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The President's Column

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Joining the Club Without Paying Its Dues: Newcomers View Their First LWI Conference

By Tracy Bach, Assistant Professor of Legal Writing, Vermont Law School

At the opening session of this summer's Legal Writing Institute Conference at Seattle University, LWI President Jane Kent Gionfriddo asked people attending their first conference to stand and be recognized. I and (what seemed like) a majority of those in the auditorium rose from our seats. Looking into the sea of faces, I began to wonder: all of us newcomers had become LWI members gratis by dint of becoming legal writing teachers, but had we really joined the club? When I left Seattle a few days later, chock full of teaching tips, the latest in LRW research and scholarship, and insights into the organization, I was curious about what others took home from their initial LWI meeting.

Like all good professional gatherings, the Seattle conference provided a forum for putting faces with names. "It was good to see others as enthusiastic about their work as I am about mine," said Michael Santana, an Assistant Professor of Legal Writing at Vermont Law School. While not quite the meet and greet frenzy of Sundance or even the annual law school orientation picnic, the conference created opportunities to see in person the people whose books you've taught from and listserv advice you've relied on. Not only does it satisfy your curiosity, it brings you that much more into the fold.

Moreover, the substance of the LWI sessions showed the concern for good

teaching and caring collegiality that exemplifies this organization. It was clear from each session that experienced teachers saw the conference as a chance to mentor those just starting out, to help newcomers learn how to teach students positively. Numerous sessions focused on pedagogy, from how to create assignments and critique student work to drawing lessons from different disciplines to enrich our own teaching. Especially popular was a workshop on critiquing student papers, coordinated by Daniel Barnett of Boston College Law School. Judy Giers, who became a legal writing instructor at the University of Oregon last June and attended the conference in July "before teaching a day," benefitted from the hands-on conference sessions and found the Basics track very useful. While taking a break from critiquing a stack of 54 first-year memos, she happily acknowledged that "I took part of the problem on covenants not to compete [used in the critiquing session] and incorporated it into my curriculum this fall. I already had sample memos to use as a baseline."

Ben Bratman, Associate Director of Legal Research and Writing at the State University of New York at Buffalo School of Law, also found the session materials and insights remarkably helpful. "I could take these tangible ideas back to the classroom and apply them," he recently

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The President's Column

This column contains excerpts from Professor Gionfriddo's address at the 2000 LWI Conference.

As many of you know, a group of legal writing faculty, representing both LWI and the Association of Legal Writing Directors, has been engaged in a continuing effort to improve the ABA accreditation standards that regulate employment conditions for legal writing faculty, and in particular to convince the ABA to include all full-time legal writing faculty within the protections of Section 405(c) of the standards, which requires job security for clinical faculty. We have kept you up-to-date on this effort through postings on the legal writing and research listservs and through discussions at the LWI Conference—and we will continue to do so since our work on this project is definitely a "work in progress."

Over the past two years more than 27 legal writing professors have testified before the Standards Review Committee of the ABA's Section on Legal Education and Admissions to the Bar. All these people have made impassioned, cogent and compelling arguments. Last February, I was one of the group who testified at the Committee's hearings in Dallas. Those of you who know me well know that flying on planes is not the thing that Jane Gionfriddo likes the best in the world. That I felt compelled to fly from Boston to Dallas to testify illustrates just how strongly I feel about this issue.

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The President's Column

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Below is my testimony. I hope it will help you think about what *you* will say when your turn comes to speak, whether at your own school or at the national level.



“My name is Jane Kent Gionfriddo. I’m an Associate Professor and Director of Legal Reasoning, Research & Writing at Boston College Law School. I’m also the President-Elect of the Legal Writing Institute, a national organization of legal writing faculty at all ABA-accredited law schools in the United States, faculty members in English departments, members of independent research-and-consulting organizations, and attorneys in practice, all of whom are committed to the development of excellent legal writing in law practice and to the teaching, curriculum development and scholarship on legal analysis and legal writing in all law schools.

I’m here today to speak about the positive effects of 405(c) status for all full-time legal writing faculty. I want to begin by saying that I don’t need to be here today because I already have the 405(c) support of my institution. I’m here because I know first-hand why 405(c) status is crucial to the development of the discipline to which I have committed the last eighteen years of my professional life. My five LR&W colleagues and I have had the support from our faculty as well as a long line of Deans at Boston College Law School who have had the vision to recognize that excellence in a legal writing faculty provides depth and breadth to the entire law school curriculum.

In essence, our 405(c) status has given us the kind of job security that over the years has allowed us to focus our energy and creativity on developing a sophisticated LR&W curriculum. It is this kind of curriculum that answers the question of ‘why should legal education care about developing the status of a group of faculty who teach legal reasoning, research and writing courses in the first and upper level law school curriculum?’

For instance, we would all agree that the first year of law school is all about teaching students how to ‘think like a lawyer.’ The question for legal education is, how best do

we do this? By what combination of approaches to teaching legal analysis, by what pedagogical methodologies do we help the broadest range of students become excellent in ‘thinking like a lawyer’?

Most first-year courses, those focused in a particular subject area, teach legal doctrine and analysis through a systematic study of cases and other authority in large classes using the Socratic Method. This is a time-honored and proven method to teach first-year students legal analysis. We all understand this in legal education; less well understood, though, is that a sophisticated LR&W course teaches legal analysis from a different perspective, one that greatly complements the traditional approach.

A legal writing course teaches students the process of legal problem-solving—identifying relevant authorities, analyzing them individually and synthesizing them to figure out what they say about an area of law, and applying them to a particular client’s problem in a particular jurisdiction. Working

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in this real-life context forces students to grapple with the analytical process in a way different from that within the traditional doctrinal classroom.

Moreover, legal writing courses are specifically designed to teach written expression of that analysis. We all know from writing legal scholarship or law practice documents how writing forces us to confront what we understand and what we do not. Writing brings us face to face with the precision and clarity of our thinking about a particular issue—or lack thereof—especially when, as in legal writing classrooms, we are given substantial written and oral feedback on where we have succeeded and where we have failed.

Both of these approaches—the traditional doctrinal approach and that in LR&W—are fundamental to training students in the first year of law school. Giving 405(c) status to the group of professionals who provide some of this fundamental training simply recognizes that legal education wants all law school faculty to have the kind of job security that results in the kind of high level instruction and curriculum devel-

opment that benefits our students and thus ultimately the legal profession.

405(c) status is simply something whose ‘time has come.’ It is not something dangerous; rather, it is something positive that will encourage, in fact take advantage of, the contribution of a group of talented, creative, committed people, which can only enhance the curriculum of individual law schools and legal education in general.”

[Ed. note: a report that ALWD and LWT sent to the Standards Review Committee and the Council of the Section on Legal Education and Admission to the Bar is available on the ALWD website at www.alwd.org. The changes proposed in the ALWD/LWT report were not adopted, and the current proposals are more modest than the ALWD/LWT proposals. The text of the current proposals, which would affect Standards 302 and 405(d) rather than bringing legal writing teachers within the ambit of 405(c), is available at www.abanet.org/legaled/standards/proposed.html. A hearing on the proposed changes was scheduled to take place at the AALS meeting in San Francisco in January; additional hearings will take place at the ABA Mid-Year Meeting in San Diego, CA, on Friday, February 16, and at the American Law Institute Annual Meeting in Washington, DC, on Wednesday, May 16. Comments on the current proposals should be addressed to Dean Barry Currier, Deputy Consultant, at currierb@staff.abanet.org. The Council anticipates making a final recommendation regarding these standards by June 2001.]

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