

Law Students Are Different from the General Population: Empirical Findings Regarding Learning Styles

By Robin Boyle, Jeffrey Minneti, and Andrea Honigsfeld¹

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It was a snowy day during a semester break when Prof. Robin Boyle was discussing teaching law students and learning styles with Dr. Andrea Honigsfeld, who has performed numerous empirical studies and has published many books and articles on teaching to the learning style of children and adults.² Also at the table was Susan Rundle, president of Performance Concepts International (PCI). PCI develops and administers the Building Excellence (BE) Survey, an online learning style assessment survey (described below). Prof. Boyle was aware during this conversation that professors who teach in other graduate programs are fascinated by law students. Dr. Honigsfeld asked a question of Prof. Boyle, much like one she's been called upon to answer before: "What are law students like as students? Are they really different from students in other disciplines?"

It was at this point in the conversation that Dr. Honigsfeld suggested conducting an empirical study to compare the learning styles of law students with other young adults—do they have similar learning styles? Although the question was a simple one, little did the researchers realize on

that cold New York day that the empirical study would involve data compilation from several schools around the country, as far south as sunny Florida. The results would evolve over the next couple of years.

¹ Special thanks to Dr. Rita Dunn, Professor, Division of Administrative and Instructional Leadership, and Director of the Center for the Study of Learning and Teaching Styles, St. John's University; Susan M. Rundle, President, Performance Concepts International, Danbury, Conn.; Dr. Edward Stockham and Jody Cenzano, Rochester, N.Y.; and Alison Weintraub, student at St. John's University School of Law.

² See, e.g., Susan Rundle & Andrea Honigsfeld, with Rita Dunn, *Building Excellence: An Educator's Guide to the Learning Individual* (2007) [hereinafter Rundle, *Building Excellence*]; Rita Dunn & Andrea Honigsfeld, *Differentiating Instruction for At-Risk Students* (2009); Rita Dunn et al., *Impact of Learning-Style Instructional Strategies on Students' Achievement and Attitudes: Perceptions of Educators in Diverse Institutions*, 82 *The Clearing House* 135 (2009).

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I. The Study Design

The first step in answering the question was to compile data on the learning styles of law students. Prof. Boyle had been assessing the learning styles of students at St. John's University School of Law since the mid-1990s.³ For purposes of this study, Prof. Boyle contributed, with the assistance of a statistician⁴ and staff⁵ at PCI, data comprising of students' self-assessment of their learning styles. The BE Survey was the assessment tool used for this study for all sample populations. The St. John's population included students from various programs in both the day and evening divisions: first-year, upper-level, and the Academic Support Program.⁶ The data spanned the years 2003 to 2006.⁷

Prof. Jeffrey Minneti, from Stetson University College of Law, with the assistance of PCI, contributed to the law school data profile by providing results of his students' answers to the BE Survey, which the entering class took during orientation.⁸ Prof. Minneti provided data from Stetson generated from students entering in its

part-time class in fall 2006 and entering in its full-time class in spring 2007. The data from both schools provided a healthy profile of the learning style of law students (the Law Student Population).

The demographics of Stetson and St. John's were similar in some ways, yet different in other ways. During the time period in which we collected the data, both law schools had approximately 1,000 law students and both had full-time day and part-time programs.⁹ The schools were similar in race and ethnicity—both were primarily Caucasian with similar percentages of persons of color.¹⁰

As for differences, St. John's is in the Northeast, whereas, Stetson is in the Southeast. St. John's law school is part of a larger university and is located in an urban geographical area—Queens, N.Y.; Stetson's law school is a stand-alone school with its campus in Gulfport, Fla. The median student age was lower at St. John's than at Stetson.¹¹ In the populations studied, the median Law School Admission Test (LSAT) score was slightly higher at St. John's, but the median college GPA ranges were similar.¹² There were more females in the Stetson classes studied than in the St. John's classes.¹³

PCI and Dr. Honigsfeld randomly selected 95 students' BE profiles from the two law school subsets, arriving at the Law Student Population for

“The first step in answering the question was to compile data on the learning styles of law students.”

³ See, e.g., Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 Alb. L. Rev. 213 (1998); Robin A. Boyle & Lynne Dolle, *Providing Structure to Law Students—Introducing the Programmed Learning Sequence as an Instructional Tool*, 8 Legal Writing 59 (2002); Robin A. Boyle et al., *Presenting a New Instructional Tool for Teaching Law-Related Courses: A Contract Activity Package for Motivated and Independent Learners*, 38 Gonz. L. Rev. 1 (2003); Robin A. Boyle, *Employing Active-Learning Techniques and Metacognition in Law School*, 81 U. Det. Mercy L. Rev. 1 (2003); Joanne Ingham & Robin Boyle, *Generation X in Law School: How These Law Students Are Different from Those Who Teach Them*, 56 J. Legal Educ. 281 (2006).

⁴ Dr. Edward Stockham, a consultant to PCI.

⁵ Jody Cenzano, an employee of PCI.

⁶ At St. John's, students in the Academic Support Program are those with a law school grade point average (GPA) of 2.2 and below, as well as students who come to the law school through the Summer Institute program. The Summer Institute is offered to law school applicants with low application predictors; if the Summer Institute student earns a B-minus or better in the intensive doctrinal course, admission to the law school is offered.

⁷ Prof. Boyle received approval from her university's Institutional Review Board.

⁸ Prof. Minneti received approval from his school's Institutional Review Board.

⁹ St. John's had approximately 290–350 law students per year, consisting of both day and evening students. Stetson had approximately 750 students in total in its full-time program and 250 students in its part-time program.

¹⁰ The ethnicity of St. John's University law classes studied ranged from 20–27 percent of Hispanic, African-American, and Asian descent. At Stetson, the law classes studied ranged from 16–28 percent of Hispanic, African-American, Asian, and Puerto Rican descent.

¹¹ At St. John's the median age of the law students studied was 23, in contrast with the median ages of the classes studied at Stetson, which were 26 and 29.

¹² The median LSAT score was 160 at St. John's, which was slightly higher than the 154 median LSAT score at Stetson. The median college GPA ranges were similar between the two schools: for St. John's the median college GPA ranged from 3.42–3.53 and for Stetson, the group's median college GPA was 3.4.

¹³ In the classes studied at Stetson, the percentages of female students ranged from 52–58 percent, whereas at St. John's, depending on the year, the percentage of female students ranged from 46–47 percent.

“We selected the Dunn and Dunn Model for our empirical study because it is comprehensive in design.”

this empirical study. The Law Student Population group profile resembled the class learning-style profiles that Prof. Boyle had collected in prior years from St. John's.¹⁴ These profiles were also similar to class profiles drawn in later years by both law schools. Prof. Boyle continues to assess law students at St. John's each semester in the part-time, full-time, and Academic Support programs;¹⁵ in the spring of 2008, Profs. Minneti and Catherine Cameron at Stetson administered the BE inventory to its entering class.¹⁶ The consistent BE profiles of law school students confirm that the Law School Population data set was reliable.

In order to compare the law students to students in other schools of comparable age and education, PCI created a General Student Population data profile of young adults. PCI had been providing the BE learning-style assessment to college and graduate school professors around the country. For purposes of this study, PCI compiled a random sample of 95 students from college and graduate schools around the United States to create the General Student Population. PCI distributed the BE Survey to students at five schools and to their respective student populations.¹⁷ The age range of the subjects was 17–24. The education level achieved by subjects in this population was high school through post-graduate school. The General Student Population data set provided a cross-section of subjects that was comparable in age and education to law students.

¹⁴ See *supra* note 3.

¹⁵ Data from the BE Survey conducted at St. John's is on file with PCI and with Prof. Boyle.

¹⁶ See Jeffrey Minneti & Catherine Cameron, *Teaching Every Student: A Demonstration Lesson That Adapts Instruction to Students' Learning Styles*, 17 *Perspectives: Teaching Legal Res. & Writing* 161 (2009) (describing how the BE profile of students at Stetson taken after the empirical study was conducted was used for the basis of classroom instruction designed to reach the diverse learning styles of the class).

¹⁷ St. John Fisher College in Rochester, N.Y. (graduate level students); University of San Diego in San Diego, Calif. (graduate level students); Rochester Institute of Technology in Rochester, N.Y. (undergraduate and graduate level students); Ursuline College in Pepper Pike, Ohio (undergraduate and graduate level students); and Centenary College in Parsippany, N.J. (undergraduate and graduate level students).

II. Dunn and Dunn Model and BE

We selected the Dunn and Dunn Model for our empirical study because it is comprehensive in design.¹⁸ The Dunn and Dunn Model emerged from cognitive-style theory, brain-lateralization theory, and practitioners' observations.¹⁹ Over the past three-and-a-half decades, extensive research has been conducted with this model, which currently includes 26 learning-style elements.

Researchers at more than 135 institutions of higher education throughout the world have engaged in studies using the Dunn and Dunn Model.²⁰ These researchers have explored connections between individual preferences and their impact upon learning.²¹

One of the learning-style assessments of the Dunn and Dunn Model is BE.²² When students took BE, their learning styles were measured according to 26 variables subdivided into six stimulus strands: Perceptual, Psychological, Physiological, Emotional, Environmental, and Sociological.²³ Although the

¹⁸ See *What If? Promising Practices for Improving Schools* (Rita Dunn & Shirley Griggs eds., 2007); *Synthesis of the Dunn and Dunn Learning-Style Model Research: Who, What, When, Where, and So What?* (Rita Dunn & Shirley Griggs eds., 2007 Revised) (2003).

¹⁹ Lynn Curry, *Learning Styles in Secondary School: A Review of Instruments and Implications for Their Use* (1990) available at ERIC document: (ED317283); Charles Claxton & Patricia H. Murrell, *Learning Styles: Implications for Improving Educational Practices*, No. 4 ASHE-ERIC Higher Educ. Reports (Assoc. for the Study of Higher Educ., Wash., D.C.) (1987); Rita Dunn et al., *Diagnosing Learning Styles: A Prescription for Avoiding Malpractice Suits*, 58 *Phi Delta Kappan* 418 (1977); Rita Dunn & Kenneth Dunn, *Teaching Elementary Students Through Their Individual Learning Styles: Practical Approaches for Grades 3–6 2* (1992).

²⁰ See the Learning Styles Web site at <www.learningstyles.net> (last accessed on Jan. 11, 2009).

²¹ Researchers worldwide have conducted numerous studies to determine relationships between a number of the learning-style preferences and academic achievement. See, e.g., Andrea Honigsfeld, *The Learning Styles of High-Achieving and Creative Adolescents in Hungary*, 15(1) *Gifted and Talented Int'l 39* (2000); *Practical Approaches to Using Learning Styles in Higher Education* (Rita Dunn & Shirley A. Griggs, eds., 2000).

²² Another tool that other researchers have used is the Productivity Preference Survey. See, e.g., Boyle & Dunn, *supra* note 3, at 223.

²³ The variables are further described below within the findings section.

Dunn and Dunn Model consists of multiple elements, individuals tend to be affected by six to 14 elements. Only those six to 14 elements comprise each individual's learning style.²⁴

BE relies upon self-assessment. It asks a series of questions designed to elicit responses from the student.²⁵ The purpose of BE is to help individuals "learn new and complex material, increase productivity, develop new skills, and change behavior."²⁶

The responses for each element fall along a five-point Likert scale indicating a continuum such as this: strongly agree, agree, it depends, disagree, and strongly disagree.²⁷ For example, if a student indicated in her responses to BE that she did not learn by listening, the report would indicate "strong" or "moderate" for the "less auditory" end of the auditory-element continuum. On the other hand, if a student indicated that she did learn by listening, the report would indicate "moderate" or "strong" on the opposite end of the auditory-element continuum. If the student's response indicated that the element was nonessential to her learning, then she would see "it depends" checked off on the printout, indicating that the element "does not affect" her.²⁸ As BE administrators explain, "Effective use of the element depends on the situation and an individual's level of interest."²⁹

At the conclusion of the 20-minute online survey, all of our participants printed a comprehensive BE Learning and Productivity Style report of 18 to 20 pages in length. They also received a one-page graphic overview. The data for this study came from

the information supplied by all of the participants when taking BE.³⁰

BE was introduced to both the Law Student Population and the General Student Population primarily in classroom settings. All professors introduced students generally to the concepts of the Dunn and Dunn Model and BE. At some schools, this was achieved during the semester while school was in progress, and for others it was presented during orientation. Some students received information by mail, and thereafter met with their professors during conference time when students could discuss their BE reports.

III. Empirical Findings

Dr. Honigsfeld compared the two data sets—the Law Student Population versus the General Student Population. The results of our empirical study showed that the learning styles of the students in the law schools differed significantly from those in the college and graduate schools for 14 different elements of the 26 elements studied.³¹

We are mindful of the pitfalls of stereotyping. We do not intend to dissuade anyone from applying to law school on account of their learning-style assessment data, nor do we intend to minimize the contributions and potential success of current law students who are outside the profile of the majority of students. Instead, we offer these data and their comparisons for purposes of intellectual curiosity with pedagogical pursuits.

Dr. Honigsfeld calculated participants' average scores for each of the 26 elements as indicated on the BE profiles. The findings indicate significant differences by student population (non-law school versus law school). The 14 elements are listed in Appendix A, *infra*, and described in text below. The categories below track the Dunn and Dunn model.

“BE relies upon self-assessment. It asks a series of questions designed to elicit responses from the student.”

²⁴ Rita Dunn & Kenneth Dunn, *The Complete Guide to the Learning Styles Inservice System* 34 (1999).

²⁵ See Rundle, *Building Excellence*, *supra* note 2, at 6.

²⁶ *Id.* at 2.

²⁷ *Id.* at 11.

²⁸ *Id.* at 10.

²⁹ *Id.*

³⁰ All data have been securely stored electronically by Performance Concepts International.

³¹ See Appendix A.

“The Psychological category focuses on cognitive processing style, with Analytic learners on one end of the continuum and Global learners on the other.”

The category of Perceptual Preferences includes five elements—Auditory, Visual Picture, Visual Text, Tactile/Kinesthetic,³² and Verbal (Internal Kinesthetic).³³ Statistical differences were noted between the two groups. The General Student Population tended to be stronger on the preference of Visual Picture (responsive to charts, graphs, tables, figures, and other graphic images as opposed to the printed text). For the Tactile/Kinesthetic perceptual strength (learn by manipulating resources with their hands, role playing, or experiencing), the General Student Population rated themselves as having stronger preferences than did the Law Student Population. However, the Law Student Population had a stronger preference for Verbal Kinesthetic tendencies (they learn by speaking while simultaneously listening).

The Psychological category focuses on cognitive processing style, with Analytic learners on one end of the continuum and Global learners on the other. A combination of the two, a person who is Integrated (processing equally well both globally and analytically—but only when interested in the content) appears in the middle of the same continuum spectrum.³⁴ On the dichotomous scale of Global (comprehends the conceptual framework first) and Analytic processing (learns sequentially), the law students were significantly more Analytic than the non-law students.

The Physiological category includes elements that affect “one’s ability to remain energized and stay alert in learning and working environments.”³⁵ The General Student Population reported a slight preference for more Mobility (needing breaks and opportunities to move and walk intermittently), whereas, the Law Student Population reported a

slight preference for less Mobility. Concerning Time of Day, the Law Student Population was characterized by significantly stronger preferences for Late Afternoon and Evening hours (best time for studying or taking classes); whereas, the General Student Population preferred studying in the early morning hours.

The Emotional category focuses on how quickly one completes challenging and complex tasks; the elements include Motivation (internally or externally academically motivated) and Task Persistence.³⁶ As for internally Motivated, the General Student Population was slightly stronger on average than the law students. As compared with the non-law students, the law students were significantly stronger preferred for single-task oriented (for staying with one task and avoiding multitasking).

The Environmental category includes such elements as sound, light, furniture design, and room temperature, which may have a positive or negative impact on students’ ability to concentrate.³⁷ The impact of the environment on school climate and achievement in the K-12 context has been widely documented in the literature.³⁸ According to the data in this study, the element of light significantly differentiated between the General Student Population and the Law Student Population: the General Student Population needs even brighter light than the Law Student Population.

How students prefer to learn in terms of groups or individually is categorized as Sociological.³⁹ As compared with the Law Student Population, the General Student Population expressed stronger preferences both for Small Group instructional

³² When these data sets were analyzed, BE combined certain elements, but in a more recent version of BE, fall of 2007, elements were separated. Thus the current model depicts six perceptual elements: Auditory, Visual Text, Visual Picture, Tactile, Kinesthetic, and Auditory Verbal.

³³ See Rundle, *Building Excellence*, *supra* note 2, at 14–27.

³⁴ See *id.* at 28–35.

³⁵ See *id.* at 46–51.

³⁶ See *id.* at 52–61.

³⁷ See *id.* at 36–45.

³⁸ See C. Kenneth Tanner, *The Influence of School Architecture on Academic Achievement*, 38(4) *J. Educ. Admin.* 309 (2000); Cynthia Uline & Megan Tschannen-Moran, *The Walls Speak: The Interplay of Quality Facilities, School Climate, and Student Achievement*, 46(1) *J. Educ. Admin.* 55 (2008).

³⁹ See Rundle, *Building Excellence*, *supra* note 2, at 62–71.

approaches and Team Learning opportunities. On the other hand, as compared with the General Student Population, the Law Student Population expressed a moderate preference for less Variety. In other words, both groups tended to prefer predictable routines and patterns when learning new and difficult information; however, the law students needed significantly more predictability than the non-law students.

In summary, as compared with those in the General Student Population, the law students more strongly assessed themselves as Verbal Kinesthetic, Analytic, experiencing higher energy levels in the Late Afternoon/Evening, Single-Task preferred (as opposed to multitasking), less likely to learn in Small Groups or Teams than Independently, and preferring Routines and Patterns.

As compared with the Law Student Population, the General Student Population profiles indicated that college and graduate students more strongly assessed themselves as Visual-Picture oriented, Tactile/Kinesthetic, more in need of Mobility, requiring Bright Light to a greater degree, preferring Early Morning for studying and taking classes, Internally (academically) Motivated, and more likely to learn in Small Groups and Teams.

IV. Implications of the Study's Findings

We inescapably draw some inferences concerning why law students are significantly different in their learning styles from the general population. Students who apply to law school may have been encouraged by their college professors, high-school teachers, moot-court advisers, or concerned family friends and parents. These encouraging individuals may have perceived traits that currently are prevalent in the learning-style profiles of the law students—such as thinking on their feet (thus the high verbal/kinesthetic scores of law students).

Those outside the doors of law school—college and graduate students—strongly prefer to learn with visual images such as pictures, graphs, charts, or diagrams. To be accepted into law school requires the test taker to have performed well on the LSAT, which is heavily text-oriented. There likely is a

weeding out of visually-picture-preferenced students when the students who performed better on the entrance exam were ones who were more likely to be visually-text preferred.

In the majority of law schools, teaching methods for first-year law students are incongruent with students who prefer to learn by doing. It is not surprising to see a higher percentage of Kinesthetic students in the General Student Population than the Law Student Population. Perhaps Kinesthetic college students anticipated that law school would not suit their preferred learning style. It is also conceivable that Kinesthetic graduate students found a learning environment or profession that they perceived to be more suitable for them.

There are some surprises among the findings. One is the sheer number of statistical differences between the Law Student Population and the General Student Population. To have significant findings for 14 categories, and to have each with this level of significance, is unusual.⁴⁰

The General Student Population, as opposed to the Law Student Population, was more Tactual. With the increasing use of laptops in the law school classrooms, and the recent discussions of this phenomenon,⁴¹ one would have assumed that law students are strongly tactual. Apparently, law

“There are some surprises among the findings. One is the sheer number of statistical differences between the Law Student Population and the General Student Population.”

⁴⁰ See, e.g., Dawn Morton-Rias et al., *Allied Health Students' Learning-Styles Identified with Two Different Assessments*, 9(2) J. C. Student Retention, 233, 240 tbl. 1 (2007–2008) (finding 11 elements of statistical significance).

⁴¹ The topic of students' use of laptops in the classroom was so hotly debated on academic electronic mailing lists that it became the focus for the Association of American Law Schools co-sponsored workshop for the Sections on Teaching Methods and New Law Professors at the January 2008 Annual Meeting, titled “Attractions and Distractions: Student Use of Laptop Computers in the Classroom.” The AALS Annual Meeting schedule is posted on the AALS Web site at <www.aals.org> (last visited Jan. 11, 2009); see schedule for Jan. 3, 2008); see generally Karen Dybis, *Adopting a No-Laptop Policy*, *The National Jurist*, March 2008, at 22 (summarizing the key points of the debate); Robin A. Boyle & James B. Levy, *The Blind Leading the Blind: What if They're Not All Visual or Tactile Learners?*, 22 *Second Draft* 6 (2008); Joan MacLeod Heminway, *Caught In (or On) the Web: A Review of Course Management Systems for Legal Education*, 16 *Alb. L.J. Sci. & Tech.* 265, 274 (2006) (“Technology is making its way into the legal classroom in a big way. The laptop computer has replaced the pen and notebook.”).

“The findings of this empirical study inspired Profs. Minneti and Cameron at Stetson to create innovative ways to teach to the diversity of their students’ learning styles.”

students are less tactual than the college and graduate populations.

The findings of this empirical study inspired Profs. Minneti and Cameron at Stetson to create

innovative ways to teach to the diversity of their students’ learning styles.⁴² We hope that readers will explore a variety of approaches in their classes as well.⁴³

Appendix A. Fourteen Elements of the Law Student Population (LSP) Differed Significantly from the General Student Population (GSP)

Elements	Group with Stronger Preference
Visual Picture	Both moderately visual picture oriented, but GSP is much stronger on average
Verbal Kinesthetic	LSP is strongly verbal kinesthetic, GSP is moderately
Tactile/Kinesthetic	GSP is strongly tactile kinesthetic, LSP is moderately
Analytic/Global	On average both are moderately analytic, but LSP is much more
Mobility	GSP prefers slightly more mobility, LSP prefers less mobility
Early Morning	LSP has a slight preference for early morning hours, but GSP has a stronger (moderate) preference when compared to LSP
Late Afternoon	Both groups have a slight preference for late afternoon but LSP has a stronger preference than GSP
Evening	GSP has a slight preference for evening hours, but LSP has a stronger (moderate) preference when compared to GSP
Task Persistence	Both groups have a slight tendency to be single-task oriented but LSP has a stronger one
Motivation	Both groups are moderately internally motivated but GSP is more so when compared to LSP
Light	Both groups have a moderate preference for bright light, but GSP’s preference is stronger
Small Group	Both groups have a moderate preference for small group, but GSP has a stronger preference
Team	LSP has a slight preference and GSP has a moderate preference for team learning
Variety	GSP has a slight preference and LSP has a moderate preference for less variety (or more predictable routines and sociological arrangements)

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⁴² See Minneti & Cameron, *supra* note 16.

⁴³ Prof. Boyle encourages readers to provide feedback about their in-class explorations by sending her an e-mail at boyle@stjohns.edu.

Teaching Every Student: A Demonstration Lesson That Adapts Instruction to Students' Learning Styles

By Jeffrey Minneti and Catherine Cameron¹

Jeffrey Minneti is Director of Academic Success and Catherine Cameron is Assistant Professor of Legal Skills at Stetson University College of Law in Gulfport, Fla.

If our goal in legal education is to assist *all* students in the development of the knowledge, skills, and values that they will need to become lawyers, we cannot be satisfied with instructional methods that merely reflect our own learning preferences because our preferred instructional methods may not connect with every student. Instead, armed with the knowledge that law students have unique and diverse learning styles,² we have an opportunity and perhaps an obligation to mold our teaching to the way our students best learn new and difficult information. Through the vehicle of a demonstration lesson that was used in a first-year legal research and writing class at Stetson University College of Law, this article briefly illustrates what such molding might look like and accomplish in a legal research and writing classroom. The article first describes how the authors developed the demonstration lesson. It then describes the lesson itself, and it concludes with student and professor feedback on the lesson.

¹ A special thanks to Ann Piccard, Assistant Professor of Legal Skills, Stetson University College of Law, who permitted the authors to teach the demonstration lesson detailed herein to her class. Thanks also to Robin A. Boyle, J.D., Professor of Legal Writing, Director of Academic Support, Assistant Director of the Writing Center, St. John's University School of Law, for her guidance, support, and review of this draft. The information in this article was shared at the 2008 Biennial Conference of the Legal Writing Institute.

² See Robin Boyle, Jeffrey Minneti & Andrea Honigsfeld, *Law Students Are Different from the General Population: Empirical Findings Regarding Learning Styles*, 17 *Perspectives, Teaching Legal Res. & Writing* 153 (2009).

A. Development of the Demonstration Lesson

Because incoming students at Stetson complete the Building Excellence Learning Styles Survey prior to the start of classes, professors have access to students' learning preferences.³ With this information, the authors sought to create a legal research and writing lesson plan that would adapt each facet of instruction to the group's dominant learning styles. The authors are aware that the many different methods utilized in the demonstration lesson could not reasonably be incorporated into a typical first-semester class. However, they sought to challenge themselves to plan each facet of the class around the students' learning styles so that they could better understand the kinds of methods that worked well with the students.⁴

Substantively, the demonstration lesson's goal was to assist students in writing effective topic sentences for case description⁵ and argument paragraphs.⁶ That goal required instruction in

³ Building Excellence generates a group profile of students' learning styles. The profile that formed the basis of this lesson plan is included as Appendix A.

⁴ Prior to our session, the students drafted a 1,200-word memo predicting whether a mock client could obtain an annulment of her marriage based on an allegation of fraud. The students were given the case law and statutory law to analyze for this memo, so the focus of their assignment was solely the writing of the memo.

⁵ In predictive-objective legal writing, case description paragraphs are those that explain a case to the reader, distilling it to its most essential and relevant parts.

⁶ In predictive-objective legal writing, argument paragraphs are drafted for each party to the litigation, so that the drafter can illustrate each party's argument and then evaluate the arguments to determine which will most likely prevail. See Roy Stuckey & Others, *Best Practices for Legal Education* 55 (2007) ("Law schools should describe the specific educational goals of each course ... in terms of what students will know, understand, and be able to do, and what attributes they will develop by completing that component.") (hereinafter *Best Practices*).

“Because incoming students at Stetson complete the Building Excellence Learning Styles Survey prior to the start of classes, professors have access to students' learning preferences.”

“Prior to the class meeting, students compared the fact-pattern facts to the facts in the imagined cases, recording their observations on a case comparison chart.”

two parts: the concept of an effective topic sentence and the skill of drafting one.⁷ From the preceding instructional goal, the authors derived the following set of learning objectives:

- Understand the unique function that topic sentences play in paragraph structure.
- Select the best topic sentence from a list of possibilities.
- List the attributes of well-constructed topic sentences.
- Select a topic sentence from among other paragraph sentences.
- Draft well-constructed topic sentences for case description and argument paragraphs.⁸

To meet these objectives, the authors targeted specific learning preferences and created learning opportunities that appealed to those preferences.⁹ The targeted preferences included Tactual, Kinesthetic, and Global—preferences common among the law students but rarely addressed in the law school classroom.¹⁰

The authors worked with a fact pattern familiar to the students and distributed in advance of class two imagined precedent cases. Prior to the class meeting, students compared the fact-pattern facts to the facts in the imagined cases, recording their

observations on a case comparison chart.¹¹ Once in class, the demonstration lesson proceeded as outlined below. Appendix B includes a set of diagrams that illustrates the connections between the targeted learning preferences and the lesson activities.¹²

B. Description of the Demonstration Lesson

1. Overview

For the benefit of the Analytical and Visual-Text learners, the authors began the class by showing the students a PowerPoint slide that listed the objectives they sought to accomplish through the class. The authors then spoke briefly about the various exercises they would go through to achieve the objectives. To bring the Global learners on board, they used some demonstrative devices to give the students a visual idea of what a good topic sentence is meant to do and a big-picture idea of what they hoped the students would learn through the class. For example, they used a cookbook to demonstrate how a picture of a dish may make a cookbook reader want to read the recipe because it gives the reader an idea of the finished product before delving into the specifics of the recipe, just like a good topic sentence can sum up the paragraph in a manner that gives the reader an idea of where the paragraph is heading before delving into the specifics of the paragraph.¹³

2. Case Description Topic Sentence Exercise

After the overview, students began individually working on an exercise handout. Students first completed a set of multiple-choice questions that required them to select the best topic sentence for the case descriptions they had read, an activity that

⁷ See Susan E. Provenzano & Lesley S. Kagan, *Teaching in Reverse: A Positive Approach to Analytical Errors in 1L Writing*, 39 Loy. U. Chi. L.J. 123, 131 (2007) (describing “research in the field of instructional psychology touting the benefits of contrasting ‘positive’ instructional examples . . . with corollary ‘negative’ examples to help students understand the range of acceptable variations on a concept or rule.”).

⁸ See Benjamin S. Bloom, *Taxonomy of Educational Objectives* (1984); see also Christine M. Venter, *Analyze This: Using Taxonomies to “Scaffold” Students’ Legal Thinking and Writing Skills*, 57 Mercer L. Rev. 621 (2006).

⁹ “Effective teachers consider the various learning styles of students and employ a variety of teaching and learning methods.” *Best Practices*, *supra* note 6 at 122.

¹⁰ See Eric A. DeGroff & Kathleen A. McKee, *Learning Like Lawyers: Addressing the Differences in Law Student Learning Styles*, 2006 BYU Educ. & L.J. 499, 536 (2006).

¹¹ See *id.* Note that the preliminary exercise, a chart, connected well with students who had a preference for learning through visual picture; the cases contained in the exercise appealed to visual text learners.

¹² See Appendix B.

¹³ Other demonstrative devices included: 1) a diagram that showed students graphically that a topic sentence supports the other sentences in a paragraph, and 2) three sizes of plastic bags, only one of which properly enclosed a piece of bread to illustrate that an effective topic sentence is one that is properly tailored to the scope of the paragraph.

appealed to Visual-Text learners and Analytic processors. Once students made their selections on paper, they used a polling system to respond to the multiple-choice questions by entering their answers into an electronic keypad. Within a few seconds of receiving all responses, the system posted a graph for each multiple-choice question, illustrating how many students picked each answer.¹⁴ The polling results gave way to a group discussion of why one answer was preferable to another. The results and ensuing discussion also enabled the authors to determine student competency with selecting effective topic sentences. The polling exercise targeted five additional learning preferences—Tactual and Kinesthetic, through the use of the electronic keypad; Visual Picture, through the graphs of student responses; Global, through a big-picture illustration; and Verbal Kinesthetic, through the discussion of results. In addition, the polling exercise accommodated students who preferred to learn individually by allowing them to anonymously make and receive feedback on their responses.

Once the authors felt that the students had reached a level of mastery with the topic-sentence concept, they asked the class to generate a list of attributes for a well-crafted topic sentence. Using those attributes, the students then individually drafted their own topic sentences. When completed, students worked with a partner to revise and edit their sentences in light of the criteria the class developed. This exercise allowed the students to verbalize their understanding of topic sentences with a partner. Several students volunteered to share their topic sentences with the class, and the class measured the sentences against the topic-sentence criteria. This activity again targeted Verbal-Kinesthetic learners.

3. Argument Paragraph Topic Sentence Exercise

When the authors were convinced that the students had sufficient familiarity with the skill of drafting topic sentences for case descriptions, the authors

shifted the focus to topic sentences for argument paragraphs. As with topic sentences for case descriptions, students selected the best topic sentence for argument paragraphs by completing multiple-choice questions and entering their responses into the polling system. Once the students discussed their responses and generated criteria for argument-paragraph topic sentences, the class moved to an exercise designed to reach Tactual and Kinesthetic learners. The students were asked to piece together a good example of an argument paragraph, including an effective topic sentence that analogized the facts of the students' memo problem to the facts of the imagined cases, from strips of paper that included the individual sentences that made up the paragraph. The authors gave each student a set of the sentences and asked that they identify the topic sentence and reassemble the paragraph. The authors gave students the opportunity to complete the exercise individually or with a partner. When the students completed the exercise, the authors solicited responses for the best topic sentence. Working as a group, the authors guided the students through measuring the sentences against the criteria the class developed until there was a consensus regarding the best topic sentence. In addition to reaching the Tactual and Kinesthetic learners, this exercise appealed to Peer-Oriented and Verbal-Kinesthetic learners by giving the students an option of working with a partner and sharing their ideas.¹⁵

¹⁵ Note that the exercises described herein engaged the students in active learning because the exercises had the following attributes:

“Students [were] involved in more than listening.

Less emphasis [was] placed on transmitting information and more on developing students' skills.

Students [were] involved in higher-order thinking (analysis, synthesis, evaluation).

Students [were] engaged in activities (e.g., reading, discussing, writing).

[The professors placed] greater emphasis ... on students' exploration of their own attitudes and values.”

Gerald F. Hess, *Principle 3: Good Practice Encourages Active Learning*, 49 *J. Legal Educ.* 401, 401 (September 1999) (quoting Charles C. Bonwell & James A. Eison, *Active Learning: Creating Excitement in the Classroom* 1–2 (1991)).

¹⁴ The responder system we used created polling and results slides within a PowerPoint presentation.

“Once students made their selections on paper, they used a polling system to respond to the multiple-choice questions by entering their answers into an electronic keypad.”

“The law students preferred learning on their own or in pairs, as opposed to learning in small or large groups.”

Time did not permit the authors to move to the last phase of the class—giving students an opportunity to draft their own effective argument-paragraph topic sentences. Such an exercise would have engaged the students in active learning and would have provided the students, especially the Visual-Text and Tactual learners, with an opportunity to employ newly acquired skills in an environment where they could receive constructive feedback.

C. Feedback on the Demonstration Lesson

Before the authors released the students, they asked them a few reflective questions using the polling system. The students indicated that they preferred this set of exercises to any other portion of the class—including the initial lecture that illustrated effective topic sentences by using demonstrative aids and discussions with peers.¹⁶ Students also indicated that the exercise they preferred most was the sentence-strip exercise that required the students to reassemble an argument paragraph.¹⁷ One student reported that she liked the sentence-strip exercise best because it allowed her to consider a set of sentences and “put it into something . . . that makes sense.”¹⁸ The students additionally indicated

that they preferred to work alone,¹⁹ but when given the opportunity in class, they chose to work in pairs.²⁰ One student indicated that although “in general” she preferred to work individually, when working on in-class exercises she chooses to work with other people because “it’s nice to have feedback from other people to see their input.”²¹ Finally, the students expressed an overwhelming preference for answering questions using the anonymous polling system, rather than discussing an answer with peers or responding individually in front of the entire class.²² When asked to explain this preference, one student indicated that she liked the responder system because it was anonymous and active.²³

D. Conclusion

The students’ responses to the lesson confirmed what the authors learned about the students from the BE Survey. The law students preferred learning on their own or in pairs, as opposed to learning in small or large groups. Most students needed ample opportunity to verbalize what they were learning, and many students preferred Tactual and Kinesthetic learning opportunities. The demonstration lesson

¹⁶ The question posed to the class was “I learned most about topic and thesis sentences from: 1) the initial overview; 2) the objectives of the class; 3) the diagram; 4) the exercises; 5) discussion with peers; 6) discussion with the whole class; 7) I learned nothing about topic sentences and thesis statements.” Of those students that responded, 62 percent chose “4) the exercises,” 28 percent chose “6) discussion with the whole class,” 7 percent chose “3) the diagram,” and 3 percent chose “1) the initial overview” (statistical slides on file with the authors).

¹⁷ The question posed to the class was “What part of the exercises was most helpful in furthering your knowledge of thesis and topic sentences? 1) Multiple choice questions; 2) Listing attributes of thesis and topic sentences; 3) Drafting topic and thesis sentences; 4) Paragraph puzzle; 5) Peer conversations; 6) Whole class discussions; 7) Nothing furthered my knowledge of thesis and topic sentences.” Of those students that responded, 38 percent chose “4) Paragraph puzzle,” 24 percent chose “3) Drafting topic and thesis sentences,” 24 percent chose “1) Multiple choice questions,” 14 percent chose “6) Whole class discussions,” and 7 percent chose “2) Listing attributes of thesis and topic sentences” (statistical slides on file with the authors).

¹⁸ DVD: Class recorded on February 25, 2008, in the Florin and Roebig Courtroom at Stetson University College of Law, Gulfport, Fla. (on file with the authors).

¹⁹ When the class was asked “Generally, do you prefer 1) Working individually; 2) Working with a partner; 3) Working in groups,” 72 percent of those students that responded chose “1) Working individually,” 14 percent chose “2) Working with a partner” and 14 percent chose “3) Working in groups” (statistical slides on file with the authors).

²⁰ The question posed to the class was “When you were given the opportunity to work in groups, did you: 1) Choose to work individually? 2) Choose to work with a partner? 3) Choose to work with a group of other students.” Of those students who responded, 55 percent chose “2) Choose to work with a partner,” 24 percent chose “1) Choose to work individually?,” and 21 percent chose “3) Choose to work with a group of other students” (statistical slides on file with the authors).

²¹ *Supra* note 19.

²² When asked “What type of responses did you favor? 1) Responding to questions asked by professors to the whole class; 2) Responding to questions with the responder system; 3) Responding to questions of your peers,” 83 percent chose “2) Responding to questions with the responder system,” 10 percent chose “3) Responding to questions of your peers,” and 7 percent chose “1) Responding to questions asked by professors to the whole class” (statistical slides on file with the authors).

²³ *Supra* note 19.

described herein made effective and efficient use of those learning opportunities.

By teaching nontraditionally and outside their own teaching and learning styles, the authors may have had to devote more time to planning the demonstration lesson than they would have spent planning a traditional lecture-format class, but the class was so effective for the students that the extra time was well worth it. The professors also took several risks by using some creativity in developing lessons, especially with the demonstrative aids, the polling system, and the sentence-strip exercise.

These lessons could have failed and in that manner, inhibited learning. However, in the end, such risk-taking increased the authors' enthusiasm in teaching the class, which in turn amplified the students' enthusiasm for learning,²⁴ and the risks the authors took actively engaged the students. Gerald Hess has written, "[A]ctive learning methods are essential tools to achieve many of the critical goals of legal education. . . ."²⁵ As the demonstration lesson illustrates, when professors adapt instruction to student learning preferences, students actively engage and are more likely to master the material.

“As the demonstration lesson illustrates, when professors adapt instruction to student learning preferences, students actively engage and are more likely to master the material.”

Appendix A: Stetson Group Profile of Spring 2008 Entering Class

Physiological Elements	Strong	Moderate	It Depends	Moderate	Strong
Early Morning	10 (20%)	16 (32%)	11 (22%)	8 (16%)	5 (10%)
	Not Early Morning			Early Morning	
Late Morning/Early Afternoon	1 (2%)	10 (20%)	20 (40%)	16 (32%)	3 (6%)
	Not Late Morning/Early Afternoon			Late Morning/Early Afternoon	
Late Afternoon	2 (4%)	20 (40%)	12 (24%)	14 (28%)	2 (4%)
	Not Late Afternoon			Late Afternoon	
Evening	13 (26%)	9 (18%)	11 (22%)	13 (26%)	4 (8%)
	Not Evening			Evening	
Intake	4 (8%)	11 (22%)	23 (46%)	11 (22%)	1 (2%)
	Less Intake			More Intake	
Mobility	4 (8%)	21 (42%)	16 (32%)	6 (12%)	3 (6%)
	Less Mobility			More Mobility	

²⁴ *Best Practices*, *supra* note 6 at 125.

²⁵ Hess, *supra* note 15 at 417.

Emotional Elements	Strong	Moderate	It Depends	Moderate	Strong
Motivation	0 (0)	3 (6%)	43 (86%)	4 (8%)	0 (0)
	Internally Motivated			Externally Motivated	
Task Persistence	0 (0)	7 (14%)	22 (44%)	16 (32%)	5 (10%)
	Multi-Task Persistent			Single-Task Persistent	
Conformity	3 (6%)	15 (30%)	31 (62%)	1 (2%)	0 (0)
	Less Conforming			More Conforming	
Structure	0 (0)	5 (10%)	34 (68%)	9 (18%)	2 (4%)
	Less Structure			More Structure	

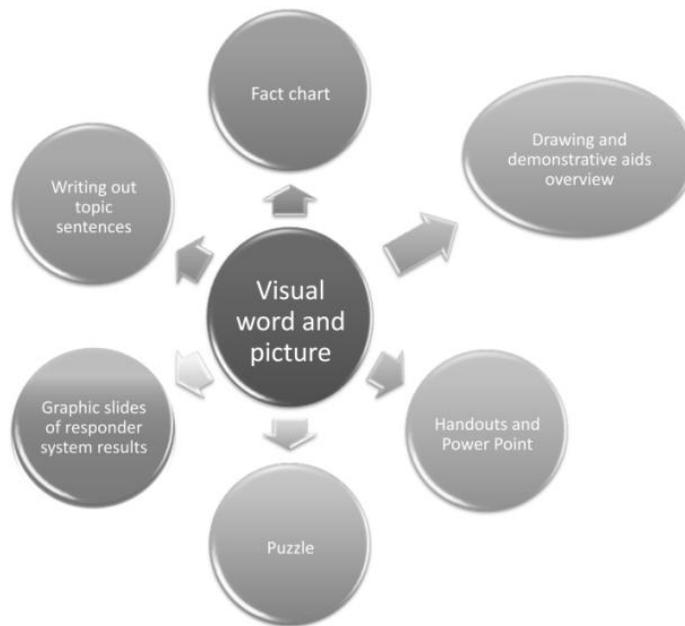
Sociological Elements	Strong	Moderate	It Depends	Moderate	Strong
Alone	1 (2%)	1 (2%)	13 (26%)	23 (46%)	12 (24%)
	Alone Less Preferred			Alone More Preferred	
Pair	1 (2%)	7 (14%)	24 (48%)	14 (28%)	4 (8%)
	Pair Less Preferred			Pair More Preferred	
Small Group	8 (16%)	18 (36%)	22 (44%)	2 (4%)	0 (0)
	Small Group Less Preferred			Small Group More Preferred	
Large Group	25 (50%)	16 (32%)	9 (18%)	0 (0)	0 (0)
	Large Group Less Preferred			Large Group More Preferred	
Authority	1 (2%)	6 (12%)	19 (38%)	16 (32%)	8 (16%)
	Less Authority			More Authority	
Variety	9 (18%)	22 (44%)	17 (34%)	2 (4%)	0 (0)
	Less Variety			More Variety	

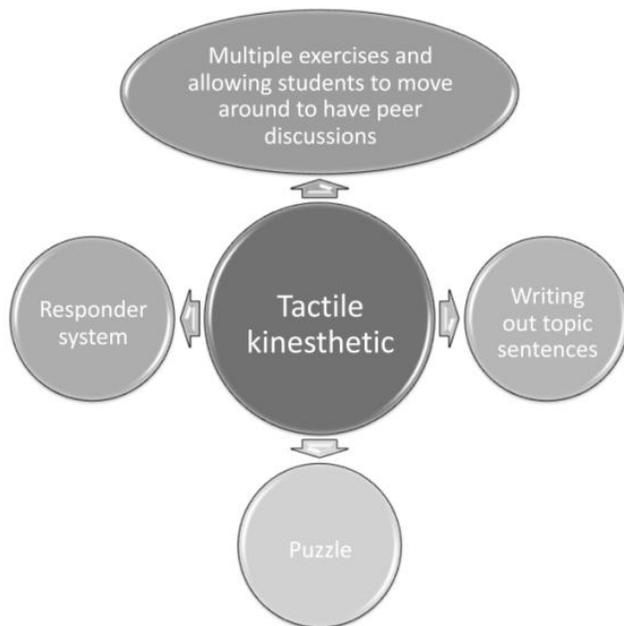
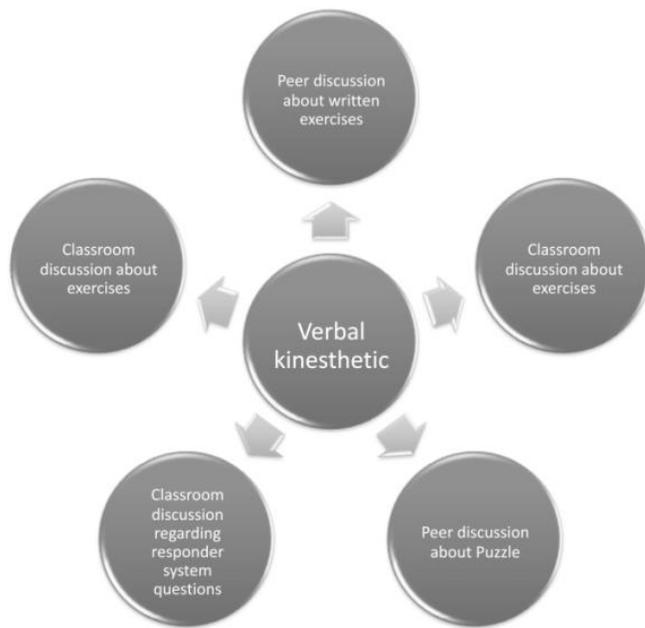
Perceptual Elements	Strong	Moderate	It Depends	Moderate	Strong
Auditory	4 (8%)	5 (10%)	13 (26%)	23 (46%)	5 (10%)
	Less Auditory			More Auditory	
Visual Picture	0 (0)	4 (8%)	20 (40%)	22 (44%)	4 (8%)
	Less Visual Picture			More Visual Picture	
Visual Word	0 (0)	0 (0)	15 (30%)	28 (56%)	7 (14%)
	Less Visual Word			More Visual Word	
Tactual	0 (0)	1 (2%)	33 (66%)	15 (30%)	1 (2%)
	Less Tactual			More Tactual	
Kinesthetic	0 (0)	6 (12%)	35 (70%)	8 (16%)	1 (2%)
	Less Kinesthetic			More Kinesthetic	
Auditory Verbal	0 (0)	0 (0)	11 (22%)	25 (50%)	14 (28%)
	Less Auditory Verbal			More Auditory Verbal	

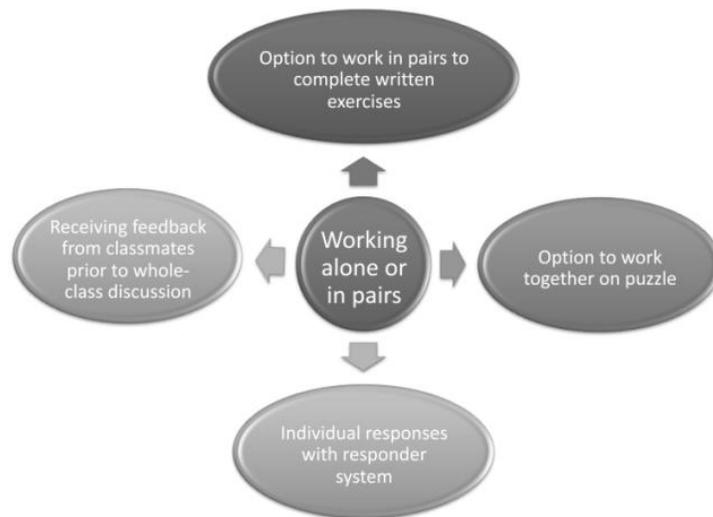
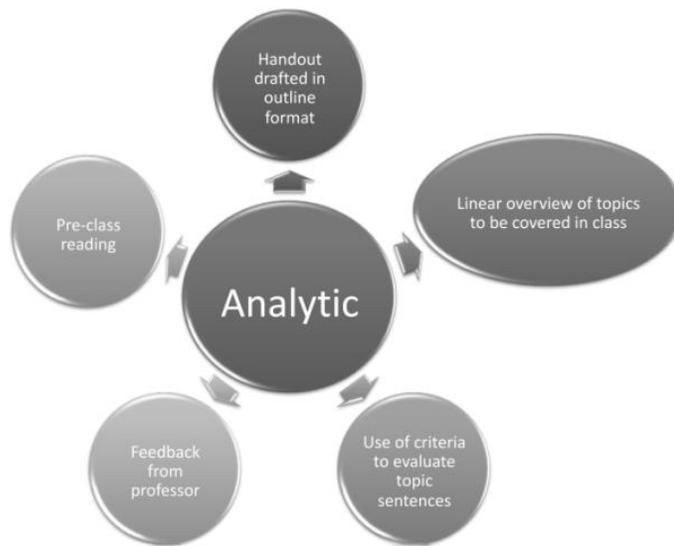
Psychological Elements	Strong	Moderate	It Depends	Moderate	Strong
Analytic/Global	1 (2%)	17 (34%)	25 (50%)	7 (14%)	0 (0)
	Analytic		Integrated	Global	
Reflective/Impulsive	3 (6%)	12 (24%)	28 (56%)	7 (14%)	0 (0)
	Reflective			Impulsive	

Environmental Elements	Strong	Moderate	It Depends	Moderate	Strong
Sound	19 (38%)	20 (40%)	10 (20%)	1 (2%)	0 (0)
	Quiet			Sound	
Light	1 (2%)	7 (14%)	16 (32%)	17 (34%)	9 (18%)
	Low Light			Bright Light	
Temperature	2 (4%)	16 (32%)	21 (42%)	9 (18%)	2 (4%)
	Warm Temperature			Cool Temperature	
Seating	0 (0)	4 (8%)	22 (44%)	13 (26%)	11 (22%)
	Informal Seating			Formal Seating	

Appendix B: Diagrams Linking Learning Styles with Demonstration Lesson Components







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Introducing Students to Online Research Guides

Research Matters ... is a regular feature of Perspectives. It explores the challenges of teaching the process and strategies of legal research as technology continues to shape research expectations and realities. Readers are invited to comment on the opinions expressed in this column and to contribute to future issues. Please submit material to Penny A. Hazelton, University of Washington School of Law, e-mail: pennyh@u.washington.edu.

By Jackie Woodside

Jackie Woodside is an Intern at the Marian Gould Gallagher Law Library, University of Washington School of Law, and a student in the Law M.L.I.S. program at the University of Washington Information School in Seattle.

I distinctly remember the panic I felt as a summer associate receiving my first assignment: to research the “vacation accrual” laws in 14 states where the firm’s client operated branch offices. The client wanted to know whether it could institute a “use it or lose it” policy, whereby employees would forfeit any unused vacation days after a certain period. Completely unfamiliar with employment law, I spent hours floundering in the Westlaw® code databases, unaware of a better starting point or research strategy. If I had known about the online research guides prepared by law librarians, I could have saved myself a lot of time and anxiety. An introduction to online research guides can easily be incorporated into legal research and writing courses, requiring as little as a half of a class session.

Many legal research and writing instructors spend time introducing students to secondary sources and discussing effective and efficient research strategies to use for unfamiliar areas of law. LexisNexis® and Westlaw representatives have probably also explained to students how helpful it can be to set up a tab for a new area of law or jurisdiction. What the students may not have in their research toolboxes,

however, is an understanding and appreciation for online research guides. My law school’s library did not write research guides, and I did not become aware of this valuable type of resource until many years after graduating. I suspect that even students whose law libraries provide research guides do not realize that there is a universe of guides beyond their own institution.

This educational gap creates an important teaching opportunity for legal research and writing instructors. A short session could introduce law students to online research guides—what they are, why to use them, how to evaluate them, and where to find them. This class session would be useful to students in both first-year and advanced legal research and writing courses. Ideally, it would be taught toward the end of a spring course, as students are nearing summer jobs or full-time employment after graduation.

What follows is a basic outline for a class session devoted to research guides. In its most condensed form, the material would take only 30 minutes to cover, but it could easily be expanded by spending additional time exploring sample research guides and incorporating exercises in class.

An Introduction to Online Research Guides

Like the secondary sources covered earlier in a legal research course, online research guides are a resource to consider when faced with a research question involving an unfamiliar area of law or jurisdiction.¹ These guides are usually written by

¹ For a discussion of additional strategies and sources to consult when researching an unfamiliar area of law, see Peggy Roebuck Jarrett & Mary Whisner, “Here There Be Dragons”: How to Do Research in an Area You Know Nothing About, 6 Perspectives: Teaching Legal Res. & Writing 74 (1998).

“If I had known about the online research guides prepared by law librarians, I could have saved myself a lot of time and anxiety.”

“Researchers need to evaluate the guides they find in order to select the one best suited to their particular research question.”

law librarians at academic or government law libraries, and they are generally posted and freely accessible on those libraries' Web sites. Not every institution uses the term “research guide”; some institutions refer to this type of document as a pathfinder or a resource guide.

A research guide can serve many purposes:

- First, it can provide an overview of an unfamiliar area of law, jurisdiction, or resource (such as the *Code of Federal Regulations* or the West Digest System).
- Second, a guide can put a question into context by allowing the researcher to see the broader structure and organization of a topic. Some research guides will even go so far as to provide a research checklist or step-by-step instructions.
- Third, a research guide pulls together the essential primary and secondary resources for that particular subject, both free and subscription-based. Law librarians thoughtfully select and organize these resources, enabling the researcher to build off of their work.
- Fourth, a guide will point the researcher to the key resources in both print and online formats, often giving library call numbers for print resources and direct hyperlinks to online resources.

There are a number of sources of research guides from academic, government, and other institutions:

- Many law school libraries prepare and post online research guides.² These guides are often written for a particular course.
- State law libraries and archives generally provide a guide to conducting legislative history research in that particular state.³

² See, e.g., Marian Gould Gallagher Law Library, University of Washington School of Law, <lib.law.washington.edu/ref/guides.html> (last visited Jan. 26, 2009); see also Georgetown Law Library, Georgetown University Law Center, <www.ll.georgetown.edu/research/> (last visited Apr. 7, 2009).

³ See, e.g., Oregon State Archives, Oregon Legislative Records Guide, <arcweb.sos.state.or.us/legislative/legislative_guide/legislative_guide/legal.html#Legislative_Holdings> (last visited Apr. 7, 2009).

- The Law Library of Congress' Web site is a rich and frequently overlooked resource, providing research guides for countless states, countries, and subjects in its “Guide to Law Online.”⁴ The Guide provides links to free online resources and to other libraries' online catalogs.
- Other key sources for research guides include the Law Library Resource Xchange (LLRX) Web site⁵ and Zimmerman's Research Guide.⁶ Both offer a collection of guides submitted by law librarians from a variety of institutions, including corporate law firms.

How to Evaluate a Research Guide

Researchers need to evaluate the guides they find in order to select the one best suited to their particular research question. There is a short mnemonic device I use to help my students remember how to evaluate the research guides they locate: “How much is this guide T.E.A.C.H.ing me?” This type of evaluation may be something that comes as second nature to students, but this device still serves as a helpful reminder:

- **T**imeliness: date of last revision
- **E**ase of use: organization, navigation, hyperlinks
- **A**ccuracy and authoritativeness: institution, author
- **C**omprehensiveness: breadth, depth, purpose, intended audience, types of sources (print, online, free, subscription)
- **H**andiness: downloading, printing

I always remind my students that even though online research guides are generally written by law librarians at respected institutions, guides cannot be

⁴ Law Library of Congress, Guide to Law Online, <www.loc.gov/law/help/guide.php> (last visited Apr. 7, 2009).

⁵ Law Library Resource Xchange, LLC, <www.llrx.com/legal-research.htm> (last visited Apr. 7, 2009). Sabrina Pacifici, a law librarian in Washington, D.C., is the creator, editor, and publisher of LLRX.

⁶ LexisNexis InfoPro, Zimmerman's Research Guide, <www.lexisnexis.com/infopro/zimmerman/> (last visited Apr. 7, 2009). Andrew Zimmerman is a law firm librarian in Baltimore, Md.

cited. I emphasize that research guides are simply meant to be a helpful starting point for research, not a substitute.

Finding Research Guides on a Particular Topic

Begin by asking what type of institution or Web site is likely to maintain a research guide on the particular topic. For instance, if the student had a question involving Oregon legislative history, he or she might think to check the Web sites of Lewis & Clark Law School and the Oregon State Archives. Beyond that preliminary hunch, there are a couple of routes to finding research guides by topic:

- First, there are guides to research guides, circular as that may sound. The best example of this is Indiana University Law Library's research guide to state legislative history guides, organized by state.⁷
- Second, there are search engines:
 - A simple search in Google for the subject and the phrase *research guide* will provide some results (e.g., search “administrative law” and “research guide”). Since some institutions use the term *pathfinder*, a second search for the subject and the term *pathfinder* may return additional results.
 - The Legal Research Engine from Cornell University Law Library is a specialized search engine devoted to locating online research guides.⁸ It performs a keyword search in the full text of the research guides from more than one dozen law schools and LLRX.
- Third, law library catalogs contain numerous entries for research guides in electronic and print format. Although this article primarily focuses on online research guides, many guides have

been published as books or journal articles. Relevant search terms include *pathfinder*, *bibliography*, and *research guide*.

- Fourth, legal periodical indexes can provide citations to research guides that have been published as journal articles. These articles are often available in both print and electronic formats.

I like to introduce a hypothetical research question at this point and practice constructing a search using the Legal Research Engine. For example, ask the students to imagine that they are summer associates and a partner asks them to research the following questions for a client who manufactures voting machines: What laws govern voting machines? Were there any problems with voting machines in the 2008 election that led to litigation? A search for the phrase “election law” leads to a number of research guides, most notably from Georgetown and the University of Chicago. This specialized search engine does not include the Law Library of Congress, but a separate visit to that Web site or a Google search will locate the Library of Congress' guide to election law. After finding multiple guides on the subject, I like to reinforce how the students can evaluate which guide to use by asking how much each guide is T.E.A.C.H.ing.

Conclusion

Legal research and writing instructors strive to teach the tools and strategies law students will need to conduct effective and efficient research in law school and beyond, whatever the specific legal topic may be. Devoting a class session to online research guides will increase students' awareness of these valuable tools and build their confidence in tackling research questions in new areas of law.

“Begin by asking what type of institution or Web site is likely to maintain a research guide on the particular topic.”

⁷ Indiana University Law Library, State Legislative History Research Guides on the Web, <www.law.indiana.edu/lawlibrary/research/guides/statelegislative/index.shtml> (last visited Apr. 7, 2009).

⁸ Cornell University Law Library, Legal Research Engine, <library.lawschool.cornell.edu/WhatWeDo/ResearchGuides/Legal-Research-Engine.cfm> (last visited Apr. 7, 2009).

Online Legal Research Guides: Selected Collections

Marian Gould Gallagher Law Library, University of Washington School of Law:
<http://lib.law.washington.edu/ref/guides.html>

Georgetown Law Library, Georgetown University Law Center: <http://www.ll.georgetown.edu/research/>

Law Library of Congress, Guide to Law Online: <http://www.loc.gov/law/help/guide.php>

Law Library Resource Xchange (LLRX): <http://www.llrx.com/legal-research.htm>

LexisNexis InfoPro, Zimmerman's Research Guide: <http://www.lexisnexis.com/infopro/zimmerman/>

Indiana University Law Library, State Legislative History Research Guides on the Web:
<http://www.law.indiana.edu/lawlibrary/research/guides/statelegislative/index.shtml>

Cornell University Law Library, Legal Research Engine:
<http://library.lawschool.cornell.edu/WhatWeDo/ResearchGuides/Legal-Research-Engine.cfm>

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Another Perspective

"We must help students move beyond a simplistic view of the research and writing process to an understanding that there are many sources of indeterminacy in the analysis of legal issues and in the decision of legal disputes. The goal is not to find *the* answer, but to determine the range of possible theories that may apply, identify where the indeterminacies lie, formulate the best possible estimates of possible outcomes, and use this analysis to formulate strategies for anticipating responses and influencing the determinations of adjudicators. We must teach students in a way that allows them to recognize and avoid the traps laid by the deceptive ease of computerized searching. Specifically, they need to understand the structure of legal information and its relation to legal authority and doctrine, master the steps of the research and writing process, and understand that by this mastery they move from the vast indeterminacy of searching blindly in the fog of the computer research environment to being able to use structure and process to isolate and identify the inherent indeterminacies of the legal system so that they may be anticipated, reduced, and influenced.

Donald Rumsfeld was ridiculed for his statement, but he actually stated very succinctly what our students must be able to do: move from not knowing what they don't know to knowing what they don't know, the beginning of understanding.

This program of instruction reflects the reality of life in the law and, taught properly, benefits not only our students, but shows the students and the law school that the research and writing program is teaching real law."

—Spencer L. Simons, *Navigating Through the Fog: Teaching Legal Research and Writing Students to Master Indeterminacy Through Structure and Process*, 56 J. Legal Educ. 356, 373 (2006).

Click to Refresh: Audience Response Systems in the Legal Research Classroom

Teachable Moments ... is a regular feature of Perspectives designed to give teachers an opportunity to describe techniques or strategies for presenting a particular research or writing topic to their students. Readers are invited to submit their own “teachable moments” to the editors of the column: Elizabeth Edinger, The Catholic University of America, e-mail: edinger@law.edu, or Craig T. Smith, Vanderbilt University, e-mail: craig.smith@law.vanderbilt.edu.

By Pamela Rogers Melton

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Introduction

It is not a secret that most students find legal research to be rather less interesting than, say, torts or criminal law. Teachers of legal research are constantly looking for ways to convey the course information effectively, facilitate retention of the material taught, and keep legal research classes lively and engaging. In my classes, I use an assortment of unconventional strategies, such as games,¹ movie clips, and in-class exercises.

Several years ago, I discovered that other colleges and departments on our campus were using audience response systems (clickers) in their classes. Clickers are small handheld devices that communicate either by infrared signal or radio frequency identification (RFID) with a base station. The simplest devices have a few lettered buttons and the more sophisticated clickers have full number or letter keypads. Students use them to

answer questions posed by their instructors. The answers can be displayed in graphs immediately after the poll is taken. The responses can either be anonymous or the clickers can be registered to individual students so that answers can be graded. Our Center for Teaching Excellence offered a class on the use of clickers, which I viewed as a webinar.² I thought that these devices had potential for use in my legal research classroom. When one of our clinical faculty members decided to use them in her class, we bought them for her and I was able to use them in my classes also. I am sold, and have used them ever since.

Classroom Uses of Audience Response Systems

One good use of the clickers is to ask questions that *assess prior knowledge*.³ For example, if you start your semester by asking basic civics questions, you can learn whether or not your students know the three branches of government and what powers and responsibilities each one has. This is vital to understanding the sources of primary legal authority.

A related use is to *identify misconceptions*.⁴ Students don't come into the legal research classroom as blank slates. Some of what they know is accurate and some of it is inaccurate. Even the best students have some knowledge that is not complete or completely accurate. Many students think that everything is available on the Internet and that everything found on the Internet is equally authoritative and reliable. A few targeted questions

“Clickers are small handheld devices that communicate either by infrared signal or radio frequency identification (RFID) with a base station.”

¹ See, e.g., Pamela R. Melton, *Let Me “Edutain” You: Games in the Classroom*, 2 *Esource for College Transitions* 3 (December 2004), available at <www.law.sc.edu/faculty/melton/edutain/Esource02n03.pdf>.

² <video.sc.edu/cte/clickers03_22_06.mov>.

³ Erping Zhu, *Teaching with Clickers*, CRLT Occasional Papers No. 22, 2 (2007), available at <www.crlt.umich.edu/publinks/CRLT_no22.pdf>.

⁴ *Id.*

“The primary benefit of clickers, from my point of view, is to check understanding of new material. ...”

will reveal the extent of these, and other, common misconceptions and provide a starting place for discussion.

Clickers allow an instructor to *use peer instruction*,⁵ a useful active learning strategy. In some classes, students can be grouped in twos or threes and allowed to discuss the question before choosing an answer. The idea is to make the reasoning behind the choices transparent. Students who confer also learn to express themselves better and to listen to their classmates.

Benefits of Audience Response Systems

The primary benefit of clickers, from my point of view, is to *check understanding of new material*⁶ introduced during class. After covering a new source or concept, a quick review using the clickers can reveal whether the majority of the class gets it or whether there is confusion about what a source is, how to use it, or why it would be used. Advocates of clickers have touted gains in retention of knowledge as a result of using clickers.⁷ However, the evidence for increased retention is inconclusive.⁸ I am using the clickers to determine what the students have retained. I am not so concerned that the clickers facilitate retention.

There are a number of other benefits to using the clickers. The first is that it *resets the students' attention span clocks*. The typical adult learner's attention span is about 15 minutes at the beginning of the class, falling to about three minutes by the end of the class.⁹ They surely are not going to be

riveted for a half hour, never mind an hour, no matter what I do. Asking a question using the clickers breaks up the lecture and resets the clock. When lectures are interspersed “with active engagement for students for as brief a time as two to five minutes, students seem re-energized for the next 15 to 20 minute[s]. ...”¹⁰ Clicker questions are not the only way to do this, but they are one good way.

The first section of this article laid out the second benefit, *feedback from students*. You can find out what they know, what they think they know, what they have retained from the class, and what their opinions are. The third benefit is related to the second; it provides *feedback to students*. They can see clearly where their understanding of the subject ranks in relation to their classmates. What is the right answer? Did they get the right answer? Were they the only one who got it wrong? Are there other people who think as they do about a difficult topic?

The anonymity of the polling system serves to *reduce student anxiety*. Do not underestimate the value of this benefit. Law school is famously stressful and first-year students are extremely anxious. Anxiety is an affective barrier to learning.¹¹ Student anxiety is manifest in the familiar long deadly silence following a question, when no one wants to risk the humiliation of an incorrect answer. But clickers eliminate this anxiety. It costs them nothing to hazard a guess or register an opinion. They will not embarrass themselves in front of their classmates. And if they get the answers right, where the question calls for a definite answer, it reassures them that they are learning what they need to know.

The fourth benefit flows from the third. Anonymity serves to *promote discussion*,¹² where controversial matters are being dealt with. Legal research is not often controversial, at least among the students, but other courses that law students take may produce strong differences of opinion. Clickers can help

⁵ See, e.g., Mazur Group, *Peer Instruction: Collaborative Learning in Large Lectures* (2009), available at <mazur-www.harvard.edu/research/detailspage.php?ed=1&rowid=8>.

⁶ Zhu, *supra* note 3.

⁷ See, e.g., Robert G. Holmes, et al., *Student Accuracy and Evaluation of a Computer-Based Audience Response System*, 70 J. Dental Ed. 1355 (2006) (finding increased retention in classes using clickers).

⁸ See, e.g., Emily Dill, *Do Clickers Improve Library Instruction? Lock in Your Answers Now*, 34 J. Acad. Librarianship 527 (2008) (finding no difference in retention between students in classes using clickers and classes without).

⁹ Joan Middendorf & Alan Kalish, *The “Change-Up” in Lectures*, 5 Nat'l Teaching & Learning E. 1 (Jan. 1996), available at <www.ntlf.com/html/pi/9601/article1.htm>.

¹⁰ *Id.* at 2.

¹¹ Patricia A. Richard-Amato, *Making It Happen: Interaction in the Second Language Classroom* (1988).

¹² Zhu, *supra* note 3, at 2.

facilitate discussion by revealing the presence of numerous viewpoints in a nonjudgmental way, perhaps emboldening those who hold the viewpoints so that they are willing to articulate them.

The fifth benefit of clickers is that they can create a *method of accountability*, if the instructors choose to do so. When the clickers are registered to individual students, they can be used to take attendance, to record participation for credit, and to record answers for grading purposes.

The final benefit—not to be scoffed at—is that *students like them*.¹³ They are fun! When I introduce the clickers, there is real excitement in the room. And in every class thereafter, the students are eager to turn them on and test their knowledge. In contrast to the Socratic method of questioning one student at a time, questions using clickers engage every student.

Considerations Before Adopting Audience Response Systems

Before adopting clickers, think carefully about the goals of your class. Clickers take class time, so there is less time to cover material.¹⁴ I have decided that I'd rather teach a little less material in the hope that the students will remember more. Each instructor must make that calculation for himself or herself. Clickers change the structure of the class. Classes that were previously all lecture will now be interspersed with questions the students must respond to. The responses may indicate a need to review or revisit a topic. My legal research classes were never straightforward lecture, so the addition of clickers was less of an adjustment for me.

A third consideration is the expense. Some of the clickers systems are quite expensive. Who will pay for them? Will the school absorb the cost, or will the students be asked to purchase their own clicker?

Each company uses its own marketing model. Some sell the entire system—clickers, base stations, and software—as a package. Others sell the clickers and give the base stations to the school if it purchases enough clickers. Others sell the clickers directly to students through bookstores and the base stations separately to faculty or departments.

A fourth consideration is which system to use. The first question to ask is “Does our institution use clickers elsewhere?” If so, using the same system will mean that additional clickers, technical support, and experienced users are much easier to come by. If you are free to go your own way, you must decide if you want a system that is tied to a particular presentation software, as some are, or one that works with any system or with none.¹⁵

A final consideration has to do with technology in general. Instructional technology not only has big rewards but also has big risks. Everyone who uses technology has experienced its failure at one time or another. My motto is “Technology is wonderful except when it's not.” For some, the rewards and benefits of clickers are not enough to outweigh the risk of failure. Students are predisposed to like technology. However, if they find the clickers difficult to use or unreliable in recording answers, the students will begin to focus on the hardware and not on the subject matter. This is the last thing you want, so ease of use and reliability are paramount.

Basic Guidelines

Having considered all aspects of clicker use and having decided to give them a try, there are a few basic guidelines to think about. Each class probably has objectives—one or several main points or concepts that you are trying to get across. Clickers are not magic. The best outcomes are “achieved when the instructor thinks carefully about his or her instructional goals and how clicker questions

“Before adopting clickers, think carefully about the goals of your class. Clickers take class time, so there is less time to cover material.”

¹³ *Id.* at 3.

¹⁴ Kelley Burton, *Interactive Powerpoints: Is There Any Point in Giving Power to Students?*, 11 eLaw: Murdoch Univ. Electronic J.L. 1, 2 (Dec. 2004), available at <www.murdoch.edu.au/elaw/issues/v11n4/burton114.html>.

¹⁵ TurningPoint is an example of a clicker system that operates by integrating itself into PowerPoint. The system I use is iClicker, which operates independently from any particular presentation software.

“The many benefits of using clickers make them an excellent addition to any pedagogical toolbox.”

and related discussion can help achieve those goals.”¹⁶ Those class objectives form the basis of your questions. Try to pose three to five questions for every hour of teaching. I generally use the clickers at the end of class, as a review and a reinforcement of the objectives for that day, but my class never has more than about 20 minutes of lecture at a time.

Try to use the clickers in every class. This isn't always possible, but if students know that there will be questions about the material, they will pay more attention to the lecture. Besides, if they have had to buy their own clickers, they will expect that the level of use will justify the expense.

Most guides to using clickers recommend asking higher-level questions to prompt discussion. Surveys have shown that students don't like simple, basic questions.¹⁷ Unfortunately, this is somewhat problematic for those of us teaching basic first-year legal research. There is often not a lot of higher-level reasoning required. I don't worry about this aspect as I have found that the questions I do ask seem to be challenging enough. There are more opportunities for higher-level questions in the clinical or doctrinal classes.

Finally, give the students immediate feedback on their answers.¹⁸ If there are wrong answers, then there is an opportunity to explain why the right answer is right. That further reinforces the content you are teaching.

¹⁶ *Clicker Resource Guide: An Instructors Guide to the Effective Use of Personal Response Systems (Clickers) in Teaching* 4, University of Colorado Science Education Initiative and the Carl Weiman Science Education Initiative (2008), available at <www.cwsei.ubc.ca/resources/files/Clickers_Final_Version_04_08.pdf>. This is an excellent source of guidance, including lots of examples of effective clicker questions.

¹⁷ Zhu, *supra* note 3 at 4.

¹⁸ *Clicker Resource Guide*, *supra* note 16, at 7.

Using Clickers at South Carolina

Currently there are four professors and instructors at the University of South Carolina School of Law who use clickers in their classes on a regular basis. Two teach first-year legal research in four sections of approximately 20 students each in the fall semester. A third teaches interviewing, counseling, and negotiating to between 20 and 50 students per semester. The fourth teaches criminal procedure to a class of 80 in the spring semester. Currently, the law school provides the clickers to the students. However, since the same system is used throughout the university, the clickers are readily available for purchase in the bookstores. When the time comes that enough professors use them, the school may require the students to purchase their own clickers. Then the clickers can be used for attendance taking and testing, maximizing their pedagogical potential.

The many benefits of using clickers make them an excellent addition to any pedagogical toolbox. My experience has confirmed what others have found: “[W]hen properly utilized in the classroom environment, information technologies, particularly systems designed to elicit student responses during lectures, can have a significant positive effect on the learning experience.”¹⁹

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¹⁹ Stephen E. Silliman et al., *Observations on Benefits/Limitations of an Audience Response System* 3, Proceedings of the 2004 American Society for Engineering Education Annual Conference and Exposition (2004), available at <soa.asee.org/paper/conference/paper-view.cfm?id=19658>.

Centers for Teaching Effectiveness: A Resource Guide

By **Mary A. Hotchkiss**

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Most colleges and universities have centers that focus on teaching effectiveness. By sharing best practices, they assist faculty in developing and assessing their teaching in order to improve students' educational experience. These teaching centers have extensive online resources that help both new and experienced teachers. Topics covered include advice on preparing to teach (e.g., course and syllabus design); creating assignments and exams (e.g., goals and outcomes, assessment techniques); integrating pedagogical theory (e.g., learning styles and preferences); choosing teaching methods (e.g., lectures, discussions, active learning, cooperative learning, team teaching); and teaching with technology (e.g., clickers or audience response systems, wikis and blogs, Web tools, podcasting, Second Life).

These leading university centers offer valuable resources:

- Derek Bok Center for Teaching and Learning, Harvard University
<http://bokcenter.harvard.edu>
- Center for Excellence in Learning and Teaching, Iowa State University
<http://www.celt.iastate.edu/homepage.html>
- Searle Center for Teaching Excellence, Northwestern University
<http://www.northwestern.edu/searle>
- Schreyer Institute for Teaching Excellence, Pennsylvania State University
<http://www.schreyerinstitute.psu.edu>
- Center for Teaching and Learning, Stanford University
<http://ctl.stanford.edu>

- Center for Instructional Development and Research, University of Washington
<http://depts.washington.edu/cidrweb/index.html>

- Center for Teaching, Vanderbilt University
<http://www.vanderbilt.edu/cft/about/index.htm>

The 2007 publication of *Best Practices for Legal Education: A Vision and a Road Map*, by Roy Stuckey and others, has focused attention on innovations and reform efforts within law teaching. A growing number of centers and blogs offer resources on law teaching, including the following:

- Best Practices for Legal Education, sponsored by Albany Law School
<http://bestpracticeslegaled.albanylawblogs.org>
- Institute for Law School Teaching, sponsored by Gonzaga University School of Law and Washburn University School of Law (as of 2009)
<http://www.law.gonzaga.edu/About-Gonzaga-Law/Institute-for-Law-School-Teaching/default.asp>
- Law School Innovation: A Member of the Law Professor Blogs Network
<http://lsi.typepad.com/lsi>
- Teaching and Learning Law—Resources for Legal Education, University of Missouri at Kansas City School of Law
<http://www.law.umkc.edu/faculty/profiles/glesnerfines/bgf-edu.htm>

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“These teaching centers have extensive online resources that help both new and experienced teachers.”

Little Red Schoolhouse Goes to Law School: How Joe Williams' Teaching Style Can Inform Us About Teaching Law Students

“Prof. Williams was a classical rhetoric professor who dedicated his professional career to educating lawyers and doctors about how to communicate with their lay clients. ...”

Brutal Choices in Curricular Design ... is a regular feature of Perspectives, designed to explore the difficult curricular decisions that teachers of legal research and writing courses are often forced to make in light of the realities of limited budgets, time, personnel, and other resources. Readers are invited to comment on the opinions expressed in this column and to suggest other “brutal choices” that should be considered in future issues. Please submit material to Helene Shapo, Northwestern University School of Law, e-mail: h-shapo@law.northwestern.edu, or Kathryn Mercer, Case Western Reserve University School of Law, e-mail: klm7@case.edu.

By Hillary Burgess

Hillary Burgess is an Assistant Professor of Academic Success at Hofstra University School of Law in Hempstead, N.Y., where she teaches legal methods. She has previously taught alternative dispute resolution, rhetoric, criminal law, criminal procedure, and prisoners' rights at the law school and undergraduate levels. She dedicates this article to Prof. Joseph M. Williams because his course defined her career passions, goals, and style.

I. Introduction

This past spring, Prof. Joseph M. Williams passed away. Many people know Prof. Williams for his books, *Style: The Basics of Clarity and Grace*,¹ and *The Craft of Argument*,² and for his many contributions to the fields of English, rhetoric, medicine, and law. Readers of *Perspectives* also know that Prof. Williams was a regular contributor to the Writing Tips column. Prof. Williams was a classical rhetoric professor who dedicated his

professional career to educating lawyers and doctors about how to communicate with their lay clients using language and style that their clients could understand. Additionally, at the University of Chicago, Prof. Williams taught a course entitled Academic and Professional Writing, commonly known as “Little Red Schoolhouse.”³ In this course, he demonstrated excellent teaching techniques while teaching students how to write well. Although Prof. Williams' books and articles communicate how to write well, some of his excellent teaching techniques become lost in the translation from his classroom to his books and articles.

In this article, I review two of Prof. Williams' most prominent and successful teaching techniques and discuss ways to incorporate these methods into law school classrooms. In part II, I discuss how Prof. Williams encouraged students to accept and embrace the basic hallmarks of legal writing. In part III, I discuss how Prof. Williams taught students to implement their new knowledge using “diagnosis to revision”⁴ strategies. In part IV, I provide ideas about how this pedagogy could be incorporated into various aspects of legal education. In part V, I conclude by inviting readers to share their use of these techniques or other successful techniques at conferences, in newsletters, and on electronic mailing lists and blawgs.

¹ Joseph M. Williams, *Style: The Basics of Clarity and Grace* (2d ed. 2005).

² Joseph M. Williams, *The Craft of Argument* (3d ed. 2006).

³ Hillary Burgess was a student in Prof. Williams' Little Red Schoolhouse during the summer of 1994.

⁴ Williams provides diagnosis to revision strategies throughout his *Style* book.

II. Encouraging Student Buy-In by Using Paired Writing Samples

In writing courses starting as early as elementary school and continuing through law school, students learn what differentiates good writing from bad writing. Typically, writing teachers provide principles of good writing with exercises and practice for students to employ the principles. Unfortunately, students who resist these principles of good writing might feel like they are doing nothing more than jumping through their professors' idiosyncratic hoops. When students believe that they are just giving their professors what they want and do not internalize principles of good writing, students do not become better writers. However, creating a classroom environment where students accept the principles of good writing can be challenging. In his Little Red Schoolhouse course, Prof. Williams created just such an environment for his students.

Prof. Williams began each lesson by providing two examples of the same text: an original and a revised copy. The revised copy employed the principles of good writing. He would ask students to identify which sample was better, why it was better, and what made the better text better. By doing so, Prof. Williams let students identify for themselves which text represented good writing. He reasoned that as readers, students are all experts in identifying good writing, even if they do not know why the revised sample was better or how to write well.

Prof. Williams' premise was simple: the text that was easier to read represented better writing. Students almost always chose the revised text as the better sample. However, sometimes one or two students preferred the original. To overcome this minority opposition, Prof. Williams used multiple originals, spanning a variety of subjects, each with its own revised version that represented good writing principles. Although a few students might conclude that one original was better than its revised version, usually all students agreed that the revised versions as a group were better.

For example, Prof. Williams gave the following originals and revised pairs in the section on *The Grammar of Clarity*:⁵

- 1a. Tracing the transitions in an editorial, a book, or a well-written article will help a writer who wishes improvement in the coherence of his writing.
- 1b. A writer who wants to write more coherently should trace the transitions in an editorial, a book, or a well-written article.
- 2a. A's argument that B's failure to provide for reduction of the royalty rate upon expiration of the patent discourages the licensee from challenging the patent does not apply here.
- 2b. A has argued that because B provided no way to reduce the royalty rate when the patent expired, the licensee could not challenge the patent. But that argument does not apply here.

Prof. Williams would then ask students to identify what about the second passage was easier to understand. Although some students would identify a principle of good writing, such as the revision used "less passive voice," most students could not identify what about the revised passage was better. Students would just indicate that the revised passage was easier to understand or easier to read. At this point, Prof. Williams had gained his students' respect for his expertise: they did not know what made the second passage easier to read, and he promised them that he could teach them what the rules of good writing were. Prof. Williams additionally promised his students that they could learn to become better writers by applying these rules to revise their own writing, so that the students' future readers would perceive their writing as easy to read.

By the time Prof. Williams started using words like *nominalizations*, *parallelism*, and *shape*, students had already accepted what good writing was. Prof. Williams was then left with the much easier task of explaining how principles of good writing

“In writing courses starting as early as elementary school and continuing through law school, students learn what differentiates good writing from bad writing.”

⁵ The University of Chicago, *The Little Red Schoolhouse*, §§ 1–3.

“In typical writing instruction, professors review why good writing is important and what the principles of good writing are.”

explained the difference between the original and revised passages.

Why was Prof. Williams’ pedagogy so effective? First, he acknowledged the expertise of the students, allowed students to participate, and only stepped in to teach when students reached the limits of their own collective expertise. Second, he gained students’ respect by acknowledging the expertise of the students and by sharing his expertise to allow students to become great writers in their own right. Thus, Williams’ methods engaged students interactively and respectfully.

III. Using Diagnosis to Revision to Improve Writing

In typical writing instruction, professors review why good writing is important and what the principles of good writing are. Students are then asked to employ those principles in their writing assignments. The professor provides feedback on the assignments, indicating where the students wrote well and where they still need to improve. The professor might even provide examples of revised sentences to demonstrate how a sentence that needs improvement might be written well. Mostly, though, students have to intuit how to turn their poor writing into good writing through the modeling process. However, students who cannot reproduce good writing through modeling can often feel as if writing well is an impossible task for them. Prof. Williams solved this problem by providing students with step-by-step instructions that taught students how to revise their work without having to master the principles of good writing. In fact, Williams indicated that students could continue to write poor first drafts, and through revising, they would ultimately produce quality finished products. By practicing these revision strategies, many students mastered the principles of good writing, or at least good revising.

Prof. Williams provided instructions about “how to” revise drafts using a three-step process: diagnosis, analysis, and revision. In the diagnosis stage, Williams provided concrete instructions that allowed students to identify poor writing. For example, to diagnose sentences that a reader is

likely to judge as hard to read, Prof. Williams instructed students to ignore short introductory phrases, then underline the first seven or eight words in a sentence. If the sentence did not have an action verb by the seventh word, the student should proceed to the analysis stage.⁶

During the analysis stage, Prof. Williams gave students instructions about how to collect the content-related data they needed before they could revise their writing. For example, Prof. Williams instructed students to decide who was doing the action in a sentence or paragraph and what actions those characters were doing.⁷

To revise, Prof. Williams provided another set of instructions. For example, he instructed students to change nominalizations into verbs, make the characters the subjects of those verbs, then rewrite the sentence with subordinating conjunctions like “because” or “if.”⁸ Prof. Williams illustrated these instructions by giving examples of poorly written sentences, then going through the diagnosis to revision strategies to produce well-written sentences.

For the most part, Prof. Williams did not use vocabulary about grammar, except for the vocabulary that he had defined in the chapter. Where he did use grammar vocabulary, Prof. Williams gave examples so that students did not have to remember the vocabulary word. For example, if he used the word “conjunction,” he would then proceed to list eight samples of conjunctions.⁹ By seeing the samples, students did not have to remember the names of parts of sentences. Rather, they could focus on the writing and revising process independent of this specialized vocabulary.

Why were these instructions so effective? The instructions bridged the gap between what good writing is and how to do it. Additionally, to follow the instructions, the students did not have to master

⁶ Williams, *supra* note 1, at 31.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

the concept; they just had to follow very simple instructions. Finally, just by following the instructions for any particular principle, students could turn almost any level of writing into writing that followed that particular writing principle.

Together with the paired samples, the diagnosis to revision strategies answered three questions: 1. Which sample represented better writing? 2. Why did the sample represent better writing? and 3. What about the better writing made it better? By answering these questions, the student would learn how to write better.

IV. Application in Law School

A. Student Acceptance of Principles of Good Writing in Law School: The Paired Sample Method

When law professors want to teach the basic principles of writing, rather than the specialized principles of legal writing, they can adopt Prof. Williams' paired sample method exactly because the basic principles of good writing are the same principles Prof. Williams taught in his course.

When law professors want to focus on the more specialized principles of legal writing, professors can use the paired sample method to illustrate an aspect of legal writing. To model Prof. Williams' paired sample teaching strategy in a legal writing context, professors could find a legal document that does not follow a particular principle of good legal writing and then revise the document to conform to the principle. The professor could then ask students to indicate which sample was easier to read.

For example, a legal writing professor or a writing-across-the-curriculum professor could take a poorly framed statement, revise it to follow a more standard format for legal writing, and then ask students which issue statement is easier to read and why.

Similarly, a legal writing professor or a writing-across-the-curriculum professor could take a poorly organized argument section of a research document or case, revise the argument according to the principles of legal analysis, and then ask the students which argument is easier to read and why.

Following Prof. Williams' strategy, this method would likely work best if the professor provided multiple paired samples so that if any student felt the original of one sample was easier to read than the revised version, the student would still be likely to agree that the revised versions of all the samples tended to be easier to read. Professors could readily find samples of less-than-stellar legal writing in cases, law review articles, initial drafts of papers, exam answers, or even public record court documents.¹⁰

This method could give students confidence about their legal writing skills and demystify legal writing because students would be able to identify good legal writing even before they knew what good legal writing is or how to write well in a legal context. The paired sample method could also enable students to see that many lawyers have not mastered the art of writing well. Simultaneously, students could understand that they need to learn how to write well in order to communicate well with other lawyers, judges, clients, or juries.

B. Diagnosis to Revision Strategies in Law School

Similarly, the diagnosis to revision strategy translates exactly for law school writing for professors who want to teach the basic principles of good writing. In fact, I would encourage anyone who wants to teach these principles to consider incorporating Prof. Williams' *Style* book and using his diagnosis to revision strategies. Teaching students to revise poorly written legal documents so that these documents conform with basic principles of good writing can also help students understand older cases in their casebooks. Once students become versed in revising sentences that are difficult to understand, they can revise cases as part of their reading process to better understand what they are reading.

¹⁰ Of course, all identifying information would need to be removed from past papers and exams. As an extra precaution, I ask students to give me permission to use their writing as samples in future classes and give them the option to withdraw that permission at any time in the future so they do not feel that their grade is at stake with granting, denying, or withdrawing permission.

“The paired sample method could also enable students to see that many lawyers have not mastered the art of writing well.”

“The philosophy behind Prof. Williams’ teaching methods—engaging students interactively and respectfully—belongs in every classroom whether or not the focus is on writing.”

The diagnosis to revision strategy also translates well for teaching the principles of good legal writing. Professors can create their own diagnosis to revision strategies that would instruct students about how to improve their legal writing. For example, professors could create diagnosis to revision instructions for revising discrete sections of a document, such as issue statements, arguments, or conclusions.

The diagnosis to revision method would benefit students because the students would not necessarily need to master the concept before being able to revise their original draft into a finished copy. Similarly, the process allows students to identify what concepts they do not understand with respect to the substance of their paper (as opposed to the writing style of their paper) because the analysis step involves identifying missing information. For example, once students started to diagnose and analyze their issue statement, they might identify that they had not isolated the critical element of the rule at issue. Finally, if a professor could create diagnosis to revision instructions that avoid legal terminology, instead using only language and concepts familiar to a novice learner, the instructions could simultaneously demystify legal writing and provide students with the tools to produce quality documents.

For professors, especially newer professors, the process of developing the instructions helped them understand what they know intuitively already: the steps expert legal writers take to transform their own initial drafts into quality legal documents. For experienced professors, the process of creating the instructions helped them reconnect with the struggles novice legal writers face.

V. Conclusion

Prof. Williams was one of the most popular professors at the University of Chicago because what he was teaching was so important and because of his teaching style. The specific methods he used to teach writing apply in any law class focused on teaching students to write well. The philosophy behind Prof. Williams’ teaching methods—engaging students interactively and respectfully—belongs in every classroom whether or not the focus is on writing. Prof. Williams acknowledged that students bring expertise into the classroom. He respected that expertise and provided students with opportunities to apply their expertise. He also postponed injecting the professor’s expertise until after the students exhausted their collective expertise. Prof. Williams’ teaching style identified and explained key concepts and skills. He focused on providing instructions that allowed novice learners to master these key concepts and skills.

Because our legal writing community is rich with creative teaching, I invite you to share on electronic mailing lists and blawgs, in newsletters, and at conferences how you have used and benefitted from Prof. Williams’ teaching methods and teaching philosophy.

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A Time of Transition: Logical Links to Move the Reader Forward

By Maureen B. Collins

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To paraphrase, “Yes We Can (make a smooth transition in the written word without resorting to tired clichés and legalese)”! As our newly elected officials no doubt realize, effective transitions are a challenge—linking the old with the new, working efficiently and effectively, all the while keeping the vision of the future firmly in mind. There is a tendency to rely on techniques that have sufficed in the past, some more successful than others. As time slips away and pressure mounts, there is an overwhelming desire simply to fill the gap, regardless of the efficacy of the solution. And of course, there is the temptation to take the easy road and avoid the issue altogether (regardless of promises made earlier in the process). Humbly, I offer you hope for a smooth transition.

The transition creates a sense of logical continuity and that ever elusive “flow” that distinguishes excellent writing from the ordinary. A transition is the glue between two thoughts, the bridge between two concepts, the cream in between the two sides of an Oreo cookie that makes the whole thing work. An effective transition guides the reader, serving as a connection between ideas. The transition may also help the reader to anticipate the ideas that are about to be presented, offering a “signpost” of sorts. It can drive readers forward, establishing a foundation for that which is to come. Whatever the purpose, the transition provides the coherence, and perhaps even grace, that is otherwise absent in so much legal writing.

The Simplest Transitions

There are several points at which the need for a transition may arise: within a sentence, between sentences, between paragraphs, and when making the shift between one issue or argument and another. The timing of the transition may dictate its purpose. When a transition appears at the beginning of a sentence or paragraph, it may serve to introduce a new idea. If it appears between sentences, it often serves to identify a relationship between the ideas. When a transition is placed near the end of a sentence or paragraph, it may be used to summarize or conclude on one point, while linking it to the next. Most basically, transitions can be divided into simple groups:¹ those that compare and contrast (similarly, conversely); those that identify time or sequence (subsequently, first); those that give an example or show an exception (for instance, yet); and those that introduce a new subject matter (The cause of action has three elements) or identify a causal relationship (initially, consequently). A transition can even help you concede a point gracefully (although, granted that). The simple chart on the following page offers some popular choices:

¹ For excellent and comprehensive lists of suitable transitions, see Bryan A. Garner, *Legal Writing in Plain English* 67 (2001) and Deborah E. Bouchoux, *Aspen Handbook for Legal Writers: A Practical Reference* 99 (2005). For online sources, check out The Purdue Online Writing Lab (OWL), Transitions and Transitional Devices, at <owl.english.purdue.edu/owl/resource/574/01> and the Regis University Writing Center page at <www.regis.edu/regis.asp?sctn=rcrcu&p1=ar&p2=wc>.

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“Although transitions can be extremely useful in creating a flow, they can also interrupt that flow or signal the onset of poor writing.”

Comparison	Sequence	Examples
Similarly, just as, like, by comparison	First (second, etc.) next, finally	For instance, in this case, in fact, specifically
Contrast	Relationship	Conclusion
However, conversely, in contrast, but, on the other hand, instead	Because, consequently, as a result, so ... then, thus, therefore	In sum, in brief, therefore, thus, accordingly
Time	Concession/Qualification	Addition
Immediately, subsequently,	Although, granted that, of course, occasionally, if	In addition, also, furthermore

The Trouble with Transitions

Poorly chosen transitions serve merely as placeholders for the correct word choice. They often represent a writer’s attempt to create a link between ideas for which the writer has not laid out any reasonable basis. At worst, they are an excuse to fill a page or to wallpaper over a shoddily constructed exposition or argument.

I say with some certainty that the times when “wherefore,” hence,” and “inasmuch as” represent the proper word choice are few and far between. Dated word choices such as these are often utilized in an attempt to make the writing seem more formal, more “lawyerly.” Egads, I say, enough with the holdovers from the 19th century. Suffice it to say, the same goes for language borrowed from ancient civilizations, as represented by the haphazard use of Latin terms (*ergo hoc* ...). If you wouldn’t speak the word in conversation or in an oral argument, you probably shouldn’t use it as a transition either.

“Transition abuse” can also be found when words are used to suggest a causal relationship that either doesn’t exist, or hasn’t been established. Simply saying “if the sun is shining, the defendant is guilty” doesn’t make it so. Nor can you say “there is a likelihood of confusion between the two marks because the two users know each other,” without some further explanation as to the relevance of the user’s social life. An even more common example

of this problem is the use of “also,” “and,” “as such,” and other “addition” transitions, which suggest a relationship between two concepts that simply doesn’t exist (Trademark infringement occurs when there is a likelihood of confusion between the two marks. In addition, registration in the *Federal Register* creates a presumption of validity.). A good transition cannot save faulty logic or poorly constructed analysis.

Although transitions can be extremely useful in creating a flow, they can also interrupt that flow or signal the onset of poor writing. I am not a fan of transitions designed to emphasize (obviously, certainly) or to clarify writing (in other words, as I mentioned earlier, as previously stated). These types of transitions are unnecessary when the original writing was well constructed. The reader should be able to remember the last time you stated a point, and you shouldn’t have to write it in other words if the first were well chosen. I admit, too, to a certain reticence when using transitions that purport to summarize or conclude. This, too, should be obvious without the use of “In summary,” and “In conclusion,” if for no other reason than the physical location of the comments at the end of a paragraph or a section or immediately following a well-placed subheading. Then there is the issue of transition fatigue. When words like “therefore” and “however” are repeated incessantly, they annoy rather than assist the reader. Remember that transitions can be “junk,”

too. Their use should be part of a critical review during the editing process to be certain that they fulfill their intended purpose rather than merely eat up ink.

A More Sophisticated Approach

Creating an effective transition may be a simple matter of adding a word at the beginning of a sentence. It can also take the form of a graphic format that identifies sequence and relationships, like the typical outline using Roman numerals to indicate the order and hierarchy of ideas. Sometimes, a simple “internal” heading at the beginning of the sentence signals the end of one idea and carries the reader into the next. There are, however, more sophisticated types of transitions that not only smooth out the flow but reinforce structural concepts. These types of transitions can make an analysis more obvious and an argument more persuasive. Bryan Garner refers to the use of “echo links.”² An echo link occurs when words or phrases mentioned in one sentence “reverberate” in another. Others refer to this process as “dovetailing.”³ Essentially, in these instances the transition occurs when a point made in one sentence or paragraph is referenced in another. The author can use a similar word or phrase, or repeat a concept. Highlighting information in this way underscores the relationship between the ideas and establishes an obvious progression for the reader.

If, for example, you use the term “privileged publication” to establish a defense to defamation, consider how you can emphasize that defense by using the word “privileged” or some derivation of it, in subsequent sentences. This underscores the point much more effectively than using a clunky transition like “as stated earlier.” Similarly, if you begin an analysis by identifying a three-factor test, using the numerical references helps to establish order and signal the completion of a multipart concept. Adding a conclusion that refers again to the three-factor test reinforces this tactic.

Smooth transitions are essential to the flow of good government and good writing. Writers and politicians should seek to educate themselves on this subject matter, find ways to create relationships between existing resources to maximize efficiency, and avoid the wasteful use of precious resources. If both groups follow these simple maxims, we are sure to see smooth transitions ahead.

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Another Perspective

Please note that beginning with volume 1, all issues of Perspectives are available in the Perspectives database (PERSPEC) on Westlaw and in the LEGNEWSL, TP-ALL, and LAWPRAC databases. Perspectives is also available in PDF at west.thomson.com/signup/newsletters/perspectives.

Authors are encouraged to submit brief articles on subjects relevant to the teaching of legal research and writing. The Perspectives Author’s Guide and Style Sheet are posted at west.thomson.com/signup/newsletters/perspectives/perstyle.aspx.

² Garner, *Legal Writing in Plain English* 67–71. The text also provides useful illustrations and exercises.

³ Laurel Currie Oates & Anne Enquist, *The Legal Writing Handbook* 608–612 (4th ed. 2006); Terri LeClercq, *A Guide to Legal Writing Style* 16 (4th ed. 2007); The Purdue Online Writing Lab (OWL), Transitions and Transitional Devices, at <owl.english.purdue.edu/owl/resource/574/01>.

Writing “It” Is a Start; Getting “It” Read Is the Goal

By Timothy D. Blevins¹

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The “it” in the title of this article is any document worth expending your resources writing. Procrastination, writer’s block, or lack of confidence in one’s own writing are among the many excuses used by the well-meaning writer to forgo the task of creating the written word. Moreover, once the task is undertaken there may be the desired rush to finish “it” so that you may sit back and revel in what must be a well-written document. After all, you wrote it and it must be good. Nevertheless, before you release your latest missive, answer the question, “For whom did I write?”

If the answer to the question, “For whom did I write?”, is that it is a document for your eyes alone, the task is complete and you can continue your day. However, if your answer involves anyone other than yourself, you now must critically reread the document through the eyes of your intended audience. This is no small undertaking and, for the novice writer, it may mean forcing yourself to give up the assumptions you had regarding your audience when you first began to write. For the inexperienced legal writer, this may become a monumental task but, alas, it is the foremost task of all that you do when writing the legal document.

Accept your position as the expert on the subject you address in the document. No one should know your subject any better than you do because you are the most recent person to research the subject. Your

readers will be highly educated and knowledgeable in their own right. If you accept your position as the expert, then you can recognize your obligation to your readers to educate them on your subject. With the quick and easy accessibility of information, your readers may have heard or seen something related to your subject, but they are seeking careful analysis and thoughtful synthesis. Your task is like that of the alchemist who was asked to turn lead into gold; your article should turn the lead of information into the gold of knowledge.

The needs of your intended audience will vary. You should tailor your writing to its specific needs, whether your audience is a judge, partner, client, or law professor. To keep your audience engaged in reading your writing you must keep your audience interested. Ideally, all of your readers will share some points of interest but it is more likely that you will need to revise and edit your writing for each of these intended audiences.

Judges as Audience

As a litigator, you will need to consider and understand what the judge has asked of you in completing the litigation. Before you get to the judge however, you will recognize that judges are generally assisted by judicial clerks or research attorneys. Well educated and enthusiastic about their positions, many judicial clerks and research attorneys lack legal experience, typically having less than three years on the job. Regardless of other commitments, these bright individuals are loyal to their courts and with that loyalty comes the intrinsic desire to keep their judges well-informed concerning developments in the law and the value of your case. Judicial clerks will complete their own research, distill the rules of law, and digest the facts of your case with the result being a memorandum or a draft opinion. A judge will often read the clerk’s work product prior to indulging the lawyer’s persuasive take on the case.

¹ The author gratefully acknowledges the editorial assistance of his colleague, Professor Nisé Guzman-Nekheba.

“The needs of your intended audience will vary. You should tailor your writing to its specific needs, whether your audience is a judge, partner, client, or law professor.”

You must write for the clerk before you can get to the judge.

Research has shown that judicial clerks favor those writings that exhibit, among others, the following characteristics:

- Clarity and precision in the arguments;
- Use of plain English and the avoidance of legalese;
- Thorough writings that educate while informing;
- Organizational structure that includes effective transitions; and,
- Point headings that assist in focusing the arguments.

In fulfilling the wants and desires of those same clerks, you will need to eliminate or minimize the use of the following traits:

- Legal citations that are incomplete or mistake ridden;
- Uninteresting writings that appear to use a cut-and-paste style;
- Undeveloped or underdeveloped arguments;
- Poorly stated rules of law, and;
- Disorganized and redundant construction.

Your client benefits when the clerk adopts your arguments as being clearly and corrected stated. With your expertise and knowledge in the law, and the judicial clerk's inexperience in the law, you must help the judicial clerk learn the law while advancing your client's arguments. Teach the clerks this new area of law without becoming pedantic in the writing. Look for gaps in your analysis that arise when you believe a point should be "obvious" or "clear" to the clerk. Judicial clerks do not share your comfort in the area of law and any attempt at humor runs the unnecessary risks of insulting the clerk with the result that your document is pushed aside.

Judicial clerks will be impressed with good writing that reflects good analysis. Do not try to impress an inexperienced clerk by using arcane or abstruse language. By clearly presenting the development of the law for the clerk, you may find that your reader adopts more of your points just because he or she understands your analysis better than opposing counsel's. When the clerk feels that you have provided all of the pertinent law, the clerk will be empowered. Once empowered, the judicial clerk may find that your arguments should prevail.

The empowerment felt by the clerk creates a sense of comfort and that comfort will be reflected in the clerk's work product to the judge. Persuasion is a natural by-product of good writing and something that the clerk will value. Remember that the judge has charged his or her clerks with specific requirements. The easier it becomes for the clerk to satisfy his or her judge, the more positive your client's position becomes.

Partners as Audience

The firm exists as a business and, to one degree or another, partners will want the essence of a business plan. How many and what type of resources need to be marshaled for a particular claim? With litigation calendars that span months, and sometimes years, the firm must make critical decisions regarding the direction of the firm.

Again, clarity in the writing will expose the strengths and weaknesses of legal issues. Organizing the internal or office memorandum allows the partner to follow the flow of the analysis while providing a sound foundation for your synthesized rule of law. Make use of point headings to maintain the focus of your arguments. The fluidity of the writing creates a comfort zone for the partner, akin to that of the judicial clerk, as your document refreshes and refines an area of law.

“Judicial clerks will be impressed with good writing that reflects good analysis. Do not try to impress an inexperienced clerk by using arcane or abstruse language.”

“The most frequent complaint addressed by state bar disciplinary committees is the failure of lawyers to communicate with the client.”

In addition to giving the partner the opportunity to align the firm’s practice profile with the client’s claim, a professional and precise document reflects a good hiring or retention decision. Every writing you present to the partner becomes part of your working relationship within the firm.

This critical reader appreciates the same attributes of good writing that the judicial clerk appreciates. Your credibility, and the firm’s investment in you, increases with each well-thought-out legal argument. Professional pride in your work product is evident through your use of proper grammar and citation form. Seek out a trusted associate who will provide that crucial final critique, the critique done just before you send the document to the partner.

Clients as Audience

Forget for a moment that you are a well-educated attorney with an expansive lexicon and ask yourself, “Would my [father/sister/aunt] understand what I am writing?” If you can pick up the telephone and call your client, read your document aloud to him or her, and feel comfortable that the client has understood your use of language, you have satisfied the needs of most clients. Your choice of words will vary depending on the nature of the claim and the type of client but the challenge is the same. In this writing paradigm, exclusion of legalese is a must.

The most frequent complaint addressed by state bar disciplinary committees is the failure of lawyers to communicate with the client. This complaint hinges on other factors, such as the lack of returned telephone calls and unanswered letters from clients. Communication has a broader implication when it involves writing. You need to reduce the most complicated of claims and legal defenses to the level at which clients can completely comprehend the message. This does not mean the lawyer should dumb down the communication; it does mean that the lawyer must have an appreciation for the sophistication of his or her client. The lawyer must then adjust, up or down, word choices and organization to meet that level of sophistication.

Clients can become confused by explanations geared for their specific needs in a manner similar

to the layperson’s comprehension of a medical prescription written in the doctor’s hand. Here, too, the use of arcane or obtrusive language rarely will impress the client. Rewrite and edit your document for clear understanding. If your paralegal, staff assistant, or any other person not formally trained in the law can read and understand the document with a single read-through, you most likely have a good document in front of you.

Law Professors as Audience

Because I hope that some of my students will read this document, I included this point heading to capture their interest. All lawyers receive training in the law and most were exposed to legal writing as a required course in the law school curriculum. Unfortunately, not all law students connect the habits developed in legal writing courses with taking law school exams. The stress of exams can devastate some students’ legal writing skills.

My experience tells me that most students have decent writing skills. For many, these skills have decayed due to disuse. Now, while dealing with all of the other stresses associated with law school, those writing skills must be resurrected, redirected, and polished. These skills must become useful enough, in a short period, to allow first-year students to effectively communicate their analysis when it comes to answering exam questions.

Law professors want clarity in the writing. Students must clearly state the rule of law, identify the relevant issue(s), and organize a correct response that incorporates the key facts from the question’s fact pattern. Legal writing professors will go further, demanding that students demonstrate fundamental writing skills: correct grammar, punctuation, and spelling. While many law professors will comment on deficiencies in these fundamentals when grading exams, most focus on the substance of the response.

Over the years, students have been advised to use an organizational structure when answering exam questions. These structures are known by their acronyms: IRAC, CIRAC, CRuPAC, pre-IRAC, CREAC, and TREAT. The organizational elements are largely the same even if the order varies: identify

the issue, identify the rule, apply the rule, and present a conclusion. In addition, each structure shares a similarity to the classic compositional format, the five-paragraph essay. In assessing a student's exam response, the professor looks for the topic of the essay, identified in legal writing as the issue. To identify the issue effectively, the student must also be able to associate the issue with a synthesized rule of law.

Here my reader will note that I addressed issue spotting before I discussed the need for rule synthesizing. I have purposely addressed issue spotting first to remain true to the primary legal writing paradigm, the "I" in IRAC. However, the issue statement is not completely formed until the writer has devised the rule, the "R" in IRAC. After having synthesized the rule of law and developed the issue statement, the student now enters the realm of legal analysis, the "A" in IRAC. Since our focus is on writing, I leave the discussion of legal analysis to those who have authored the many books and articles on that subject. The analysis section of the law school exam answer is analogous to the three paragraphs in the five-paragraph essay that support and flesh out the topic, the focus of the introductory paragraph.

All good writings must come to an end and so, too, must the law school exam response. The writer must include a conclusion, the "C" in CIRAC, CRuPAC, and IRAC. The conclusion must flow reasonably and logically from the analysis, but a surprising number of students will leave the conclusion out of the response or conclude in contradiction to the analysis. The challenge to the exam response writer is to continue the writing process to its natural end.

Conclusion

The writer's audience is easily identifiable, or is it? While I included subheadings to cordon four separate but related groups of readers, the reality is that my true audience was the student, the person seeking to improve his or her legal writing skills. I am using student broadly here, to include anyone who is willing to develop and refine his or her legal writing. By keeping the perspective of the reader in focus, the message is not only written, it is also read.

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“By keeping the perspective of the reader in focus, the message is not only written, it is also read.”

Another Perspective

“Writing, even in the often stilted tones of law review articles, is an act of self-definition. What we choose to write about, the voice we employ, the points we choose to make, all are important expressions of self. Few of us have the creativity or genius of the painters, poets, or physicists we most admire, but if we analogize legal scholarship to the creative works of other fields, we see how significant an aspect of self it is to be able to choose what we want to say. That freedom matters particularly when the medium is one that will endure on the shelves of a library and in computer databases, and be used by researchers, long after we are gone. But it matters on a daily basis as well. What we write about determines what we read, what we think, with whom we communicate, and how we are understood by others. The topics we address often have intensely personal significance, whether we write about matters of economic equality, identity, the structure and power of government, or the workings of business transactions. The most pernicious consequence of the argument—whether in Edwards's article or in the promotion and tenure process at a law school—that only some forms of scholarship addressed to only some audiences are worthy, is that it denies the autonomy of those who would choose to write in a different voice for a different reader.”

—Erwin Chemerinsky, *Why Write?*, 107 Mich. L. Rev. 881, 893–894 (2009).

Compiled by Barbara Bintliff

Barbara Bintliff is the Nicolas Rosenbaum Professor of Law and Director of the William A. Wise Law Library at the University of Colorado Law School in Boulder. She is a member of the Perspectives Editorial Board. This bibliography includes references to books, articles, bibliographies, symposia, and research guides that could prove useful to instructors of legal research and writing and their students. Also included are citations to related resources that may be of interest to those who teach legal research and legal writing. It includes sources noted since the previous issue of Perspectives, but does not include articles in Perspectives itself.

Carol M. Bast & Linda B. Samuels, *Plagiarism and Legal Scholarship in the Age of Information Sharing: The Need for Intellectual Honesty*, 57 Cath. U. L. Rev. 777–815 (2008).

“[E]xplores plagiarism from the perspective of professors, judges, and practicing attorneys and discusses topics such as reuse of one’s own previously published writing, authorship, and the difference between plagiarism and copyright infringement.” *Id.* at 777. The author argues for the development of clearer standards for determining plagiarism.

Ben Bratman, *Toward a Deeper Understanding of Professionalism: Learning to Write and Writing to Learn During the First Two Weeks of Law School*, 32 J. Legal Prof. 115–136 (2008).

A legal writing professor explains the reasoning behind the first assignment he gives his first-year students—a memo discussing the differences between a business and a profession. His goal is to develop the “all-important” understanding of lawyer professionalism, which “sets professionals apart from business persons.” *Id.* at 116.

Justin Burney, *Recent Law Review Articles Concerning the Legal Profession*, 32 J. Legal Prof. 339–350 (2008).

A selective bibliography, occasionally annotated, on the subject of the legal profession. Articles are divided into 24 topics, including pro bono and public interest law, law and society, criminal

defense and prosecution, SEC and Sarbanes-Oxley regulations, and alternative dispute resolution.

Tina S. Ching, *The Next Generation of Legal Citations: A Survey of Internet Citations in the Opinions of the Washington Supreme Court and Washington Appellate Courts, 1999-2005*, 9 J. App. Prac. & Process 387–408 (2007).

“This paper surveys the types of Internet sources the Washington state Supreme Court and Appellate Court justices are citing ... followed by a discussion of some of the major issues surrounding Internet citations in judicial opinions and an analysis of the survey results.” *Id.* at 389. Issues discussed include the reliability of Internet sources, citation format, continuing availability, and preservation of sources.

Tom Cobb & Sarah Kaltsounis, *Real Collaborative Context: Opinion Writing and the Appellate Process*, 5 J. Ass’n Legal Writing Directors 156–176 (2008).

Describes a legal writing teaching experiment aimed at infusing the classroom with “real collaborative context.” The authors “looked for instances of collaboration that actually occur in the legal process and asked students to participate in those processes in order to gain a better understanding of the social aspects of legal practice and jurisprudence.” *Id.* at 157.

Christine Coughlin, Joan Malmud & Sandy Patrick, *A Lawyer Writes: A Practical Guide to Legal Analysis*, 2008 [Durham, NC: Carolina Academic Press, 312p.]

Written for law students preparing for their first job in a law office, “[t]his book will teach you how to assess the merits of a legal problem and how to communicate your assessment to other attorneys.” Introduction. Includes many annotated examples. Each chapter concludes with a brief list of “Practice Points” to summarize what has been taught in the chapter.

Larry D. Dershem, *California Legal Research Handbook*, 2008 [Buffalo, NY: W.S. Hein & Co., Inc., 471 p.]

“The purpose of this book is to teach law students, paralegal students, and attorneys the

basic skills needed for doing legal research in California.” Preface. Chapters fall into three major categories: primary authority, secondary authority, and computer-assisted legal research.

Darby Dickerson, *Reducing Citation Anxiety*, 11 *Scribes J. Legal Writing* 85–95 (2007).

The author attempts to “bring some sense of relief to those who suffer from citation anxiety.” *Id.* at 87. Gives tips such as “[u]se a reasonableness standard” and “[l]earn the key rules—the ones that most people know” in order to assist in reducing stress on those who struggle with citation format. *Id.* at 89–90.

William Drennan, *Lay Words for Lawyers*, 2008 [Chicago, Ill.: ABA General Practice, Solo & Small Firm Division, 109 p.]

A mini-dictionary of “verbal ammunition,” words “whose mere mention is intended to elicit strong mental—but particularly strong emotional—images or memories in the hearer, to stimulate a flood of associations that will help advance your case.” Preface. Arranged by categories based on generation and topic: mature, boomers, Generation X, Generation Y, pangenerational, computer, literary, and sports. Each entry includes the age range for the target client/juror/witness, an explanation of the term, a description of the appropriate application, and an example of the correct use of the term. Examples of terms include “Blanchard and Davis” (mature) and “butterfly ballot” (Generation Y).

Benjamin R. Dryden, Comment, *Technological Leaps and Bounds: Pro Se Prisoner Litigation in the Internet Age*, 10 *U. Pa. J. Const. L.* 819–865 (2008).

The author “argues that the unenumerated constitutional right of access to courts entails that prisons provide pro se prisoner litigants with Internet access to help them with legal research.” *Id.* at 819. The author notes that this should not impose a significant financial burden on states, as “[q]uality legal research resources are available today online for free,” including

Findlaw.com, Wikipedia, and government Web sites. *Id.*

Francis A. Gabor, *Guide to Legal Research and Writing from the Transnational Perspective*, 2008 [Lake Mary, FL: Vandeplas Publishing 137 p.]

This author believes law students need “exposure to a transnational legal perspective in the contemporary global legal environmental.” Foreword. He believes this objective can be achieved in three stages, the third of which involves academic research. The book is designed to be used as a tool in the third stage. Features five law review articles that introduce the topic and provide models for scholarly writing.

Marvin Garfinkle, *Real World Document Drafting: A Dispute-Avoidance Approach*, 2008 [Philadelphia, Pa.: ALI ABA, 217p.]

Discusses drafting “deal” documents with a focus to “sensitize lawyers to avoid interpretive uncertainties.” *Id.* at 1. Sections include: Preliminary Considerations, Ambiguities, Litigation Issues and Traps, Achieving Clarity, and Boilerplate and Other Specific Provisions.

Bryan A. Garner, with a foreword by Ruth Bader Ginsburg, *Garner on Language and Writing: Selected Essays and Speeches of Bryan A. Garner*, 2009 [Chicago: American Bar Association, 839 p.]

“[A]rranges [Bryan A. Garner’s] shorter commentary into an informative and entertaining whole.” Foreword. Includes many very short (three to four pages) essays, with few essays longer than 10 pages. The 19 chapters are sprinkled with pencil drawings of famous attorneys and judges.

Kristin B. Gerdy, *Clients, Empathy, and Compassion: Introducing First-Year Students to the “Heart” of Lawyering*, 87 *Neb. L. Rev.* 1–61 (2008).

In response to criticisms included in the 2007 Carnegie Report, “Educating Lawyers,” the author “explore[s] the need for instruction and experience with the ‘heart’ of law practice within the first year of law school.” *Id.* at 3. The “heart” is defined as “[u]nderstanding clients and exercising empathy and compassion.” *Id.*

Pearl Goldman, *Legal Education and Technology II: An Annotated Bibliography*, 100 *Law Libr. J.* 415–528 (2008).

An update to a 2001 “annotated bibliography of articles, commentaries, conference papers, essays, books, and book chapters that examine the impact of technology on legal education.” Abstract. The bibliography is organized into seven categories: specific technologies, curriculum, distance education, pedagogy, law schools, the future of technology in legal education, and miscellaneous. *Id.*

Marc Hershovitz, Review of CiteGenie—Automatic Bluebook Citations When Using Westlaw, LLRX.com, Oct. 13, 2008 (available online at <www.llrx.com/features/citegenie.htm>).

A review of “CiteGenie, a new extension for the Firefox web browser that, as its website promises, ‘automagically’ creates Bluebook formatted pinpoint citations when copying from Westlaw.” Publisher. Includes an explanation of how to install and use CiteGenie and provides the results of a series of tests designed to check the accuracy of CiteGenie’s results.

The Inter-American Citator: A Guide to Uniform Citation of Inter-American Sources for Writers and Practitioners, 39 *U. Miami Inter-Am. L. Rev.* 275–330 (2008).

A country-by-country citation guide that provides examples of how to cite many legal sources from North or South America, including constitutions, codes, official gazettes, general publications, and reporters.

M.H. Sam Jacobson, *A Checklist for Drafting Good Contracts*, 5 *J. Ass’n Legal Writing Directors* 79–117 (2008).

The author proposes the use of a checklist for contract drafters to ensure coverage of the requirements and considerations common in all contracts. She includes examples and step-by-step considerations for incorporation into the finished product and concludes with a brief bibliography of additional sources on drafting and contract drafting.

Joseph Kimble, *Hunting Down Nouners*, 11 *Scribes J. Legal Writing* 79–84 (2007).

The author encourages the reader to “[r]esist the impulse to turn strong verbs—action verbs—into abstract nouns,” creating nominalizations, or what he calls “nouners.” *Id.* at 79. The author gives tips on how to detect and avoid nouners and passive voice and provides exercises to practice eliminating these writing flaws.

Matthias Klatt, *Making the Law Explicit: The Normativity of Legal Argumentation*, 2008 [Oxford; Portland, OR: Hart Publishing, 303 p.]

This translation of a German monograph provides answers to questions such as “how much freedom do judges have in applying the law?” and “[h]ow can we distinguish between applying the law and making the law?” by means of a “complex and detailed theory of literal meaning.” Preface.

Frank Y. Liu et al., *Pennsylvania Legal Research Handbook*, 2008 [Philadelphia, PA: American Lawyer Media, 427 p.]

“Our goal for this handbook is to provide for legal researchers in one place a comprehensive and in-depth compilation of authentic legal information resources for researching Pennsylvania law.” Chapter 1: Introduction. Includes illustrations of many sources.

Gloria Miccioli, *Researching Medical Literature on the Internet—2008*, LLRX.com, Sept. 22, 2008 (available online at <www.llrx.com/features/medical2008.htm>).

Research guide for finding medical information on the Internet, concentrating on databases the author finds “reliable and useful” for the professional researcher. Introduction.

Diane Murley, *Technology for Everyone ... In Defense of Wikipedia*, 100 *Law Libr. J.* 593–599 (2008).

The author “explains how Wikipedia articles are created and edited and how to use Wikipedia’s tools to evaluate articles. She argues that research instructors should teach students to use Wikipedia properly, rather than trying to convince them not to use it.

Finally, she suggests ways in which Wikipedia can be used to help teach the importance of evaluating sources.” Abstract.

Shenoa L. Payne, *The Ethical Conundrums of Unpublished Opinions*, 44 *Willamette L. Rev.* 723–760 (2008).

Examines the background and history of unpublished and depublished opinions. The author examines the ethical implications of citing to such opinions and argues for a rule requiring uniform treatment of unpublished opinions, giving them persuasive authority based on four factors.

Almut Pfluger, *Legal Research in Practice—Empirical Legal Research and Research into Legal Facts*, 39 *IIC* 198–210 (2008).

The article explains that there are two main types of legal research in the context of intellectual property: empirical legal research and research into legal facts. The author states that empirical legal research is relevant mostly to competition and trademark law, and its sources include primarily surveys and expert opinions. Legal facts focus on “legal questions against a political background.” *Id.* at 198. This article focuses on how to properly conduct empirical legal research, especially that involving expert opinions.

Theodore A. Potter, General Editor, with Jane Colwin et al., *Legal Research in Wisconsin*, 2008 [Buffalo, N.Y.: William S. Hein & Co. 162 p.]

“[A] guide for attorneys, judges, paralegals, law librarians, students and others needing ready access to information contained in Wisconsin legal materials.” Introduction.

Brandon D. Quarles & Matthew C. Cordon, *Researching Texas Law*, 2008 [Buffalo, N.Y.: W.S. Hein, 339 p.]

This handbook is based on instructional materials prepared by the authors for courses in legal research. Includes chapters on case law, statutory, and administrative research; jury instructions; briefs and records; civil jury verdicts; and attorney general opinions, among other topics.

Bret Rappaport, *A Shot Across the Bow: How to Write an Effective Demand Letter*, 5 *J. Ass’n Legal Writing Directors* 32–57 (2008).

Outlines a specific methodology for preparing and writing a demand letter and provides an annotated example.

David T. Ritchie, *Mastering Legal Analysis and Communication*, 2008 [Durham, NC: Carolina Academic Press, 182 p.]

“This book is designed to help you master the analytical and communication skills you will need to become an expert in the legal profession.” Introduction.

Kristen Konrad Robbins-Tiscione, *From Snail Mail to E-Mail: The Traditional Legal Memorandum in the Twenty-First Century*, 58 *J. Legal Educ.* 32–60 (2008).

A 2006 survey of Georgetown University Law Center graduates indicates that among legal practitioners, traditional legal memoranda are being replaced by e-mail, telephone calls, and face-to-face discussions. Yet almost all first-year legal writing students are still required to write formal memos. This article explores the survey and provides recommendations for changing the first-year writing curricula to reflect changing law practice.

Robin Schard, *Legal Research in the Americas: Where to Begin*, 39 *U. Miami Inter-Am. L. Rev.* 269–274 (2008).

This guide provides “starting points” for legal research in the laws of the countries of the Americas. *Id.* at 269. It is not intended to be a comprehensive legal research guide. It notes good beginning points and general sources, and covers constitutional law and private international law resources.

Wayne Schiess, *The Art of Consumer Drafting*, 11 *Scribes J. Legal Writing* 1–23 (2007).

Consumer drafting is legal drafting aimed at nonlawyers. The author asserts that most of this type of writing is “bad” and that changes are needed to improve this kind of writing. *Id.* at 1. His theory is to change the drafters’ thinking, so they become more like an artist

than a lawyer, and he describes the steps he took to change his own thinking, offering it as a model for others.

Wayne Schiess, *Preparing Legal Documents Nonlawyers Can Read and Understand*, 2008 [Chicago, Ill.: American Bar Association, 127 p.]

The “goal of this book: to teach you how to convey binding legal content, in writing, to nonlawyers.” Introduction. Arranged in short, easy-to-read chapters with lots of examples.

Deborah A. Schmedemann, *Finding a Happy Medium: Teaching Contract Creation in the First Year*, 5 J. Ass’n Legal Writing Directors 177–192 (2008).

Defines contracts as a genre of legal writing and advocates first-year practice-oriented exercises, including contract drafting, as a “bridge between ... legal analysis and the more fluid expertise needed in professional work.” Abstract.

Helene S. Shapo, Marilyn R. Walter & Elizabeth Fajans, *Writing and Analysis in the Law*, 2008 [New York: Foundation Press; Eagan, Minn.: Thomson/West, 614 p.]

The authors “break the legal reasoning and writing process into manageable components to enable you to be conscious of that process and to be master of your thoughts and their expression ... [and to] make you less anxious when writing and more satisfied with your work when finished.” Preface. Includes exercises and examples throughout.

Troy Simpson, *The Art of Written Persuasion: The Problem with the Case Method and the Case for the Problem Method*, LLRX.com, Sept. 1, 2008 (available online at <www.llrx.com/columns/persuasion2.htm>).

The second article in a series, the author “suggests that the ‘case method’ of teaching law may help to explain why lawyers write badly. He then outlines some of the advantages of the ‘problem method’ of teaching law.” Publisher.

Troy Simpson, *The Art of Written Persuasion: From IRAC to FAILSAFE—A Compilation of Legal Problem-Solving Models*, LLRX.com, Oct. 11, 2008 (available online at <www.llrx.com/columns/persuasion3.htm>).

In this third article in a series, the author describes various problem-solving models often taught in legal writing classes.

Troy Simpson, *Art of Written Persuasion: Part IV—What Makes a Good Problem-Solving Model?*, LLRX.com, Jan. 19, 2009 (available online at <www.llrx.com/columns/persuasion4.htm>).

This fourth article in a series presents a “‘wish list’ of traits that I think any good legal problem-solving model should possess.” Introduction.

Ken Strutin, *Criminal Law Resources: DNA Post-Conviction Resources*, LLRX.com, Sept. 14, 2008 (available online at <www.llrx.com/features/dnapostconviction.htm>).

“[A] collection of recent and representative web-based materials concerning DNA technology developments and legal research on the impact of wrongful convictions and DNA exonerations on the justice system.” Publisher. Includes links for legislation, standards, reports, secondary resources, and training and education.

Ken Strutin, *NeuroLaw and Criminal Justice*, LLRX.com, Dec. 28, 2008 (available online at <www.llrx.com/features/neurolaw.htm>).

“[H]ighlights selected recent publications, news sources and other online materials concerning the applications of cognitive research to criminal law as well as basic information on the science and technology involved.” Publisher.

Symposium: *Once upon a Legal Time: Developing the Skills of Storytelling in Law*, 14 *Legal Writing* 3–323 (2008). Articles of particular interest include:

Brian J. Foley, *Applied Legal Storytelling, Politics, and Factual Realism*, 14 *Legal Writing* 17–52 (2008).

Argues that applied legal storytelling (ALS) is not inherently politically left or right and is not politically motivated, although it deals with political issues. Discusses ALS in the context of factual realism, noting that

“ALS reflects a focus on fact and particularly on the indeterminacy of fact.” *Id.* at 19.

Kenneth D. Chestek, *The Plot Thickens: The Appellate Brief as Story*, 14 *Legal Writing* 127–169 (2008).

Begins with the premise that legal writing need not, and should not, be boring. Argues against a slavish adherence to IRAC and the like, but instead urges writers to organize their works as a narrative and bring people conspicuously into the picture. The author discusses basic elements of a story (such as point of view, plot, and theme) and explains how they can be incorporated into appellate briefs.

Elyse Pepper, *The Case for “Thinking Like a Filmmaker”: Using Lars von Trier’s Dogville as a Model for Writing a Statement of Facts*, 14 *Legal Writing* 171–205 (2008).

Begins by describing movies as a persuasive medium and an excellent teaching tool, and gives two examples of how *Dogville* could be used to create compelling statements of facts, one for a fictional criminal defendant and one for the state.

Stacy Caplow, *Putting the “I” in Writing: Drafting an Effective Personal Statement to Tell a Winning Refugee Story*, 14 *Legal Writing* 249–290 (2008).

“For lawyers representing asylum seekers, a narrative told in the first person is the central evidence in the case.” *Id.* at 249. Because first person singular is very rare in the law and in fact “seems to be bred out of first-year students,” the author offers a model for teaching the drafting of effective asylum affidavits. *Id.*

Patricia Grande Montana, *Better Revision: Encouraging Student Writers to See Through the Eyes of the Reader*, 14 *Legal Writing* 291–323 (2008).

Argues for teaching a recursive, rather than a linear, model for the writing process in an effort to improve the ability of law students to revise their work effectively.

Symposium: 21st Century International, Foreign and Comparative Law Research Issues, 35 *Syracuse J. Int’l L. & Com.* 159–428 (2008). Symposium is based primarily on a 2008 article by Lyonette Louis-Jacques, *What’s Wrong with International Law Scholarship?: Gaps in International Legal Literature*, reprinted herein at 35 *Syracuse J. Int’l L. & Com.* 165–173 (2008). Articles of particular interest include:

Marci Hoffman & Katherine Topulos, *Tyranny of the Available: Under-Represented Topics, Approaches, and Viewpoints*, 35 *Syracuse J. Int’l L. & Com.* 175–200 (2008).

“This article examines the effect on international law scholarship of current events, recent trends in legal scholarship generally, and the unprecedented amounts of materials made easily available by advances in technology and new media outlets.” *Id.* at 176. The authors attempt to determine whether some gaps in the international legal research field have been filled and whether new gaps have emerged. They conclude that “[i]nternational legal scholarship has evolved considerably.” *Id.* at 198.

Mary Rumsey, *Gauging the Impact of Online Legal Information on International Law: Two Tests*, 35 *Syracuse J. Int’l L. & Com.* 201–217 (2008).

First, the author examines the number of citations by international human rights tribunals to nongovernmental organizations (NGOs) over time, arguing that the increased frequency of citations to NGO documents is a result of increased availability of electronic information. Second, the author examines the relative number of citations by a particular international law journal to journals and books, concluding that the probable cause of the increased number of citations to journals was the availability of journal articles online.

Lyonette Louis-Jacques, *Gaps in International Legal Literature: A Skeptical Reappraisal*, 35 *Syracuse J. Int’l L. & Com.* 363–368 (2008).

A follow-up to the author’s 2000 article on gaps in international legal research. The author “reflect[s] on progress in filling the

gaps I observed, expound[s] upon some notable remaining gaps, and look[s] forward to future solutions.” *Id.* at 363.

Symposium: When Worlds Collide: Legal Writing and Clinical Programs, 4 J. Ass’n Legal Writing Directors 1–66 (2007). Articles of interest include:

Michael A. Millemann, *Using Actual Legal Work to Teach Legal Research and Writing*, 4 J. Ass’n Legal Writing Directors 9–20 (2007).

The author argues that legal writing professors should use real legal work to teach their classes. Gives examples of two experimental legal research and writing courses taught using real legal work and outlines the benefits of this approach.

Kate O’Neill, *But Who Will Teach Legal Reasoning and Synthesis?*, 4 J. Ass’n Legal Writing Directors 21–34 (2007).

Argues against integrating first-year legal writing courses with upper-level clinics based on concerns that students will miss out on legal reasoning skills.

Phyllis Goldfarb, *So Near and Yet So Far: Dreams of Collaboration Between Clinical and Legal Writing Programs*, 4 J. Ass’n Legal Writing Directors 35–44 (2007).

Although recognizing that combining a clinical course with a legal writing course could be “felicitous,” the author voices concerns that most programs would have too few resources to be effective. *Id.* at 37.

Darby Dickerson, *Building Bridges: A Call for Greater Collaboration Between Legal Writing and Clinical Professors*, 4 J. Ass’n Legal Writing Directors 45–55 (2007).

The author seeks to eliminate “silos”—“a mindset in which individuals or groups perceive that, by hoarding information and resources, they will elevate themselves and their positions”—and increase collaboration between legal writing and clinical faculty. *Id.* at 45.

Sarah E. Ricks & Susan C. Wawrose, *Comment: Survey of Cooperation Among Clinical, Pro Bono, Externship, and Legal Writing Faculty*, 4 J. Ass’n Legal Writing Directors 56–61 (2007).

Discusses a recent survey by the Legal Writing Institute of collaboration between legal writing faculty and clinical, externship, and pro bono faculty.

Carrie W. Teitcher, *Legal Writing Beyond Memos and Briefs: An Annotated Bibliography*, 5 J. Ass’n Legal Writing Directors 133–155 (2008).

“This [annotated] bibliography lists books or articles that address the drafting of a particular type of legal document or the use of a particular method of communication.” *Id.* at 134–135. Covers many different categories of documents, including alternative dispute resolution, corporate documents, e-mail, jury instructions and verdict forms, and settlement agreements.

Thirty-Ninth Selected Bibliography on Computers, Technology, and the Law, 34 Rutgers Computer & Tech. L.J. 460–556 (2008).

“[D]esigned to be a research guide to assist our readers in searching for recent articles on computer and technology law.” *Id.* at 460. Features more than 600 articles divided into 11 main sections. These sections are divided into more than 140 subsections ranging from video games to Internet gambling, DNA typing, and the Internal Revenue Service.

Marcus P. Zillman, *Deep Web Research 2009*, LLRX.com, Dec. 28, 2008 (available online at <www.llrx.com/features/deepweb2009.htm>).

The “Deep Web” consists of about 1 trillion pages of information that are difficult or impossible to access via a search engine, compared to about 20 billion pages search engines can find. This guide provides “various classified resources that allow you to search through the currently available web to find key sources of information located via an understanding of how to search the ‘deep web.’” Introduction.

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Perspectives

Teaching Legal Research and Writing

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