academic journals, including legal writing journals.

In addition, the Committee is committed to programming that advances the AALS core value of diversity. We especially welcome submissions from junior faculty, women, people of color, people with disabilities, members of the LGBTQIA+ community, immigrants, and others who are members of communities that are underrepresented in legal academia. We also recognize that diversity has many dimensions, including faculty status, years of teaching experience, geographic location, and viewpoint. The Committee evaluates proposals anonymously, so please include in your proposal any information you would like us to know about how your presentation would support the diversity of the program. (See Submission Instruction 4 on the right.)

What Types of Papers Are Accepted?

An author's work can focus on any topic, use any method, involve any level of controversy, and be suitable for publication in any scholarly form (e.g., book, book chapter, law review article). The work should be beyond the idea stage but otherwise, for purposes of the application, the Committee will consider works in a variety of stages of progress, from outline to full draft. If accepted for the session, the author will be assigned a mentor, if the author would like one, and should plan to have a substantial draft completed by no later than one week before the AALS session. The Committee will not consider works that will be published before the author can incorporate feedback from this session.

How Do I Submit an Application?

Please use this link (bit.ly/lwrrwip) or the QR code above to submit your presentation proposal by 11:59 p.m. PST on August 18, 2023. You will be asked to include the following information:

1. Your name, contact information, biographical sketch, and years teaching in the legal academy (and, if applicable, years in a position that requires publication);
2. A draft title and 1-2 paragraph description of the work in progress;
3. An outline or draft of the work;
4. A statement of how your participation in the session promotes diversity;
5. A list of the citations to any full-length articles you have written that have been published or that have been accepted for publication;
6. An indication of whether you are interested in being paired with a scholarship mentor;
7. Confirmation that you will submit an updated, substantial draft of your work one week before the Works-in-Progress session;
8. A statement of when you submitted, or plan to submit, your work for publication and, if it has already been accepted, when the final substantive edits will be due to the editors; and
9. Confirmation that the work will not be published before you can incorporate feedback from the session.

2023 AALS ANNUAL MEETING
San Diego, CA

How Law Schools Can Make a Difference

Meeting Recap

The 2023 AALS annual meeting, held January 3-7, 2023, in San Diego, California, was the first in-person annual meeting since 2020. The Section on Legal Writing, Reasoning, and Research hosted three timely and well-attended programs. On January 4, the Section's program Pedagogy Pivots: Leading Legal Education's Transition to the NextGen Bar Exam was standing room only. The program began with a presentation by Jane Cross (Nova Southeastern), Sabrina DeFabritiis (Suffolk), Mike Gianelloni (NCBE), Susan Landrum (Illinois), Jon J. Lee (Oklahoma), Andrew M. Perlman (Suffolk), and Melissa Shultz (Mitchell Hamline) titled NextGen Full Send: Preparing for the Transition from the UBE to the NextGen Bar Exam. After that, Margaret Hughes Vath and Leila A. Lawlor (both of Georgia State) gave their presentation, Preparing Students for the NextGen Bar Exam: Collaborative Efforts of Legal Writing and Academic Support Educators in Developing and Implementing Scaffolded Lessons for Use throughout Law School Curriculum and Bar-Prep Programs. Maria Termini (Brooklyn) moderated.

Pedagogy Pivots Program on January 4

On January 6, three speakers addressed the topic of the Section's main program, Disability: Engaging with an Often-Overlooked Diversity Dimension in Our Classrooms, which was co-sponsored by the Disability Law Section. Mark E. Wojcik (Illinois Chicago) presented The Professor Has Parkinson's. Suzanne E. Rowe (Oregon) presented Practical, Universal Accommodation for Professional Performance. Kathryn Naegeli Boling (Seattle) presented Robust Reflection: An Essential Element of Creating an Inclusive Classroom for Students with Disabilities. Cara Cunningham Warren (Detroit Mercy) moderated.

Also on January 6, the Section held its Newer Scholars' Workshop and Scholarship Celebration. We began the program by acknowledging and celebrating all the scholars in the room. Anyone who had published scholarship of any kind since the last in-person annual meeting received an "I Published" ribbon to wear on their name badge. The rest of the program was devoted to the work of newer scholars. Andrea J. Martin (Penn State Dickinson) presented Beyond Brackeen: Broader Implications for Indian Law, Culture, Tradition and Values with Carolyn V. Williams (N. Dakota) as mentor and moderator. Anjali Parekh Prakash (American) presented The Start-Up of You—Harnessing Passion and Purpose in Law Practice: An Entrepreneurial Framework for Professional Identity Formation with Elizabeth Berenguer (Stetson) as mentor and Heidi Gilchrist (Brooklyn) as moderator. Sandra Simpson (Gonzaga) presented The Definition of Insanity: Using Standardized Admissions Tests Knowing It Harms Equity and Inclusion with Susie Salmon (Arizona) as mentor and moderator.

Laura Graham, Lori Johnson, Kate Brem, and Hilary Reed at the AALS 2023 Award Ceremony

2023 LWRR Section Award

LAURA GRAHAM

The 2023 LWRR Section Award winner was Laura Graham. Laura has been teaching at Wake Forest University School of Law since 1999 and has served as the Director of Legal Writing there since 2017. In her time at Wake Forest, she has taught both semesters of the 1L legal writing course, as well as upper-level courses including Appellate Advocacy, Legal Writing for Judicial Chambers, and Applied Legal Concepts. She was the inaugural recipient of the Graham Award for Teaching Excellence in Legal Research & Writing, 2002-2003, presented by the Student Bar Association of Wake Forest University School of Law. She was also an invited participant at the Center for the Development of Women Leaders Program at Wake Forest.

Laura's scholarship has focused on teaching research and writing to maximize beginning law students' learning and success. She has co-authored two books, including *North Carolina Legal Research*, in its second edition, as well *The Pre-Writing Handbook for Law Students: A Step-by-Step Guide*. She has also published shorter works on a variety of subjects and in a variety of publications, including an essay for the AALS Section on Legal Writing, Reasoning, and Research Newsletter (Summer 2018). Other works of hers have appeared in the Journal of Legal Writing, the University of Kansas Law Review, the University of Arkansas Little Rock Law Review, and the North Carolina Bar Magazine.

Laura has impressive service inside Wake Forest and in the legal writing community generally. At Wake Forest, she has chaired the Curriculum committee and served on a variety of other committees, including Student Wellness, Student Advising, Clerkships, and Moot Court. She also serves in the local legal community as a member of the North Carolina Bar Association Publications Committee.

Her service to the legal writing community has been similarly impressive, having recently completed a term as the President of the Association of Legal Writing Directors. She has given over twenty presentations at a variety of conferences, including legal writing conferences as well as the Eighth Circuit Judicial Conference and the National Conference of Bar Examiners Conference. Her service on legal writing committees is too extensive to list here, but it includes serving on the ALWD Site Committee for several years, working as an editor for The Second Draft and for the Journal of the Legal Writing Institute, and co-chairing a number of committees for LWI and ALWD.

Laura is a master teacher, prolific scholar, and exceptional mentor. She always extends a kind word and support to all members of the community. We are thrilled to give this award to her!

congratulations

CALL FOR NOMINATIONS: 2024 LWRR SECTION AWARD

The Awards Committee of the AALS Section on Legal Writing, Reasoning, and Research is now accepting nominations for the 2024 Section Award. This prestigious award honors individuals who have made valuable contributions to the advancement of the field of legal writing and research through their service, scholarship, and legal writing program design or other activity.

There is no specific nomination form. However, the committee welcomes a thorough and thoughtful nomination letter explaining the ways in which the nominee has contributed to the field of legal writing and research. Along with the nomination letter, please include a current CV or link to a bio for the nominee.

We strongly encourage nominations that reflect the richness and diversity of the legal writing community, including nominations of people of color, women, and members of other traditionally underrepresented groups. The committee also appreciates resubmissions for candidates who were previously nominated, as it does not retain materials from prior years. Members of the current Awards Committee and members of the current and immediately preceding LWRR Executive Committee are not eligible for nomination.

The nomination deadline is Monday, August 28, 2023. Please send nominations to both committee co-chairs: Whitney Heard, wwheard@central.uh.edu, and Jessica Kincaid, jmk7842@psu.edu. The 2024 LWRR Section Award will be presented at the Section program during the 2024 AALS Annual Meeting in Washington, DC.

Past Winners

2023 – Laura Graham (Wake Forest)
2022 – Karin Mika (Cleveland-Marshall)
2021 – Dean Cassandra Hill (Northern Illinois)
2020 – Grace Tonner (UC-Irvine)
2019 – Charles Calleros (Arizona State)
2018 – Darby Dickerson (John Marshall-Chicago)
2017 – Linda Berger (UNLV)
2016 – Suzanne Rowe (Oregon)
2015 – Mark E. Wojcik (John Marshall-Chicago)
2014 – Jan Levine (Duquesne)
2013 – Terrill Pollman (UNLV) and Jill Ramsfield (Hawaii)

2012 – Susan Brody (John Marshall-Chicago) and Mary Barnard Ray (Wisconsin)
2011 – Elizabeth Fajans (Brooklyn)
2010 – Joe Kimble (Thomas Cooley)
2009 – Richard K. Neumann, Jr. (Hofstra)
2008 – Eric Easton (Baltimore)
2007 – Anne Enquist (Seattle)
2006 – Terri LeClercq (Texas)
2005 – Marilyn Walter (Brooklyn)
2003 – Laurel Currie Oates (Seattle)
2002 – Helene Shapo (Northwestern)
1997 – Ralph Brill (Chicago-Kent)
1996 – Mary Lawrence (Oregon)

MICRO-ESSAYS

Voice Lessons

Cindy Thomas Archer

UC Irvine, School of Law

THEME

This year's theme for micro-essays was drawn from the theme of the AALS 2024 Annual Conference: Defending Democracy. In a time when three-quarters of all voters believe our democracy is in peril, what role do we, as legal educators of future lawyers, play in ensuring that our democracy endures? How can we shape the culture of law school to be one that helps our students become legal professionals who use their positions of prominence, power, and policy to ensure all voices are heard? What skills do we need to equip our students with so that they can challenge the growing threats to democracy?

This is what we mean by democracy: that everyone has a voice, that no one gets away with things just because of their wealth, power, race, or gender.

— Rebecca Solnit

At the center of democracy is voice—the ability to have one's voice heard, counted, represented. The study of legal communication, analysis, and rhetoric by law students is the study of the effective use of voice for representation, sometimes one's own but more often a client who would otherwise be unheard if not represented.

Beyond the traditional notions of democracy as political system governed by a majority, democracy is also about ensuring equity in voices that count. We live in a nation that purports to be "governed by a democracy" which is responsive to the voices, not merely votes, of the people ("political-democracy"). But because we built this political-democracy by ceding "control [over the nation] to the majority [voice] of its [privileged] members" ("majority-democracy"), we have yet to attain the values and goals of democracy, "the practice and principles of social equity" ("social justice-democracy").

To teach our students to challenge and engage the faults in our political-democracy, we must abandon our allegiance to the majority-democracy to secure the social justice-democracy we seek. In concrete terms, as educators facilitating our students' education in legal communication and discourse on behalf of others,

we must first *ensure* there is space for all law student voices. It is difficult to imagine training law students to represent all voices without acknowledging how important their voice is in the context of their legal education and to the legal profession. In a common law "democracy" that relies on precedent as its mode of justice, it is easier to teach students to adopt the voice of the "common law," the collective voice, the majority-democracy. By routinely adopting the voice of the the majority-democracy, the minority-underrepresented voices of potential change-makers and leaders of social justice-democracy are often silenced.[1]

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MICRO-ESSAYS

(Voice Lessons, continued)

Giving voice to underrepresented voices in our political-democracy is an ongoing challenge, but we have the opportunity in our LRWW classrooms to make a significant start. And because readers of this newsletter want practical ideas to implement, **what follows are five voice lessons:**

1. Adopt processes and policies in your classroom that ensure underrepresented voices are explicitly encouraged. This may mean being intentional about including and amplifying the voices of students from underrepresented communities in discussions and exercises. It may also mean using your podium to voice underrepresented ideas and experiences and not relying on students from underrepresented communities to carry that load alone.

2. In using examples in class, seek out minoritized voices. In addition to using textbooks and articles by minoritized authors, incorporate authors representing non-majority thoughts and traditions.

3. Acknowledge for yourself and students when you are offering a tool/skill that perpetuates majority-democracy culture, e.g., "irac,"[2] or not including tribal courts in discussing court jurisdictions. Discuss that you are doing so as a means of tradition and giving them entry into places of privilege, while recognizing they are not the only or right voices.

4. In giving feedback to students, do not quell their social justice-democracy voices as incorrect because of fear their rhetorical arguments would not appeal to a majority-democracy audience. For example, you can discuss the use of "they" as a singular pronoun in a way that embraces their identity and gives them choice in how to insert themselves into important conversations.[3]

5. Finally, use your privilege to be their ally and sponsor into spaces that will not immediately recognize their social justice-democracy potential when it is not cloaked in majority-democracy cultural expectations.[4]

A political-democracy can be a shield against totalitarianism, but as a majority-democracy, it has an equally likely chance of limiting the opportunity for equity when majority voices are not just heard but are allowed to dominate the conversation. Our students, with the privilege that a legal education brings, have a unique opportunity to move us forward toward the equity we seek, but only when their voices are heard.

ENDNOTES
[1] How do we silence those voices? *See e.g.*, Brenda Gibson, *We Speak the Queen's English: Linguistic Profiling in the Legal Profession*, 88 Brook. L. Rev. 601 (Winter 2023); Derald Wing Sue et al., *Racial Microaggressions in Everyday Life: Implications for Clinical Practice*, 62 AM. PSYCHOL. 271 (2007); Erin Lain, *Racialized Interactions in the Law School Classroom: Pedagogical Approaches to Creating a Safe Learning Environment*, 67 J. Legal Educ. 780 (Spring 2018).
[2] Leslie Culver, *(Un)wicked Analytical Frameworks and the Cry for Identity*, 21 Nev. L.J. 655 (Spring 2021); Elizabeth Berenguer, Lucy Jewel, Teri McMurtry-Chub, *Gut Renovations: Using Critical and Comparative Rhetoric to Remodel how the Law Addresses Privilege and Power*, 23 Harv. Latinx L. Rev. 205 (Fall 2020).
[3] Heidi Brown, *Get with the Pronoun*, 17 JALWD 1 (2020).
[4] Leslie Culver, *White Doors, Black Footsteps: Leveraging "White Privilege" to Benefit Law Students of Color*, 21 J. Gender Race & Just. 37 (Winter 2017).

MICRO-ESSAYS

Introducing Ballot Measures to Legal Writing Students

Mary Nicol Bowman
Sandra Day O'Connor College of Law
Arizona State University

Law schools often overlook the important role that ballot measures play in the democratic process.[1] Legal writing faculty should consider using ballot measures to teach core legal writing concepts in a new context.

"In the United States, a ballot measure is a law, issue, or question that appears on a statewide or local ballot for voters of the jurisdiction to decide."[2] These measures often involve citizen-initiated initiatives, although legislatures sometimes refer matters for a vote. Forty-nine states require citizens to vote on amendments to the state constitution, and twenty-six states allow citizens to propose new laws by gathering signatures.[3]

Ballot measures have been used across the political spectrum. Recent ballot measures have protected reproductive rights and legalized marijuana usage. Many states also used ballot measures to restrict marriage to heterosexual couples and to limit affirmative action. Ballot measures thus can be used to explore various legal issues and even the boundaries between majority rule and individual rights.

Legal writing faculty could introduce ballot measures through a variety of exercises that teach core skills such as conciseness, precision, and legal drafting.[4] Ballot measures are also useful for exploring audience and purpose when communicating with non-legal audiences.

For example, I teach ballot measures in an advanced writing class through an exercise on drafting a "ballot title." The "ballot title" is the short summary of the longer ballot measure that appears on the ballot.[5] State law often limits ballot titles to 50 – 100 words, while the underlying text of the ballot measure may run several pages. These summaries must be neutral rather than partisan.

My exercise asks students to summarize either a specific ballot measure that I have picked or one of their choosing. Either way, students write a summary that concisely and accurately summarizes the measure as it could appear on the Arizona ballot.

This deceptively simple-looking exercise is actually very challenging. Students must exercise sound legal judgment about what to include given the limited word count, and they must write concisely and precisely. A slightly easier version of this exercise could have students suggest improvements to a ballot title that appeared on the ballot.

Alternatively, legal writing faculty could ask students to read and analyze case law that involves legal challenges to ballot measures. These cases often turn on writing issues. They could be used in connection with a drafting exercise, such as asking students to rewrite a ballot measure to avoid legal challenge.

Finally, legal writing faculty can use ballot measures to reinforce lessons about audience and purpose, particularly in writing for non-legal audiences. My students have written advocacy documents seeking funding for signature-gathering efforts. Students could also write documents arguing for or against a particular ballot measure. These documents require students to make often complicated legal concepts understandable for people without legal training. They also allow students to apply persuasion fundamentals in a different context.

ENDNOTES
[1] While legal scholarship on ballot measures is surprisingly limited, a Minnesota Law Review symposium explores a variety of issues raised by ballot measures. *See* Tom Pryor, *A More Perfect Union? Democracy in the Age of Ballot Initiatives*, 97 Minn. L. Rev. 1549 (2013) (introductory essay for symposium).
[2] https://ballotpedia.org/Ballot_measure.
[3] *Id.* Some states also allow "veto referendums," which let voters reject recent legislative enactments. *Id.*
[4] The nonprofit website https://ballotpedia.org/ is a great resource; it contains explanatory material about ballot measures, both generally and in specific states, as well as links to ballot measure summaries and full text.
[5] https://ballotpedia.org/ABallot_title.

Defending Democracy: The Role of Legal Writing Professors in Educating Students on Stand Your Ground Laws

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On April 13, 2023, Ralph Yarl, a high school junior from Kansas City, came to the wrong address to pick up his younger siblings. After Yarl rang the doorbell, the homeowner shot him through the glass door. Two days later, Kaylin Gillis and her friends were driving through rural upstate New York, looking for another friend's house. As they turned into the wrong driveway, the homeowner emerged from the house and fired into the car, killing Gillis.

As Legal Writing professors, one of our most important responsibilities is to teach students how to write effectively and persuasively. However, as legal scholars, we also have a duty to defend the principles of democracy and the rule of law. This includes opposing laws that undermine these principles, such as stand your ground laws.

Stand your ground laws, which allow individuals to use deadly force in self-defense without the obligation to retreat, do not exist in a vacuum. They are an integral part of the larger structures that serve white supremacist and patriarchal power. Stand your ground laws intensify the violence against our nation's most vulnerable citizens.

As Legal Writing professors, we have a unique opportunity to educate our students on how these laws contradict the values of a democratic society because they legitimize violence against oppressed members of society.

One way to defend democracy through teaching legal writing is to emphasize the importance of legal reasoning and critical thinking skills. By teaching students how to analyze stand your ground laws and write persuasive arguments, we can equip them with the tools they need to advocate for justice. Teaching students how to identify flaws in legal arguments that legitimize violence and subordination will allow them to write well-reasoned counterarguments. In doing so, they will defend the democratic process by giving a voice to those in our society whose voices are suppressed.

Another way in which legal writing professors defend democracy through teaching is to encourage students to engage with public policy issues and to use their legal skills to advocate for positive change. By providing opportunities for students to engage in legal research and writing on important social issues, such as understanding how "transparent" facially neutral norms actually perpetuate oppression, we can help students to develop a sense of social responsibility and civic engagement. In the case of stand your ground laws, legal writing professors can encourage students to research and write about the negative effects of these laws. By examining case law, analyzing media coverage of controversial cases, and writing about the broader social and political implications of these laws, we can help students understand why these laws directly contradict the foundational ideals of our democracy, pursuant to which "we hold these truths to be self-evident, that all men are created equal."

By emphasizing critical thinking skills, encouraging civic engagement, and advocating for positive change, we can use our role as Legal Writing Professors to help our students become effective advocates for justice and ultimately, democracy.

MICRO-ESSAYS

Learning to Listen
Sara F. Cates
Quinnipiac University School of Law

As teachers of future lawyers, we have the formidable task of preparing our students to enter the legal profession ready to be effective advocates as well as champions of democracy. If democracy is founded on the principles that society should be governed by a set of equitable rules that reflect the view of the people, that these rules should be applied equally, and that any dispute over these rules should be resolved by an impartial adjudicator, then lawyers, with their knowledge of and influence on law and policy, are critical in ensuring democracy endures. Our students will be best equipped to do this if they know how to listen. To really listen.

There are many kinds of listening that lawyers do. We listen to the stories told by our clients, ideally with compassion and understanding. We listen to the arguments we make and those made by opposing counsel, and as we do, we evaluate and strategize. We listen to rulings issued by courts, with vindication or relief, or with dismay or frustration. We listen to texts—to enacted laws and regulations and written judicial opinions—assessing and analyzing each word. We listen to each other, ideally with respect and patience, even when we have diverging views.

But perhaps the most important kind of listening lawyers do is the listening for what has not been said, for what has not been written. We must listen hard for the unintended consequences of a particular course of action, for gaps in what a law or rule will protect, and for facts and perspectives that have been left out of the narrative. This type of listening lays the foundation for some of the most important work lawyers do: ensuring that the law is, in fact, applied equally and that the voices of all are heard. It is in undertaking this important work that lawyers can best uphold the principles of democracy.

Teaching our students to listen, even in times like these where it has become increasingly easy to read and hear without listening at all, is critical to their development as future lawyers. Thus, we must teach our students to think about what they have not heard as they develop a case strategy, or evaluate a statute, or tell their clients' stories. When our students can listen, and in so doing, consider, contemplate, evaluate, and question, they will be ready to take what they have—or have not—heard and act to ensure the principles of democracy prevail.

MICRO-ESSAYS

Defending Democracy Through a Holistic Understanding of the Law
Zoha Khan
Western State College of Law

A holistic approach to educating future lawyers is necessary to ensure our democracy endures. Students should be exposed to a well-rounded and interconnected presentation of the law. Lawyers trained merely in doctrinal knowledge alone are incompetent to weather the realities of what society demands from its legal professionals. Defending democracy begins with equipping students with a thorough comprehension of the law.

Per ABA Standard 303(c), law students must be adequately trained on bias, cross-cultural competency, and racism. This is the foundation of what a competent, ethical, and advocacy-driven lawyer must grasp. Students must be given the tools needed to comprehend the law as a whole and not just isolated substantive doctrines. It is vital that students appreciate the "big picture" of the law in order to appreciate the ramifications of certain legal principles. Students who will become legal professionals that use their positions of prominence, power, and policy must understand the societal impact of various legal doctrines and ideologies. It is not enough to teach students the "what," but we must also ensure students understand the "why."

Students should be given the opportunity to examine case law, legal doctrines, and historical ideologies under the lens of how these contribute to the foundation of society and the deeper societal impact of the law. A deeper sociolegal examination of the law requires students to address themes of diversity equity, inclusion, and belonging from a historical andlegal perspective. The key to defending democracy lies in training future lawyers who can make well-informed decisions grounded in a deep understanding of how legal decisions can have lasting societal impacts. Students must review the historical consequences of prior legal outcomes to assess the future implications of their personal dealings. Without revisiting the historical ramifications of the law and examining the lasting effects, students will have an inadequate basis to weigh the magnitude of their conduct.

While it is imperative that students grasp the intricacies of the substantive law, a broad, holistic understanding of the law only furthers this objective. Giving students the ability to interpret the deeper meaning and impact of the law adds a multilayered understanding of the law. This multifaceted intellect is what our students need in order to challenge the growing threats to democracy. Students who are well-informed will make cultured decisions as legal professionals. As legal educators, our job begins with providing students with a secure place to explore uncomfortable and challenging topics in the law. Students must be allowed to work through their discomfort to gain an informed understanding of the law. Through the challenges, discomfort, and introspective evaluation, students will grow into the legal professionals that ensure our democracy endures.

News?

Please keep a record of photos, articles, or news about any new announcements or accomplishments. The Secretary will seek these submissions in early September.

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