



## Dismantling the Separate But Equal Paradigm: Integrating Legal Research and Writing Into the Law School Curriculum

December 6, 2019 – 8:00 a.m. to 5:00 p.m. • Dickinson Law • Lewis Katz Hall

Legal research and writing are essential components of any healthy law practice. Finding useful sources of law and translating that research into effective writing are critical skills of lawyers. This program will explore why legal research and writing courses are often limited to the first-year curriculum, the hierarchical structure of legal research and writing faculty and law librarians in the legal academy, the “separate but equal” status of legal research and writing in the classroom and beyond, effective tools to break down barriers of legal research and writing, and more.

**8:00 to 8:45 a.m.** Registration and Continental Breakfast

**8:45 to 9:00 a.m.** Welcome, Danielle M. Conway, Dean and Donald J. Farage Professor of Law, Penn State Dickinson Law

**9:00 to 9:35 a.m.** The Foundational Skills and Methods that Unify All First-Year Courses

**Scott Rempell, Godwin Bowman and Martinez Research Professor and Professor of Law, South Texas College of Law Houston**

Many perceive LRW courses as important for practice yet largely distinct from the core “doctrinal” courses that purport to teach students how to “think like a lawyer.” However, a remarkably consistent core of skills and methods of thought unify all first-year courses. If these core skills and methods are at the heart of all first-year courses, then the professors who should cover them in class have to acknowledge they exist and work together to teach them. In short, to break down barriers, LRW professors have to bring to the surface the framework underlying core law school learning objectives – a framework that necessarily transcends all first-year classes and requires a joint effort of equals to address adequately.

**9:35 to 10:20 a.m.** Taking Collective Action to Integrate the Law School Curriculum

**Sherri Thomas, Associate Dean of Institutional Climate and Equity, Assistant Library Director, and Professor of Law Librarianship, University of New Mexico School of Law**

**Michelle Rigual, Associate Dean of Information Services, Professor of Law Librarianship, and Research Professor of Law, University of New Mexico School of Law**

Successfully dismantling the “separate but equal” paradigm to integrate legal research and writing courses into the law school curriculum is a long-term proposition that is unlikely to succeed through a single campaign. At University of New Mexico, several negative hierarchical structures have stood in the way of curricular integration, including some surprising ones that arise from within the legal writing and research faculties. In this session, we’ll discuss these structures, the tools we are using to challenge them, and the successes we have experienced thus far.

**10:20 to 10:35 a.m.** Break

**10:35 to 11:05 a.m.** From the First Day Forward: Integrating Legal Research Into Law School Doctrinal Courses

**Clanitra Stewart Nejd, Research Services Librarian and Lecturer in Law, Alyne Queener Massey Law Library, Vanderbilt University**

This presentation focuses on the benefits of partnering with doctrinal professors to integrate legal research into law school doctrinal classes. The presenter will discuss best practices for the integration process. She will also share ideas and tips for developing meaningful collaborations with doctrinal faculty members and explain how she worked with Civil Procedure professors to integrate research into their classes.

**11:05 to 11:35 a.m.**

**Connect 4: Student + Research + Writing + Theory**

**Nicole Chong '97, Associate Dean for Legal Writing, Penn State Law**

We often see first-year law students failing to make connections between research, writing, and theory. First-year students tend to view their classes in separate silos. As students advance into the upper-level curriculum, the failed connections are exacerbated. Students are unable to connect what they learned in the first year of law school to the classes they are now taking in their last two years of law school. Additionally, upper-level faculty who assume that the students are making connections when they are not further compound this connection problem. The connection failure can result in a number of problems. How do we connect the following four critical areas: students, research, writing, and theory? Everyone can win in this game of Connect 4. This presentation will address some ideas on how to make the connections.

**11:35 a.m. to 12:05 a.m.**

**Mastering the Model Answer**

**Elizabeth Sherowski, Visiting Assistant Professor, Mercer University School of Law**

One way to encourage professors to assign written work across the law school curriculum is to assure them that providing feedback on the writing won't take up too much time. Giving students a post-assignment model answer is an effective way to save time on providing feedback, but most students don't know how to use model answers effectively, and many professors don't know how to draft an effective model answer. This presentation shows LRW professors how to share their pedagogical expertise with faculty across the curriculum to help their colleagues devise pedagogically sound model answers and train their students to use them effectively.

**12:05 to 12:35 p.m.**

**Incorporating Short Writing Exercises into Traditional Exam Courses: How to Do It and How to Encourage Others to Do It Too!**

**Candace Centeno, Associate Dean of Academic Affairs, Director, Duane Morris LLP Legal Writing Program; and Professor of Law, Villanova University Charles Widger School of Law**

This presentation will discuss how to incorporate short writing exercises into a traditional exam class and how to encourage others to do the same. The presentation will first briefly discuss a sample writing exercise used in an upper level elective that also has a final examination; in sum, the writing exercise builds upon the email analysis instruction provided in the 1L Legal Writing Program. This short exercise provides an opportunity for the professor to help students refine their writing and organization, and to see if the students are understanding basic concepts. The presentation will then explore ways to encourage other faculty members to do the same in their traditional upper-level exam courses, including sharing rubrics and faculty presentations about how to do it and why this is important to our students.

**12:35 to 1:35 p.m.**

**Lunch (provided by host)**

**1:35 to 2:15 p.m.**

**The Traditional Legal Analysis, Research, and Writing Course: Does Subject Synthesis Serve Students Best?**

**Anna Hemingway, Director of the Legal Methods Program, Widener University Commonwealth Law School**

**Sherri Keene, Director of the Legal Writing Program, University of Maryland Carey School of Law**

Most law schools' first-year curriculums include a course on legal analysis, research, and writing. At many law schools, the synthesis of these subjects into one course is considered the best way to teach first-year law students basic lawyering skills. Recently, however, law schools have begun to separate the topics into stand-alone courses. This presentation will review the different models law schools are currently using and will explore additional opportunities to remix the individual topics with other first-year courses.

**2:15 to 2:45 p.m.**

**Making Two Separates Equal: Combining Graduation Requirements and Research and Writing Skills**

**Ann Walsh Long, Head of Research and Digital Collections and Assistant Professor of Law, Lincoln Memorial University School of Law**

ABA Standard 303 requires that a law school offer a curriculum that requires each student to satisfactorily complete at least one professional responsibility course, one upper-level writing course, and one or more experiential course(s) totaling at least six credit hours. While the same class cannot count toward more than one of these requirements, Interpretation 303-1 allows one course to count as "either as an upper-class writing requirement or as a simulation course provided the course meets all of the requirements of both types of courses and the law school permits a student to use the course to satisfy only one requirement under this Standard." This presentation will discuss how an Advanced Legal Research course can be structured so that it complies with this Interpretation and allows students the option of choosing which requirement the course satisfies.

**2:45 to 3:15 p.m.**

**Research Instruction at Yale Law School**

**Julie Graves Krishnaswami, Head of Research Instruction and Lecturer in Legal Research, Lillian Goldman Law Library, Yale Law School**

At Yale Law School, the Law Librarians take a holistic approach to providing legal research instruction. With that approach, we meet students where they are – academically and curricularly – through courses, reference consultations, guest lectures, and workshops. We provide elective research instruction in a variety of fora to meet the needs of our students. Our research courses are elective and are supplemented by workshops and guest lectures in clinical and doctrinal courses, and for student groups. Yale Law School students recognize the need for research instruction, and we have expanded our offerings to meet demand. The Law Library's holistic and pedagogical approach to teaching legal research is, indeed, working well and as supported by course evaluations and enrollment data, students are responding positively. Students understand that research skills are fundamentally important for law school and prospective employment. Because Yale Law School lacks a required research course, the Law Librarians strive to meet the students' demands to enroll in the elective courses and meet students at the point of their need for research instruction. As we work towards a required course at Yale Law School, we are mindful of meeting the needs of our students.

**3:15 to 3:30 p.m.**

**Break**

**3:30 to 4:10 p.m.**

**Paradigm and Parable: Legal Education's Separate But Equal Premise and ABA Standard 405**

**Craig T. Smith, Clinical Professor and Assistant Dean for the Writing and Learning Resources Center, University of North Carolina School of Law**

Legal education indeed operates under a separate but equal paradigm. That paradigm rests on a premise, a logical proposition regarded as self-evident or already proved. The premise is that legal educators can justly be separated into distinct classes who receive quite unequal treatment. That premise, moreover, is fixed in stone. It's a pillar of legal education's governing architecture. The pillar is Standard 405 of the American Bar Association's Accreditation Standards. It defines, for every accredited law school, a minimally acceptable "professional environment" for a law faculty. At a glance, Standard 405 seems a dull set of rules: four "shall" statements, arranged in sections, totaling 181 words. Viewed with insight, however, it's a parable: a "micro" story about how our world actually works and how it should work. What's in that story? And what does it tell us about the long-term arc of legal education?

**4:10 to 4:50 p.m.**

**Exposing the Imposter: Imposter Syndrome and Legal Writing Faculty**

**Sara L. Ochs, Legal Method and Communication Teaching Fellow, Elon University School of Law**

Legal academics often report crippling feelings of insecurity and inadequacy, symptoms of a widespread trend labeled as "imposter syndrome." Experts have defined this phenomenon as a "deep and sometimes paralyzing belief that we have been given something we didn't earn and don't deserve and that at some point we'll be exposed." Given the evident hierarchies in legal academia, these feelings are especially prominent among legal writing faculty, and even more so among those in untenured positions. Using empirical data acquired from law professors, this presentation will analyze the prevalence and causes of imposter syndrome among legal writing faculty and will evaluate the detrimental impact this can have on legal writing teaching, relationships with doctrinal faculty, student mentoring, and scholarship. This presentation will further propose steps that can be taken both by legal writing professors and law school faculties to mitigate the growing presence of imposter syndrome in legal academia.

**4:50 to 5:00 p.m.**

**Closing Remarks**

**Acknowledgements**

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Presentations from today's workshop will be posted at [ideas.dickinsonlaw.psu.edu/events/lwi2019](https://ideas.dickinsonlaw.psu.edu/events/lwi2019).