


Association of Legal Writing Directors  
University of Michigan Law School  
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## MEMORANDUM

To: Council on Legal Education

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

Date: November 14, 2016

Re: December 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 one representative present at this meeting, Wanda M. Temm, current ALWD President.

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.**

One of ALWD's focuses both last academic year and this academic year has been addressing issues of implicit bias within our own discipline and within the legal academy. We began with an extensive review of our by-laws and membership qualifications to determine whether any provision may have an unintended, negative impact on members with diverse voices. As a result of that scrutiny, the Board of Directors is currently considering how to revamp those by-laws and membership provisions that may have that unintended effect.

As the Board began its review, it decided it would also look at our membership provisions and our stated purposes to see whether they truly reflect the nature of the legal writing discipline today and whether they might result in excluding members with diverse voices. From ALWD's inception, our membership has focused solely on directors of legal writing programs. However, during the last twenty years, writing programs have diversified. Some schools now have a unitary tenure-track or programmatic tenure for legal writing faculty. Other programs have moved to an autonomous model with no director, recognizing the expertise of individual faculty members and the lack of need to be "directed." Other programs have remained director-led. In order to diversify our membership and to recognize the current state of legal writing programs, the Board is developing membership provisions that recognize these additional changes and include additional faculty with diverse voices.

Directors are recognized as leaders by their position. These directors have been the advocates for their writing programs within their schools and nationally. As a result of the evolution of legal writing programs, ALWD's current purposes with their focus on directors needs to be realigned with the changes in the legal writing discipline. The new purposes will focus on leaders from legal writing in varied roles within the legal academy.

Our 2017 Biennial Conference will focus on implicit bias. The 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.

Our conference is open to all and non-members are welcome to attend. Please consider this my invitation to you to consider attending this conference.

## **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 dialog 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 alternative years. This past summer's 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.

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. This scholarship is not limited to the legal writing discipline. Grants are given for scholarship in a host of legal disciplines.

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.

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. ALWD supports an Innovative Teaching Workshop in conjunction with its biennial conference or a regional writing conference.

**d. Supporting status issues**

ALWD and LWI jointly sponsor an annual survey of all legal writing programs and faculty. The 2015-2016 survey instrument is undergoing revisions to update the platform for better data analysis. As such, the latest data is currently being processed and has not yet been released. Our expectations are that 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.

**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.

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 assessments. ALWD looks forward to working with the ABA to continue to improve legal education and the status of legal writing faculty.