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# THE ROLE OF A WRITING SPECIALIST IN ENHANCING YOUR LEGAL WRITING PROGRAM

JEREMY FRANCIS<sup>†</sup>

This article is adapted from a presentation at the Legal Writing Institute One-Day Workshop at the University of Denver Sturm College of Law, December 5, 2015. The conference addressed the topic of “Taking it to the Next Level: Your Course, Your Program, Your Career.” Parts of this article derive from an article in the LWI publication *The Second Draft* entitled *It’s a Matter of Degree: Different Credentials can Provide a Diversity of Perspectives*.<sup>1</sup>

When I was first hired as a writing specialist in 2006, most people wanted to know, “What is a legal writing specialist?”<sup>2</sup> More recently, as more law schools have hired writing specialists, the most common question I receive is, “How can I get a writing specialist at my law school?” In this article, I’d like to explore both questions. Both what it means to be and how to recruit a writing specialist depend greatly upon the needs of the law school and legal writing program and the unique talents of the Writing Specialist. My experiences are likely different than most law school faculty, but the program my colleagues and I have developed at Michigan State University College of Law derives and benefits from those experiences.<sup>3</sup>

## I AM A WRITING SPECIALIST BECAUSE OF A BISON

As an undergraduate student at Colorado State University, I bounced around the humanities in search of a major that would work for me. At the end of my sophomore year, I had nearly settled on a career in archaeology until I did my first field excavation. I signed on to help unearth an estimated 200 bison that were dispatched on a single day about

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1. Jeremy Francis, *It’s a Matter of Degree: Different Credentials can Provide a Diversity of Perspectives*, 28(1) SECOND DRAFT, Spring 2016 (forthcoming).

2. According to a 2006 Survey conducted by The Association of Legal Writing Specialists, there were only an estimated 11 full-time writing specialists at American law schools. ASSOCIATION OF LEGAL WRITING SPECIALISTS, WRITING SPECIALISTS SURVEY: 2006 (unpublished survey results) (on file with author).

3. For a robust description of the Michigan State University College of Law Writing Seminar Program and Writing Specialist position, see Francis, J., O’Regan, D. & Black, R., *Designing Success: Motivating and Measuring Successful 1L Student Engagement in an Optional, Proficiency-Based Program Teaching Grammar and Punctuation*, 21 LEGAL WRITING (forthcoming 2016), <http://ssrn.com/abstract=2664618>.

2700 years ago near what is now Windsor, a city in northern Colorado.<sup>4</sup> On my first day of fieldwork, I was issued my three tools that would occupy my 60 hours on the ground: a piece of bamboo roughly the size of a curved popsicle stick, a 1" wide boar hair brush, and a spray bottle filled with water. Spray, scrape, brush, repeat. This drudgery was the beginning of the end of my flirtation with archaeology.

The professor in charge of the dig decided that it would be interesting to acquire a modern bison skeleton for comparison. One spring morning, my supervisor invited me to a farm north of Fort Collins to help "process" a bison into a skeleton.<sup>5</sup> The farmer who had sold the animal to the CSU Archaeology program commented, "Well . . . I guess he won't pull the Christmas sleigh this year." We, in the pursuit of academic knowledge, had purchased and killed the Christmas bison, who, with his nose painted red, had pulled a decorated wagon full of happy children every December. I made a quick and decisive mental note: "I want to be an English teacher."

So I pursued English. After graduation, I earned my teaching certificate and M.A. in Education at the University of Denver, the host institution for this conference. I learned to design individual lessons to create coherent units in turn to create meaningful courses, measured through effective and principled assessments. My study at the University of Denver and experience teaching high school English led me to pursue a Ph.D. in English Education at Michigan State University, where my work focused on critically examining educational practices and training future English teachers. When Michigan State University College of Law offered me a chance to work with talented and dedicated students who wanted to become lawyers, a group I associated with being able to improve the world through language, I made another decision: "I want to be a legal writing specialist."

Martin Katz, Dean of the University of Denver Sturm College of Law, commented during his opening address to this conference about "pockets of expertise" that exist in law schools, specifically how legal writing faculty deepen the collective knowledge in the life of a law school. Within legal writing, writing specialists represent another source of deep expertise. My pocket of expertise is in English education and assessment. Other writing specialists have diverse and valuable skills, including experience working in ESL, writing centers, and specialized legal practice. The benefit to a legal writing program grows out of the

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4. Todd, L. C., Jones, D. C., Walker, R. S., Burnett, P. C., & Eighmy, J., *Late Archaic Bison Hunters in Northern Colorado: 1997-1999 Excavations at the Kaplan-Hoover Bison Bonebed (5LR3953)*, 46(176) *PLAINS ANTHROPOLOGIST* 125 (2001).

5. I shall leave out all of the details here. It is a funny story, though, and I would happily share it with anyone interested over a coffee at a future conference.

synthesis between the program's needs and the specific skills of its writing specialist.

#### A BRIEF HISTORY OF WRITING SPECIALISTS IN LAW SCHOOLS

Anne Enquist and Jessie Grearson cite the origin of writing specialists in law schools as coinciding with “cultural events that were changing the nation and shaping its views on teaching writing” from the 1960s through 1970s.<sup>6</sup> The impetus to hire non-lawyer composition and language experts in law schools emerged to address the needs of remedial students.<sup>7</sup> However, as faculty began to note a perceived decrease in writing ability of entering students, the trend quickly transitioned toward helping all law students. Lynn Squires answers the supposed question pondered by law faculty, “‘Can’t law students write already?’”<sup>8</sup> “The answer,” she writes, “is, ‘yes’ and ‘no’ . . . . [Entering law students] write no better or worse than any other group of recent college graduates, which is to say, not well.”<sup>9</sup>

The responsibilities of a writing specialist are defined elsewhere as “holding student conferences, training legal writing teachers, providing writing workshops, training law review and advanced moot court students, teaching upper-class advanced writing courses, reviewing upper-class seminar papers, and publishing scholarly articles and books.”<sup>10</sup> Lurene Contento updates the list of responsibilities that have emerged since the 1990s to include serving on law school and national committees, presenting at local and national conferences, consulting with law firms and legal practitioners, and directing writing centers.<sup>11</sup> To these, I would add working one-on-one with English language learners, both J.D. and LL.M. Many of these responsibilities overlap with the duties of traditional faculty members, but many are unique.

My typical week as a writing specialist involves twenty or more hours of pre-arranged meetings with students about drafts of papers, memos, briefs, cover letters, and writing samples. On normal weeks, I schedule two appointments per hour. The week before memos or briefs are due in legal writing courses, I meet with three students per hour to

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6. Anne Enquist & Jessie Grearson, *A History of Writing Advisors at Law Schools: Looking at Our Past, Looking at Our Future*, 5 LEGAL WRITING 55, 56 (1999).

7. Lynn Squires comments on the value of non-J.D. writing specialists: “A non-lawyer [specialist] is able to read student writing as a client reads a lawyer’s written communication.” Lynn B. Squires, *A Writing Specialist in the Legal Research and Writing Curriculum*, 44 ALB. L. REV. 412, 420 (1980).

8. *Id.* at 415.

9. *Id.*

10. Enquist & Grearson, *supra* note 6, at 64 (citing RALPH L. BRILL, SUSAN L. BRODY, CHRISTINA L. KUNZ, RICHARD K. NEUMANN, JR. & MARYLIN R. WALTER, SOURCEBOOK ON LEGAL WRITING PROGRAMS 86–88 (American Bar Association 1997)).

11. Lurene Contento, *Way Beyond Grammar: What Today’s Legal Writing Specialist can Do For You*, SCRIVENER, Summer 2015, at 1–2.

meet demand and also offer drop-in office hours.<sup>12</sup> In the fall semester, I teach a series of five optional Writing Seminars on language issues relating to grammar, punctuation, and legal style.<sup>13</sup> I teach each of the five seminars three or four times to accommodate the maximum number of students. Most semesters I either teach or co-teach a course for foreign LL.M. students called Legal English I for Foreign Educated Lawyers. Periodically throughout the semester, I am invited to present on a specialized topic to an upper-level course, one of our clinics, our Trial Practice Institute, or a journal or Law Review. Another core duty is to coordinate our in-house writing pre- and post-assessments, which I designed with my colleague Daphne O'Regan. These responsibilities grew over time as the needs of the law school changed.

#### THE VARIOUS CONTRIBUTIONS OF WRITING SPECIALISTS TO THEIR LEGAL WRITING PROGRAMS

Writing specialists are a unique group within law schools, both in academic training and pedagogy. Currently, the majority of writing specialists have advanced degrees other than a J.D.<sup>14</sup> While many law professors studied to become lawyers and later developed an interest in teaching, the majority of writing specialists entered their respective disciplines specifically to become educators. Moreover, graduate degrees in the humanities frequently offer graduate students the ability to serve as teaching assistants (TAs). In practice, and especially in the humanities and college composition, TAs are not strictly assistants, but often the sole instructors in the courses. Thus, an English or Composition graduate student may complete her Ph.D. with six to ten semesters of teaching experience. The ABA Sourcebook on Legal Writing Programs points out that writing specialists are more likely to have “experience teaching composition at the college level.”<sup>15</sup> The authors continue: “This experience, along with familiarity with composition theory and learning theory, means that the writing specialist may have a greater understanding of teaching methodology than the typical law teachers who have had little or no background in teaching.”<sup>16</sup>

The varied academic preparation and professional experience of many writing specialists can benefit your legal writing program. There are many more challenges on the horizon for legal writing and legal edu-

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12. During these time periods, my Google Calendar looks like a failed game of Tetris.

13. Despite being optional, student attendance is great. 1L attendance has exceeded 85% at some seminars.

14. See BRILL ET AL., *supra* note 10, at 85. See also JILL J. RAMSFIELD & BRIEN C. WALTON, SURVEY OF LEGAL RESEARCH AND WRITING PROGRAMS (1994) (unpublished manuscript) (on file with author); ASSOCIATION OF LEGAL WRITING SPECIALISTS, *supra* note 2; ASSOCIATION OF LEGAL WRITING SPECIALISTS, BRIEF INFORMATION SUMMARY OF WRITING SPECIALISTS SURVEY (2011) (unpublished manuscript) (on file with author).

15. BRILL ET AL., *supra* note 10, at 85.

16. *Id.*

cation, and writing specialists, by virtue of their varied skills and backgrounds, could play key roles in helping to generate creative solutions. In fact, recent studies point to the value of diverse perspectives in generating creative solutions to difficult problems.<sup>17</sup>

As mentioned above, many writing specialists have experience in the field of education or developing curricula. For example, Kate Stoker, Writing Specialist at the University of Denver Sturm College of Law, has created an online resource bank for both students and legal writing professors.<sup>18</sup> Her webpage is a first-stop for me when I am looking for inspiration for a Writing Seminar.

Meeting with students one-on-one is the core responsibility of most writing specialists. These interactions are common throughout the law school curriculum, but particularly in legal writing. Steven Schultz, Writing Specialist at Villanova School of Law, has extensive experience as a paralegal and writing center consultant. Writing center pedagogy is a robust applied discipline with features upon which all legal writing professors can draw.<sup>19</sup>

Lurene Contento is an attorney who applied her talents to the writing specialist trade with a particular emphasis on international legal writing. Lurene is a top expert on plagiarism in the field of legal writing and an extraordinary presenter. MSU Law invited her to present to our LL.M. students on plagiarism, and it was outstanding. I recommend you invite her to speak to your J.D. or LL.M. students as well as your faculty.

Many law schools have added LL.M. programs in the past decade. One often-overlooked challenge with these programs is having qualified ESL specialists to help English language learners adapt to the linguistic rigors of law school. Alyssa Hartig, Assistant Professor of Applied Linguistics at Portland State University, did her doctoral research on working with foreign LL.M. students and helping them bridge the linguistic and cultural boundaries between the U.S. legal and educational systems and their home systems.

If you think a writing specialist can help enhance your legal writing program, I have two suggestions. First, consider your needs. Does your law school need to support a growing number of English as a Foreign Language students? Or do you have J.D. students who struggle with basic conventions of professional writing? Would it be more appropriate to hire someone with a J.D., or would an expert from another field, such as linguistics or composition, be more beneficial? Second, reach out.

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17. E.g., Toby Marshall Egan, *Creativity in the Context of Team Diversity: Team Leader Perspectives*, 7 *ADVANCES DEVELOPING HUM. RESOURCES* 207 (2005).

18. *Writing Tips*, U. DENVER STURM C.L., <http://www.law.du.edu/index.php/aap/writing-clinic/writing-tips> (last visited Jan. 25, 2015).

19. See Kristen E. Murray, *Peer Tutoring and the Law School Writing Center: Theory and Practice*, 17 *LEGAL WRITING* 161 (2011).

Every writing specialist I know would love to hear from you and talk about the work that went into building a program.