

MEMORANDUM

To: Council on Legal Education

From: Association of Legal Writing Directors
Wanda M. Temm, President

Date: May 16, 2017

Re: June report on ALWD activities

Thank you for this opportunity to report to you on the Association of Legal Writing Directors' (ALWD) recent activities. ALWD's purpose is to promote leadership in the legal writing discipline and to improve the status of legal writing professionals within the legal academy; ALWD's affiliation with the Council is on behalf of the entire legal writing academy. ALWD has two representatives present at this meeting, Wanda M. Temm of the University of Missouri-Kansas City School of Law, current ALWD President; and Megan McAlpin of the University of Oregon School of Law, current ALWD President-Elect.

ALWD is a non-profit professional association of leaders of legal reasoning, research, writing, analysis, and advocacy programs from law schools throughout the United States, Canada, Australia, and Qatar. ALWD has more than 300 members representing more than 150 law schools. ALWD continues to send representatives to Council meetings and meetings of the Standards Review Committee to monitor their comprehensive review of the accreditation standards and recommendations. We look forward to continuing our work with you.

Today, ALWD would like to share with you a brief summary of our work that focuses on three main points: (1) the role of ALWD in addressing issues of implicit bias within the academy, (2) the role of ALWD in providing support for leadership, scholarship, and teaching in the legal academy, and (3) the role of ALWD in advocating for legal writing faculty, who are the most able to implement the new standards for experiential learning and assessments, yet continue to be the most vulnerable in the legal academy, particularly given the current economics of law schools.

1. The role of ALWD in addressing issues of implicit bias within the academy

Our 2017 Biennial Conference will be held at the University of Minnesota Law School on July 19-21, 2017. Our theme, *Acknowledging Lines: Talking About What Unites and Divides Us*, will focus on implicit bias by inviting outside speakers to present on stereotype threat, implicit bias in classroom dynamics, implicit bias in curriculum, and discussion of emotionally-charged local or national events in the classroom:

Addressing the Effects of Implicit Bias and Racial Anxiety in Law School Dynamics
Rachel Godsil, Seton Hall University School of Law, Newark, New Jersey

Maximizing Student Potential by Focusing on Hidden Barriers to Success
Russell McClain, University of Maryland, Francis King Carey School of Law

So You Want to Teach Diversity?: Constructing a Law School Classroom Committed to Inclusivity, Equity, and Social Justice
Tom Romero, University of Denver, Sturm College of Law

Encouraging Diversity and Creating Community: Research and Reflections
Erin Kelly, MIT Sloan School of Management

Our member presentations likewise focus on implicit bias from *Educating and Mentoring Diverse Law Student Populations* to *Everyone into the Pool: Increasing the Diversity of Law School Faculty* to *White Doors, Black Footsteps: The Leveraging of “White Privilege” for Law Students of Color*. Our conference is open to all and non-members are welcome to attend. Please consider this our invitation to you to consider attending this conference.

The ALWD Board of Directors completed its extensive review of the purposes, activities, membership, and voting rights provisions of ALWD’s by-laws to determine if any of those by-laws might have an implicit bias effect. In that review, the ALWD Board decided the provisions did need to be updated to reflect the current state of legal writing programs including those with a unitary tenure-track or programmatic tenure for legal writing faculty, autonomous programs with 403(c) faculty, and director-led programs. The provisions went to a membership vote by the voting delegates and were passed with only two dissenting votes.

Membership is now open to legal writing professionals with an interest in leadership in the legal writing discipline. Members have the right to vote on any matter, excluding the election of officers and members of the Board of Directors, which is limited to two delegates per law school. Prior to these changes, membership was limited to two members from each director-led program and all members of programs with unitary or programmatic tenure and from autonomous programs.

2. The role of ALWD in providing support for leadership, scholarship, and teaching in the legal academy

a. Supporting leadership

ALWD supports leadership primarily through dialogue at our national conference, but our members also speak and write on issues of leadership. In addition to the varied presentations on leadership at ALWD’s biennial conferences, ALWD members present at the Legal Writing Institute’s (LWI) biennial conference that is held in the alternate years and at

regional conferences across the country. This past summer's LWI conference focused on our professional commitments to teaching, scholarship, and professional service; to our professional identity as a discipline; and to our current and former students' identities as practitioners.

b. Supporting scholarship

ALWD does significant work in the area of scholarship through scholarship grants, a scholarly journal, scholars' fora, and our visiting scholars program. Expenditures for these activities is anticipated at more than \$40,000 in 2017.

ALWD provides scholarship grants to support legal writing scholars in their scholarly endeavors. Many law schools do not provide grants to legal writing faculty to pursue scholarship if those faculty are not tenure-track or tenured. Scholarship by legal writing faculty is not limited to the legal writing discipline. Grants are given for scholarship in a host of legal disciplines and totaled \$7,500 for 2017.

ALWD publishes our own peer-edited journal—*JALWD: Legal Communication and Rhetoric*. The journal's mission is to advance the study of professional legal writing and lawyering and to become an active resource and a forum for conversation between the legal practitioner and the legal writing scholars. Recipients of the journal include members of the judiciary, members of the bar, and legal academicians. Plans are underway to move the journal to an online format in 2018.

ALWD sponsors Scholars' Fora in which a small group of scholars share their work to garner feedback and explore their ideas. An established scholar leads the session. These fora are usually in conjunction with regional legal writing conferences, but we are considering expanding the locations given the demand by our members.

ALWD also sponsors Visiting Scholars who become Scholars-in-Residence at law schools. These scholars present to the faculty, student body, and invited guests. Visiting scholars give presentations based on their own scholarship including writing across the curriculum, ways to incorporate writing into doctrinal courses, team-based learning, and curriculum mapping and assessment.

c. Supporting teaching

ALWD provides teaching grants in addition to scholarship grants. These grants enable legal writing faculty to explore teaching ideas of interest to them and to produce teaching tools, materials, and curriculum that will assist others in the field. This year, ALWD increased the number of teaching grants given and the dollar amount of each grant. The total grants were \$10,000. ALWD supports an Innovative Teaching Workshop in conjunction with its biennial conference or a regional writing conference for faculty to receive feedback on new teaching ideas.

3. The role of ALWD in advocating for legal writing faculty, who are the most able to implement the new standards for experiential learning and assessments, yet continue to be the most vulnerable in the legal academy, particularly given the current economics of law schools

As educational leaders, ALWD members are poised to assist with meaningful educational innovation. Many schools have turned to their skills faculty to guide them through the curricular changes needed to meet Standard 303's skills requirement of at least six credit hours of experiential courses. ALWD members are ready to assist with curricular change and lead educational reform at their schools. Indeed, some legal writing faculty have been chosen to lead this curricular change through appointments as associate deans with primary responsibility for experiential learning.

Ironically, however, at a time when curricular innovation is needed to help students become practice-ready, full-time legal writing faculty remain the most vulnerable of law educators. Full-time legal writing faculty are the most able to assist with meaningful reform, including experiential learning and assessments. More than two-thirds of full-time legal writing faculty are women, and less than ten percent represent racial minorities. The ABA Standards have created and fostered academic status hierarchies, imposing constructive barriers to race and gender equality in the academy, allowing accredited law schools to discriminate among full-time faculty members based on the nature of their teaching responsibilities. During these challenging times in legal education, many full-time legal writing faculty positions have been eliminated or reduced and resources to legal writing programs have been decreased at many law schools. This reduction was possible as most legal writing faculty continue to lack status and job security.

ALWD has joined forces with its sister organization, the Legal Writing Institute (LWI), as well as the Society of American Law Teachers (SALT) to increase its advocacy for legal writing faculty. The Legal Writing Institute's (LWI) Professional Status Committee (PSC) was formed to gather information about status issues and challenges facing its members at their respective institutions, act as a resource for them, and assist the LWI Board in speaking about those issues and their effect on its membership.

Among other activities, two significant projects of the PSC are the Full Citizenship Statement and the "Best Practices" document. First, the Full Citizenship Statement, which was drafted in 2015, declares that all faculty should have the opportunity to achieve full citizenship at their institutions, including academic freedom, security of position, and governance rights.

Full Citizenship Statement

We are committed to a policy of full citizenship for all law faculty. No justification exists for subordinating one group of law faculty to another based on the nature of the course, the subject matter, or the teaching method. All full-time law

faculty should have the opportunity to achieve full citizenship at their institutions, including academic freedom, security of position, and governance rights. Those rights are necessary to ensure that law students and the legal profession benefit from the myriad perspectives and expertise that all faculty bring to the mission of legal education.

LWI, ALWD, and SALT all formally endorsed the Full Citizenship Statement. In a recent campaign, the PSC gathered 570 signatures in support of the statement from law faculty and administrators at over 130 law schools nationwide. Signatories include William C. Burton of the Burton Foundation and a 2010 LWI Golden Pen Award recipient; Ross Guberman, author of *Point Made* and a 2016 LWI Golden Pen Award recipient; Joe Kimble, Distinguished Professor Emeritus at Western Michigan Cooley School of Law and Senior Editor of the *Scribes Journal of Legal Writing*; Francis "Jay" Mootz, III, Dean and Professor of Law at University of the Pacific McGeorge School of Law; and Sheila Simon, former Lieutenant Governor of Illinois and Visiting Assistant Professor of Law at Southern Illinois University.

Second, the PSC has also supported a project to articulate Best Practices for compliance with ABA Standard 405(c). The Best Practices document, authored by Melissa H. Weresh, Professor of Law at Drake University Law School, was also formally endorsed by LWI, ALWD, and SALT. It has recently been published in the *Journal of Legal Education*, along with a number of short companion pieces

ALWD and LWI continue to jointly sponsor an annual survey of all legal writing programs and faculty. The survey instrument has undergone revisions to update the platform for better data analysis. As such, the 2016-2017 data is currently being gathered on the new survey instrument. The data for the 2014-2015 school year was recently released representing 194 out of the 204 law schools eligible to complete the survey. Eligible law schools include ABA-accredited and provisionally accredited law schools that grant the juris doctor degree, as well as the University of Windsor in Ontario, Canada. This 95% response rate is the highest rate the survey has ever received.

Once again, despite the emphasis on skills training, legal writing faculty continue to be at a high risk given the economic times. These effects have included increasing class size that results in less individualized feedback, a hiring freeze, a reduction in the number of legal writing faculty, and not replacing faculty when contracts expire or are not renewed. Legal writing faculty in most programs remain on short-term contracts. Some schools continue to put a cap on the number of years that a legal writing professor may teach at the school. The gender gap continues with over two-thirds of legal writing faculty female, the opposite of casebook faculty.

As legal education, the bench, and the bar continue to face significant challenges with how to implement needed reforms, ALWD can help be a catalyst for lawyering skills instruction, experiential learning, and assessment. ALWD looks forward to working with the ABA to continue to improve legal education and the status of legal writing faculty.