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### President's Opening Remarks on the Status of Legal Writing

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# PRESIDENT'S OPENING REMARKS ON THE STATUS OF LEGAL WRITING

*Jane Kent Gionfriddo\**

**LWI 2000 Conference**

***Thursday, July 20, 2000***

As the current President of the Legal Writing Institute, I want to welcome you to this conference. This conference is a very special event every two years. I came to my first conference, the second of these biennial conferences, in 1986 and I remember sitting out in the audience during the beginning welcomes and thinking, well, what would I want to say if I ever got the chance to address 350 of my colleagues? It was a beguiling fantasy only because I never thought I'd have the chance of doing so. But here I am. And, during the past two years as I've been President-Elect, I've found that I do have something important to me that I want to say.

This is a very special conference run by a very special Institute because it's where we all get together, all legal writing teachers, from a variety of different kinds of programs from all different areas of the country—and sometimes even other countries—as well as representatives from practice and law librarians and those from related disciplines, and we share our ideas during presentation sessions, in the hallways and over meals. The exchange of ideas during this conference has been for many what helped them in the classroom as teachers, as developers of curriculum, and as writers of legal scholarship. We get support from our colleagues in our successes and support in overcoming the obstacles that all of us face as educators in the legal writing discipline. We are friends, colleagues, mentors to each other; and many of those relationships have begun right here at this conference.

But this conference is also special because it illustrates, in my opinion, one of our great gifts to the legal academy: we value our successes in the classroom as much as we value our successes in

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developing curriculum as much as we value our successes in legal scholarship. We know that all types of intense, creative engagement with ideas that result in teaching our students well and enriching the profession and academy is the whole point of what we do as legal educators. We have no need to place a hierarchical value on the form as opposed to the substance of the contribution we make to legal education. We know that excellence in teaching and excellence in curriculum development and excellence in legal scholarship are goals that each of us should aspire to during a long career; but we value each because of its unique contribution to our enterprise, not because we recognize more inherent value in one than another.

Now, what I've just said should be so obvious to everyone in legal education that I would feel ashamed to get up here and make such a mundane point. But we also all know that legal education takes teaching and curriculum development for granted, and too often adheres to a narrow vision of what qualifies as "good" legal scholarship instead of looking to the quality of the thinking and the contribution of the endeavor. It is this narrow point of view that has long prevented the sufficient development of legal education—and is thus something that hinders the education of our students and ultimately the quality of the legal profession itself.

But, don't kid yourself—this point of view is not a popular one and it is not one that endears us to the legal academy. And we all know that we are in the midst of a very real struggle—a worthy one—that of being accepted as valuable and equal members of the legal academy. But the question is, is acceptance on the academy's terms worth the loss of our own voice? And my own answer is, no. We have great gifts individually, and as a discipline, to give to this academy. We must therefore gain admission on our own terms—not only to remain true to ourselves but because we have so much of value to contribute to the next stage of legal education. We are innovators, and our acceptance must not come at the cost of our own unique contribution.

I remember the point in my own development when I realized that I felt strongly enough about something to do with legal writing that I was no longer afraid to speak what I perceived to be the truth. In the mid-1980's, we developed goals for our first-year legal writing curriculum at Boston College Law School. I and my colleagues drafted a goals statement, one that developed a series of goals for teaching legal analysis, teaching legal research, and teaching legal writing. When I brought them to the chair of the committee, he asked me if I thought it was politically wise to be so

forthright about the fact that we were teaching legal analysis. I remember vividly that, though I was afraid, I knew that this was not negotiable. I could not teach legal writing well if I were not teaching legal analysis; and to omit the foundational goals of our course was to deny the truth of our course and the very real value of what it was contributing to the rest of the first-year curriculum. I felt we had no choice but to go forward with the goals as written, whatever the risk to ourselves and our course. Now, luckily, this story has a happy ending. Despite some questions, the faculty adopted our goals as written and we went on to develop a course that we believe contributes something unique to the first-year curriculum, not the least of which is teaching students analytical skills in a manner that is different from, but complementary to what occurs in the doctrinal courses.

I believe that the discipline of legal writing is right now at the same sort of crossroads as my colleagues and I were in my story. All of us in legal writing want, and should, be accepted by the legal academy; but we should never do so at the cost of losing the uniqueness of our contribution—or our victory will be hollow indeed. We bring to legal education our belief in the inherent, equal value in all forms of high level engagement of ideas—and we must hold onto this ideal.

This conference is one of the major legal writing events that shapes our attitudes about ourselves and our discipline and our ultimate place in legal education. So enjoy yourselves; learn a lot of new ideas; get to know a lot of great people. But know that you are doing so as those who will help shape the future of legal education.