

# AALS SECTION ON LEGAL WRITING, REASONING, AND RESEARCH

The Association of American Law Schools  
*Advancing Excellence in Legal Education*

## From the Chair



IVA FERRELL  
Widener University  
Deleware Law School

Dear Colleagues,

Happy Spring! The words of AALS President Melanie D. Wilson and her rationale for why she selected this year's theme resonate loudly both personally and professionally. From my vantage point, "Courage in Action" is a theme for which this Section is well suited. LWRR Faculty have always been the vanguard of legal education. We teach our students to think and analyze, not just as law students, but also in the manner in which they will engage in practice.

The real world hits our classroom doors first because we prepare students for that world. CHAT-GPT, which has only been around for a couple of years, is only one of the most recent examples of a ready or not here it comes real-world intrusion. Some of us have had our mettle tested by the mere thought of students using this type of technology for ill. Instead of shrinking, however, some of our colleagues are finding ways to work with this technology - activating their courage! What if we all could learn ways to do that?

The Program Committee, chaired by Lead Co-Chair Hilary Reed and Secondary Co-Chair Susie Salmon, is preparing incredible program offerings for the 2025 Annual Meeting in San Francisco, California.

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# From the Chair *(continued)*

The Section's Main Program titled "Courage to Teach in the Age of Generative AI: Beyond the Basics," is intended to truly go beyond the basics of Generative AI. This Program seeks to provide ideas, training, and resources for effectively training future lawyers with the requisite competence in Generative AI. The Program Committee seeks collaborative and interactive presentations that will speak to the impact of generative AI on legal writing and law practice –topics that go beyond the basics (what it is, how it works, etc.).

The Pedagogy Program, "Courage in the Classroom: Embracing the New," acknowledges and aims to take on the reality that in today's educational landscape even seasoned educators find themselves navigating uncharted waters. As attendees will explore, there are myriad reasons for this ranging from pandemic fallout, the introduction of new technologies, generational shifts, and newly imposed requirements by the ABA and NCBE, to name a few. The source of the upheaval is less important than the impact on our students and us as educators as we try to continue to do what we do best: successfully prepare students.

Finally, the Program Committee will select three or more authors for this Section's Works-in-Progress Program. This session is designed to support newer scholars in the legal writing community. A "newer scholar" is one who has published or had accepted for publication two or fewer full-length articles (excluding student notes). For purposes of the application, the Program Committee will consider works in a variety of stages of progress from outline to full draft. The submitted work can focus on any topic, use any method, involve any level of

controversy, and be suitable for publication in any scholarly form.

To be courageous and to have courage is not always easy. Each of us is called to contribute in our own way(s). Let us continue to be bold and demonstrate Courage in Action as we continue to teach and mentor the next generation of law students on their paths to budding lawyers. Let us continue to be bold and demonstrate Courage in Action as we welcome, mentor, and develop the next generation of LWRR faculty. Let us continue to be bold and demonstrate Courage in Action as we build on the work of this Section, ALWD, LWI, and others to ensure that status is no longer part of the conversation for many of our faculty. LWRR is COURAGE IN ACTION.

Have a great summer! Look forward to seeing you in January!

Iva



# Section Leadership

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## AWARDS

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## 2024 SECTION COMMITTEES

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*Thank you for your service!*



# 2025 AALS Annual Meeting

Courage in Action

January 7 – 11 • San Francisco

#AALS2025

Request for Proposals now open!

## MAIN PROGRAM

Courage to Teach in the Age of Generative AI:  
Beyond the Basics

## PEDAGOGY PROGRAM

Courage in the Classroom: Embracing the New

Proposals  
due  
**June 28,  
2024**

## WORKS-IN-PROGRESS PROGRAM

Proposals due August 16, 2024



# CALL FOR PROPOSALS: MAIN PROGRAM

## ***Courage to Teach in the Age of Generative AI: Beyond the Basics***

The AALS Section on Legal Writing, Reasoning, and Research will be holding two programs at the 2025 Annual Meeting scheduled for January 7-11 in San Francisco. The Section invites proposals from speakers to present during our featured program.

It has been two years since the launch of ChatGPT. Since that time, legal vendors, like Lexis and Westlaw, have created their own forms of Generative AI and have released those to lawyers and law students. Even though the ultimate impact of this new technology on the legal community is unknown, these advances are already changing legal writing and the practice of law.

The Main Program is titled “Courage to Teach in the Age of Generative AI: Beyond the Basics.” This main program is intended to truly go beyond the basics of what Generative AI is and to provide the Section with ideas, training, and resources for effectively using Generative AI in the classroom. To that end, the Committee seeks presenters who can speak on a wide range of topics relevant to the impact of generative AI on legal writing and law practice—topics that go beyond the basics (what it is, how it works, etc.).

The Committee also 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. Proposals could address questions such as:

- How is generative AI being used in the practice of law? What are some of the policies that firms are instituting regarding its use? Is there anything that lawyers should not be doing with generative AI?
- How important is prompt engineering to new lawyers? Is it a skill that should be taught in law school?
- How does generative AI now fit into our understanding of information literacy? Has it redefined how we teach information literacy? Is it just another tool in a legal researcher’s tool kit? Is it something more? Something less?
- How, if at all, have the Model Rules of Professional Conduct changed to address a lawyer’s use of generative AI? Should the rules be changed?
- What biases are, or may be, present in the algorithms used for generative AI when it is used to conduct legal work? What do lawyers need to know about these biases?

# CALL FOR PROPOSALS: PEDAGOGY PROGRAM

The AALS Section on Legal Writing, Reasoning, and Research also invites proposals from speakers to present during our pedagogy program at the AALS 2025 Annual Meeting titled "Courage in the Classroom: Embracing the New."

From the upheaval of the pandemic to the complexities of Professional Identity Formation, the knowns and unknowns of the Next Generation Bar, and the advent of Generative A.I., our educational landscape is evolving at an unprecedented pace. Many of the new requirements come from outside entities (ABA, NCBE, etc.). While contemplating how to prepare students for the new landscape, add in the arrival of Gen Z students to the classrooms, and we are teaching in a completely different classroom than we were ten years ago. Amidst these dynamic shifts, even seasoned educators find themselves navigating uncharted waters.

The Committee seeks presenters who can speak on a wide range of topics related to the unique challenges legal writing professors are facing in these ever-changing times.

## ***Courage in the Classroom: Embracing the New***

Possible topics may include:

- How are law schools incorporating professional identity formation into the curriculum?
- Should we be incorporating regular timed writing exercises to reflect what will be asked of students on the NextGen Bar? Are there other ways the NextGen Bar is likely to shift our curriculum?
- How might legal writing professors collaborate with other faculty to better prepare students for the NextGen Bar and the changing demands of practicing lawyers?
- Should we be tailoring our teaching to meet Gen Z students where they are?

### **Main Program Submission**

Please use this [link](https://tinyurl.com/lwrrmain) (tinyurl.com/lwrrmain) to submit your presentation proposal by 11:59 p.m. PDT on June 28, 2024.

### **Pedagogy Program Submission**

Please use this [link](https://tinyurl.com/lwrrpedagogy) (tinyurl.com/lwrrpedagogy) to submit your presentation proposal by 11:59 p.m. PDT on June 28, 2024

## 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 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:  
Hilary Reed, [hsreed@central.uh.edu](mailto:hsreed@central.uh.edu)  
Susie Salmon, [salmon@arizona.edu](mailto:salmon@arizona.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 2025 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](https://tinyurl.com/lwrrwip) (tinyurl.com/lwrrwip) to submit your presentation proposal by 11:59 p.m. PDT on August 16, 2024. You will be asked to include the following:

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.





# 2024 AALS Annual Meeting: Defending Democracy

## Meeting Recap

The 2024 AALS annual meeting was held January 3-6, 2024, in Washington, DC. The Section on Legal Writing, Reasoning, and Research hosted four programs, offering opportunities for our members to engage with each other on critical topics.

On January 4, the Section held its first program *Rhetoric of Disagreement: Toward a Civil Zealous Advocacy*, which was co-sponsored by the Professional Responsibility Section and the Student Services Section. Patricia Winograd (LMU Loyola) presented *Getting Out of the Echo Chamber and Back to Socrates*. Susan McMahon (Arizona State) presented *Civility and the Status Quo*. Yan Slavinskiy and Jazzirelle Hill (both of LMU Loyola) jointly presented *What Judicial*

*Opinions & Attorneys' Writings Teach (and Don't Teach) About Identity-Centered Civility, Professionalism, and Zealous Advocacy in Legal Writing*. Maria Termini (Brooklyn) moderated.

On January 5, the Section had a very busy day with three back-to-back programs. Beginning bright and early, the Section hosted a standing-room-only program on *The AI Era: Leveraging Large Language Models to Improve the Lawyer's Craft*. Carolyn V. Williams (North Dakota) and Kirsten K. Davis (Stetson) set the stage with *Scholars at the Beginning of a Paradigm Shift: A Conversation About GenAI's Impact on Legal Communication and the Lawyer's Craft*.

Michael D. Murray (Kentucky) then spoke about his ongoing scholarship in *Artificial Intelligence and Legal Practice: Evaluating Methods to Harness the Potential and Maintain Alignment of AI for Legal Practice*. Finally, Jennifer Wondracek (Capital University), Becka Rich (Drexel), Rebecca Fordon (Ohio State), and Ivy B. Grey (WordRake) spoke on *Balancing Ethics, Inclusion, and Innovation: Preparing Future Lawyers for the Age of AI*. Hilary Stirman Reed (Houston) moderated.

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It was standing room only for the LWRR Section's pedagogy program on *Adjusting to Our Developing Understanding of the NextGen Bar Exam*



*(Meeting Recap, continued)*

The Section's second program on January 5 was also standing room only. Learning with Our Students: Adjusting to Our Developing Understanding of the NextGen Bar Exam was co-sponsored by the Sections on Academic Support, Law Libraries and Legal Information, and Student Services.

Irene Ten Cate (Brooklyn) led a Q&A with Cherie N. B. McPherson (New York), Megan Davis (Houston), Meg Holzer (Brooklyn), Joy Kanwar (Brooklyn), and O.J. Salinas (UNC) on the topic of Beyond NextGen: Working Together to Help Our Students Flourish. Priscilla Norwood Harris (Florida A&M), Caroleen Dineen (Elon), and Paige Snelgro (Florida) presented NextGen for First-Gen and Other Students: Building Group B Foundational Skills. Maureen Van Neste (Boston College) moderated.

The Section wrapped up its programming with its Works-in-Progress session, which highlighted the work of four newer authors. The session began with brief presentations by the four authors about their works in progress. After that, attendees broke into four small groups to discuss the articles in depth.

- Ashley Krenelka Chase (Stetson) presented Aren't We Exhausted Always Rooting for the Anti-Hero? Publishers, Prisons, and the Practicing Bar.
- Eun Hee Han (Georgetown) presented No Protection without Price: Problematizing the Analysis of Accent Under Title VII as Legal Otherization.

- Lindsay Head (Jacksonville) presented Course of Equity, Course of Law: Grading Writing as Symbolic Action, the Only Remaining Justification.
- Gigi Walker (Boston University) presented Broadening Perspectives: Using Real World Lawyering to Teach Doctrine and Skills.

Rachel Stabler (Arizona State) moderated the session. Erin A. Donelon (Tulane), Susan Salmon (Arizona), Katherine Vukadin (South Texas), and Tara Wilke (Duquesne) mentored the authors as they developed their articles and then acted as moderators during the small-group discussions.



# CALL FOR NOMINATIONS: 2025 LWRR SECTION AWARD

The Awards Committee of the AALS Section on Legal Writing, Reasoning, and Research is now accepting nominations for the 2025 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 19, 2024. Please send nominations to both committee co-chairs: Tamara Herrera, [tamara.herrera@asu.edu](mailto:tamara.herrera@asu.edu), and Greg Johnson, [gjohnson@vermontlaw.edu](mailto:gjohnson@vermontlaw.edu). The 2025 LWRR Section Award will be presented at the Section program during the 2025 AALS Annual Meeting in San Francisco.

## Past Winners

2024 - Sue Liemer (Elon)  
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

## ***The Courage to Write: Overcoming Writer's Block, Embracing Vulnerability, and Harnessing AI***

Kathleen Elliott Vinson[1]  
Suffolk University Law School

The theme of this year's AALS Annual Conference, "Courage in Action," prompts us to reflect on how courage manifests in our work as legal writing educators, not only in our task of teaching the technical skills of legal writing, but also in encouraging our students to have the courage to write and be vulnerable to receive feedback. Courage plays a pivotal role in combating writer's block. Writer's block can feel like an insurmountable obstacle rather than a natural part of the writing process. Legal writing demands precision, often leading students to experience moments of stagnation when faced with the daunting task of transferring their thoughts into words on a page. Empowering students to approach writing with courage includes guiding them to push through the barriers of self-doubt, their inner self-critic, and fear of failure, by providing numerous opportunities to write, get feedback, reflect, and rewrite.

The courage to put words on a page for a reader to review is intertwined with vulnerability. Vulnerability is often perceived as a weakness; however, legal writing professors can cultivate trust and support by acknowledging that writing is a journey that requires courage when exposing one's writing to scrutiny. We can enable students to develop resilience in the face of constructive criticism and view feedback as a catalyst for growth. By reframing feedback as a valuable learning opportunity rather than a critique of student's abilities, students will have the courage to seek out feedback, rather than avoid it.

Utilizing artificial intelligence (AI) tools when writing requires courage that challenges traditional notions of the legal writing process. While AI tools in general are not new to today's law students, using them as a step in their writing process is new, and for most, novel. If daunted in facing a blank page, the courage to leverage AI to brainstorm, outline, or even generate a draft can enhance the efficiency of a student's writing process, allowing them to break free from the shackles of self-doubt and perfectionism and kick start their writing. The decision to use AI raises questions of reliability, authenticity, authorship, and ethical implications. AI is a tool, not a replacement for human writers; it is a starting point, not an end. Thus, writers must have the courage to verify the content AI produces, to ensure the authenticity of a writer's own voice, and to be cognizant of confidentiality issues.

Legal writing professors may be skeptical and apprehensive of the use of AI in the writing process; thus, the decision to allow law students to use AI when planning, writing, or revising requires courage and confidence in law students' abilities as legal writers. It takes courage to be transparent in disclosing the benefits and limitations involved in using AI in the writing process. Having the courage to experiment with AI tools prepares law students for the evolving demands of the legal profession. We should continue to explore the possibilities of AI as another legal writing tool with courage, curiosity, and a commitment to harness its potential to enhance efficiency.

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Micro essay authors were invited to respond to the theme of the AALS 2025 Annual Conference: Courage in Action.

# MICRO-ESSAYS

*(Courage to Write, continued)*

As we continue to navigate the challenges of legal writing, the courage to write will continue to be indispensable, especially when overcoming writer's block, embracing vulnerability, and harnessing AI.

## ENDNOTES

[1] The author, in the spirit of this essay, garnered the courage to use ChatGPT to overcome writer's block—only to revise much of the content generated by her new AI writing “assistant.”

## ***Sharing My Own Insecurities with Students to Build Connection and Confidence***

Stephanie J. Thompson  
McGeorge School of Law

Over the last few years, our law school has become a majority-minority school, and over 50% of our students are first-generation. While these students are incredible both academically and in their lived experiences, one common theme with our female students is an intense sense of imposter phenomenon. They are reluctant to raise their hand in class, and they experience greater horror when subject to a cold call. Constructive feedback deepens their self-doubt, and they regularly express their lack of confidence. In response, I give them the usual “you can do it” and “you wouldn't be here if you weren't capable” pep talks. But in doing so, I was merely acknowledging their imposter phenomenon and not really connecting with them in a meaningful way. This shallow approach caused me to reflect on how I was approaching their insecurities and my own self-doubt.

As a woman professor at a law school with very few women professors, I believed it was my responsibility to be the epitome of a strong, confident female lawyer. I obsessively did everything I could to present myself in that way. I studied teaching methods, attended pedagogy workshops, prepared endlessly for class, developed engaging PowerPoints, memorized my lectures so I could teach a substantive two-hour class without any notes, and ensured that I always looked stylish and professional. I wanted my students to believe I was “perfect.” It was just recently, however, that I realized that most of my efforts were more about my own lack of confidence, even after 20 years of teaching, rather than about being a role model for my students. My own insecurities fueled my compulsion for them to think I was “good enough” to be their professor.

It was this realization that allowed me to see that my approach to my students' imposter phenomenon was dishonest. In responding to their disclosures, I pretended I was a confident person who never experienced such insecurities. I didn't want to share my own self-doubt because I didn't want them to question my abilities or have the take-away be that imposter phenomenon will never go away.

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# MICRO-ESSAYS

*(Sharing, continued)*

Recently, however, I tried a different approach. A student came to my office and shared how she was struggling on an assignment because she did not believe in herself. I took a deep breath and told her that I too was struggling with writing a law review article because I was intimidated by the more experienced scholars with expertise in the area I was writing. I shared that I contemplated not writing the article because I felt out of my league. She was surprised by my candid confession and asked what I did next.

I told her that I made a list of my accomplishments and my ideas and asked myself if this list represented someone else, how would I

perceive that person? Evaluating myself from an objective perspective, I saw that I did belong, and my ideas were just as worthy as anyone else's, even those with more expertise. While this admission still had the same underlying theme of my past "you can do it" pep talks, it carried so much more weight and impact. We now bond over our shared experiences, building connection and confidence resulting in more meaningful and growing experiences.

## ***Teaching Courageous Oral Advocacy***

Stephen Mortellaro

The Catholic University of America  
Columbus School of Law

Nothing strikes fear into the heart of a first-year law student like an oral argument exercise. Writing a memo or brief may cause anxiety, but speaking about it can utterly terrify even the most skilled student writers. Public speaking is often cited as the most common fear among American students—even more common than death! For the many professors who include a graded oral argument exercise at the end of their first-year legal writing courses, we are challenged to help students conquer their fear.

An effective pedagogical strategy to help students build confidence in oral advocacy is incremental

learning. We can structure courses with small, and increasingly challenging, opportunities for students to become comfortable speaking about their writing.

Well before my students participate in a graded oral argument exercise at the end of spring semester, I have them participate in two low-stakes "oral reporting" exercises in fall semester. In the first exercise, students work with a small group to orally report the analyses of their first objective memos to a client. Each student must report on one issue or sub-issue. An upper-level student roleplays as the client. The client asks some simple, "big picture" questions—teaching students how to translate a legal analysis for a layperson while dipping their toes into oral communication. This first oral exercise is the least intimidating.

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# MICRO-ESSAYS

*(Oral Advocacy, continued)*

The second oral reporting exercise is a supervisory conference, which occurs while students are writing a second objective memo. Roleplaying as a supervisor, I meet with students in pairs and ask them to describe their research and analysis. During the meeting, I ask students questions to help clarify their thinking, explore gaps in their research, and challenge their perspectives. Students find this oral exercise more intimidating than the first; being questioned by a professor-supervisor can be scary. But it helps them build courage to speak about their writing in a setting more closely resembling an oral argument.

In spring semester, I provide two opportunities for ungraded practice oral arguments. The first comes shortly after students write their first persuasive brief. I serve as the judge, and students argue for three to five minutes in front of the class. After the fall oral reporting exercises, students are more comfortable speaking in front of each other, so

being in each other's audience causes nervousness but not terror. It also instills confidence: students benefit from seeing each other's mistakes and hearing the questions and feedback I provide. The second practice exercise comes near the end of the semester, after students write their final persuasive brief and shortly before the final, graded oral arguments. This exercise is similar to the previous, but it is longer, and the class does not watch—making it a closer approximation of the final exercise.

Even with this incremental preparation, students still fear oral advocacy. But after incorporating these preparatory exercises into my classes, I have noticed an uptick in students' confidence when completing the final oral argument exercise—and an uptick in their performance as well. It may not be a panacea, but an incremental approach to teaching oral communication can help students develop the courage to successfully conquer their fear of oral advocacy.

## ***Courage in the Legal Writing Classroom Redefined***

Karin Mika

Cleveland State University School of Law

The Ohio Legislature's recent attempt (known as SB 83) to regulate the content discussed in college classrooms under the guise of ensuring ideological balance is a concerning trend. Many states have adopted (or proposed) similar legislation in their attempts to restrict discussion regarding the history of under-represented minorities, as well as issues related to inequality or social injustice. Some of the legislation even

includes penalties for teachers/professors who, in any way, highlight (or even discuss) the history and exploitation of minorities in this country, or problems of social inequality. This is especially problematic in law schools given that the entire history of law in this country is intertwined with the role inequality has played and how the courts have dealt with inequality.

Legal Writing professors have a unique vantage point in continuing to demonstrate the "courage" to highlight society's inequities while not necessarily

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# MICRO-ESSAYS

*(Courage Redefined, continued)*

breaking the laws in any overt way. This comes about through thoughtful problem selection and ensuring that the problems selected necessarily result in the students delving into the true and often ugly history of how underrepresented minorities have been treated within our legal system.

With respect to Ohio's SB 83 and other similar statutes, Legal Writing professors can still appropriately educate students about historical inequality through a form of neutrality. SB 83 and other comparable statutes do not often say directly that "liberal leanings" will be penalized, but rather focus on the need for neutrality and allowing students to reach their own conclusions. This is exactly what a good problem can achieve. Legal Writing seeks to teach students to view the law persuasively from all angles. As students are encouraged to do just this, they must necessarily challenge assumptions about seemingly neutral language and delve into the historical context that has shaped the law. This form of "neutrality" fosters critical thinking without the professor having to take a personal stance.

Law is a rich tapestry of cases with opposing viewpoints. Instead of shying away from controversial topics, professors can create assignments that encourage students to grapple with these complexities. For example, analyzing landmark cases on affirmative action or LGBTQ+ rights can expose students to diverse legal arguments and societal perspectives, all within the confines of non-liberal leaning legal analysis. First Amendment issues, especially those involving student protests, will give law students the opportunity to look in depth at both sides of the i

ssue. Even controversial issues focusing on abortion (and state attempts to find legal ways to curtail any access to abortion) provide the students with exposure to both sides without the professor necessarily taking a side.

State statutes prohibiting the teaching of "liberal-leaning" material have the potential of quieting voices that should be amplified. Maintaining courage in the face of restrictive legislation like SB 83 requires creativity. Legal Writing professors can foster critical thinking and prepare future lawyers by strategically utilizing teaching techniques that are seemingly neutral, but also force thoughtful consideration resulting in students becoming aware of historical injustices.



# MICRO-ESSAYS

## ***The Joy and Challenge of Teaching Legal Skills to Graduate Law Students***

Dana Raigrodski

University of Washington School of Law

For over fifteen years now, I have worked with graduate law students at the University of Washington School of Law—students at different stages of their lives and careers. Many of my students have been out of school for some time. Some have been working in a professional capacity while others have been focusing on family and volunteer engagement. Many are international legal professionals who come to the U.S. for one year only to pursue advanced continuing legal education. Others have migrated to the U.S. as refugees or in pursuit of new opportunities and are now starting over. Most are non-native English speakers studying complex materials in their second or third language. Teaching legal research, reasoning, and writing to these students has pushed me to remain student-centered, rigorous, and inclusive of a broad spectrum of learners. Inspired by my own students' courage in taking on new challenges, often in a whole new legal system and a new language, I continuously evaluate my teaching methods and course design to best meet their needs and goals.

I strive to create diverse learning opportunities and advance an inclusive and effective learning environment for students of all ages, backgrounds, and life experiences. I believe in setting high expectations for all students while providing each student with concrete tools and support to help them succeed in meeting those expectations. To that end, I utilize different delivery methods and a broad range of materials and provide regular opportunities for formative assessment and individualized feedback.

Students also receive grading rubrics in advance, as well as written samples to model their work on. Students regularly submit exercises and short writing assignments. In turn, they receive detailed written feedback on content as well as on the cohesion and clarity of their writing. Students who require more support meet with me to receive further feedback and put in place a plan for success on any given task. Sometimes, more experienced students have struggled to embrace my feedback. In these moments, I have to remind myself that setting high standards best serves our students and prepares them for the legal profession in the United States.

I also strongly believe that a significant part of the learning takes place by learning from each other. I treat the classroom as a collegial workshop in which the professor is but one source of information. Students are called upon to share their perspectives from their own experience and comparative knowledge. I believe that such opportunities to learn from each other create a much richer and inclusive learning environment. For me, it also means that we sometimes devote class time to reflect on outside events that are affecting our students and our communities. Particularly during challenging social and political environments in the U.S. and abroad, which often impact my students and me directly, it has been important for me to ensure that I model and support “brave conversations,” even within the confines of a legal skills class.

As a life-long learner, I feel truly lucky to have the opportunity to support others in their pursuit of knowledge. I learn from my students as much as, if not more than, they learn from me. Witnessing my students' sense of accomplishment and empowerment at the conclusion of their challenging studies is a major highlight for me and nourishes my commitment to teaching and learning.



# MICRO-ESSAYS

## ***Building Confidence in Oral Advocacy: Empowering Students Through Difficult Questions***

Rosa Kim  
Suffolk University Law School

No moment in a first year law student's experience demands as much courage as their spring oral argument assignment. In many ways, it is the culmination of all that the student has learned about legal analysis and advocacy.

As I read the anonymous post-oral argument reflections from my legal writing students this past spring, a clear theme emerged in the comments: students felt pushed out of their comfort zone, felt intimidated by the prospect of delivering an oral argument but they worked hard to prepare and ultimately had a fulfilling experience. While this was not a new theme, it struck me differently because in this round of oral arguments, I had noted that almost every student delivered their argument with confidence. This was highly unusual.

Two student comments in particular stood out to me, as they were so genuine and insightful:

"It was scary when I was preparing and when I initially got there but I remembered I had prepared and I knew my case. It felt nice, real, and just like a conversation."

"It was challenging to actually state my argument out loud coherently at first, but I enjoyed the process of practicing and feeling successful."

While I was pleased to see this positive feedback, I wondered why this sentiment was so prevalent and consistent across students this time.

What explained the overall high level of confidence among students? Based on student feedback and my own reflection, I deduced that a slightly different approach to an oral argument preparation exercise I do—the Difficult Questions List—was more impactful this time.

For the Difficult Questions List, I had small groups of students representing the same party come up with two really difficult questions they may get from the judge, questions that focus on the weaknesses of the party's facts and applicable law. Coming up with these questions would be the first learning moment - deciding what the weaknesses of the client's case are. Once those questions were submitted and compiled, students were provided with the master list of about 15 questions. The challenge, then, was to practice answering every difficult question on the list. Much like mooting for a debate, this exercise forced students to reach a level of comfort in dealing with the challenging aspects of their clients' case.

On previous occasions, I presented the exercise more as an academic assignment meant to supplement their preparation for oral argument. This time I emphasized its practical value and made it a central focus of their preparation; working through the list of questions would be difficult and taxing but if they were able to answer each question on the List, even imperfectly, they would be ready for oral argument and would have nothing to fear!

My reframed approach to this assignment seemed to resonate with students and help them to manage, and even overcome, the difficult challenge of oral argument. For me, it was a valuable reminder that as legal writing professors we have the power to foster courage and confidence in our students by taking an intentional approach to the tools we give them.

# MICRO-ESSAYS

## ***Cultivating Resilience Through Courageous Conversations About Failure***

Susan Tanner

University of Louisville, Brandeis School of Law

I have been ruminating on Sinsheimer and Fotuhi's work on fostering resilience in law students.[1] Their insights have underscored the importance of having the courage to engage in open discussions about failure as an integral part of the learning process. As educators, we often fall prey to imposter syndrome, fearing that admitting our own struggles and missteps will undermine our credibility or authority. This fear can lead us to paint an overly rosy picture of the learning process, shielding our students from the messiness and challenges inherent in mastering a new subject. By focusing too much on polished final products and perpetuating an illusion of sheer talent and easy success, we may inadvertently hinder our students' growth and resilience.

Law school is, and should be, a struggle. Teaching is, and should be, hard work. But we don't often acknowledge the work we put into making everything seem effortless. It takes courage to admit that neither we nor our students will always be perfect. Instead of striving for perfection as the singular goal of our teaching and their learning, we should create a classroom environment that normalizes the inherent struggles and failures accompanying skill development.

In the classroom, a failed assignment or a less-than-perfect draft is an opportunity for growth and improvement, a chance to receive feedback, refine skills, and develop resilience. In the real world, the consequences of failure can be far

more severe, potentially impacting clients' lives, cases, and careers. By creating a safe space for failure and growth in law school, we allow our students to make mistakes, learn from them, and develop the confidence and adaptability they will need to navigate the challenges of their future legal careers. It's hard enough for students to be vulnerable in our classes, we must encourage our students to take risks, stretch themselves, and grow, knowing that the lessons they learn from their failures now will serve as a foundation for their success in the future.

Cultivating resilience in our students requires us to reframe our approach to feedback and assessment, placing at least as much emphasis on the learning process as the product. One way to do so is by expecting and embracing mistakes on low-stakes assignments and early drafts. Equally important as emphasizing polished, professional work is conveying that during the learning process, students may not get everything right on the first try. By encouraging students to submit drafts that are not perfect, we create valuable opportunities to gain insight into areas where they are struggling, which, in turn, allows us to provide targeted feedback and support.

Embracing vulnerability and normalizing failure takes courage on our part as educators, as it requires us to step back from the desire to present an image of infallibility. This can be particularly challenging given the prevalence of "fake it until you make it" mentality in many law firms and the pressure students may feel to appear confident and knowledgeable at all times. To foster a culture of openness and growth, we must actively work to break down these barriers and create a

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*(Conversations About Failure, continued)*

safe space for students to admit uncertainty and ask questions. This might involve sharing our own experiences of imposter syndrome, discussing the realities of the learning process, and encouraging students to view asking for help as a sign of strength rather than weakness.

[1] Ann Sinsheimer & Omid Fotuhi, *Listening to Our Students: Fostering Resilience and Engagement to Promote Culture Change in Legal Education*, 26 J. Legal Writing Inst. 81 (2022).



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