

## Diana J. Simon

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**School:** University of Arizona Law School, James E. Rogers College of Law  
Tucson, Arizona

**Email Address:** dianasimon@arizona.edu

### General Background:

I was a commercial litigator for about 23 years in a variety of firms (both large and small) in both large and small cities. I practiced in the areas of entertainment-related litigation, such as trademark and copyright, contract litigation, employment law, and insurance coverage. I have also taught at the College of Law in Tucson for 30 years (ten of those years overlapped with my private practice). I have taught a variety of practical courses, such as pretrial litigation, moot court, legal writing, and advanced legal writing. Beginning in 2017, I started teaching at the law school on a full-time basis and only in the first-year program. Beyond teaching, in 2022, I became Chair of the University-wide Ombuds Committee at the University of Arizona and am now in my second year as Chair.

### Areas of scholarly interest consistent with the purpose of the grant program:<sup>1</sup>

I can present on almost any topic related to legal writing. I can also present on substantive issues, such as plagiarism both as a law student and as a lawyer and specific areas of copyright law. I can also present on the art behind creating hypothetical problems for students to work on.

### A representative list of scholarship:

#### Books:

*The (Not Too Serious) Grammar, Punctuation, and Style Guide to Legal Writing* (Carolina Academic Press, Nov. 2022).

*The Case for Effective Legal Writing: Court Opinions, Commentary, and Exercises* (with co-author Mark Cooney) (Carolina Academic Press, forthcoming 2024).

#### Articles:

“More True Confessions of a Legal Writing Professor: Chat GPT Makes a Better

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<sup>1</sup> The ALWD Distinguished Speaker Series grants (formerly known as the Visiting Scholars grants) are intended to further support, strengthen, and encourage scholarship focusing on the study and practice of professional legal writing.

Therapist Than a Lawyer,” *Arizona Attorney Magazine* (Oct. 2023).

“True Confessions of a Legal Writing Professor: Semicolons Suck,” *Arizona Attorney Magazine* (April 2021).

“Yada, Yada, Yada: The Magic of Three in Legal Writing,” *Law 360* (Oct. 3, 2023).

“The Power of Connectivity: The Science and Art of Transitions,” *18 Legal Comm. & Rhetoric: JALWD*, 65-80 (Fall 2021).

“The Scope of Employment Test Under the Work-Made-for-Hire Doctrine Revisited: How Covid-19, Remote Working, and the Restatement (Third) of Agency Could Change It,” *20 UIC Intell. Prop. L.* 232 (April 2021).

“The Ombudsman Privilege is a House of Cards: The Organizational Ombudsman’s Hopeful but Unrealized Promise of Privilege and a Roadmap for Keeping the Promise,” *41 Tex. Rev. Litigation*, 34-101 (Winter 2021).

“Focused and Fun: A How-to Guide for Creating Hypotheticals for Law Students,” *19 Scribes Journal of Legal Writing* 161-180 (Fall 2020).

“Cross-Cultural Differences in Plagiarism, Fact or Fiction?” *57 Duq. L. Rev.* 73 (2019).

## **Ideas for programming Distinguished Speaker might offer a host school, including potential topics and target audiences:**

Potential Topics: Using humor in the classroom to create a more effective learning environment, how to create hypotheticals that provide students with the key writing tools they need to be effective lawyers, how science supports legal writing strategies, how to bring pop culture into the classroom to create a more welcoming and relatable atmosphere, incorporating fun ideas for teaching grammar and punctuation in the classroom to keep students engaged, how to create practical in-class exercises to give students a taste of the real world, specific issues on passive voice, parallelism, plain language, brevity, etc., how to bond with students both inside and outside of the classroom.

Target Audiences: Because I have spoken to legal writing professors, doctrinal professors, lawyers, paralegals, legal assistants, and others in the community, I can comfortably speak to a wide range of audiences on the topic of legal writing. Also, because I practiced many years before entering academia, I can speak to others like me, who are entering the field later in life on issues, such as producing scholarship, moving from the courtroom to the classroom, and how to bring the courtroom into the legal writing classroom. I can also speak to novice or inexperienced teachers who have not had a background in the practice of law because I have not been teaching long as a full-

time member of the faculty as opposed to an adjunct member of the faculty.

**In no more than 300 words, describe why a host school should consider you as a Distinguished Speaker:**

First, I have had extensive experience teaching law students and practicing law. I have also written many articles on the topic of legal writing for a variety of different audiences—law students, law professors, and lawyers. I have also written for local, national, and international audiences (several international journals have cited my article on plagiarism).

Second, I have a unique approach to legal writing, authoring humorous articles that engage the reader but also impart vital information. In fact, Wayne Schiess, a prominent and experienced member of the legal writing community, had this to say about my book on grammar and style: “Professor Diana Simon has achieved something you might think impossible: She has written a witty and engaging book about grammar, and that’s grammar in the context of legal writing. It’s quite an accomplishment. But the book is more than witty and engaging.” I bring this same approach with me when I speak with audiences—I use humor, if appropriate, to capture the audience’s attention and make it easier to relate to me. I am also a high energy person, and I bring that with me when I present.

In fact, recently, my students have commented on these traits. For example, as one student said, “Simon keeps the class light and fun while still challenging us.” Another student wrote, “I like that Professor Simon made a point to engage every student in the class,” and yet another student wrote, “Given the limited amount of time for the course, she did her part effectively and with fun energy.” And finally, one student wrote this: “She was very direct in her teaching style which was beneficial for this particular class. She was also funny and personable.”

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**520-907-3800**

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**EDUCATION**

**Emory Law School, Atlanta, Georgia**

*Juris Doctor*

1982

- Notes and Comments Editor, Emory Law Journal
- Author: *Defendant's Full and Fair Opportunity to Litigate: The Constitutionality of Search and Seizure in State Court Motion Hearing Collaterally Estops Relitigation of Same Issue in Subsequent Section 1983 Suit*, 30 Emory L. J. 927 (1981).

**Washington University in St. Louis, St. Louis, Missouri**

*Bachelor of Arts, Psychology*

1979

- Dean's List all four years

**PROFESSIONAL EXPERIENCE**

**Teaching Experience**

**University of Arizona, James E. Rogers College of Law, Tucson, Arizona**

*Continuing Status Eligible*

Oct. 2021-present

*Associate Clinical Professor of Law*

Aug. 2017-present

*Adjunct Assistant Professor*

1994-May 2017

- Courses taught: Pre-Trial Litigation (1994-2010); Legal Research, Analysis, and Communication (2008-present); Advanced Legal Writing (2011-2016), Contracts Practice Lab (Fall 2007); Civil Procedure Practice Lab (Fall 2006, 2008); Co-taught Moot Court (Spring 2014).
- Developing and drafting hypothetical problems: Since approximately 2009, I have been creating hypothetical problems that our legal writing department uses for both 1L and 2L classes. Since 2018, I have been responsible for developing all 1L hypothetical problems, including two in the fall, one in the spring, and the final exam.

**Eller College of Management, University of Arizona, Tucson, Arizona**

*Adjunct Assistant Professor*

Fall 2013

- Courses taught: Business communications to undergraduate business students

**Law Practice Experience**

**Diana J. Simon, PC, Tucson, Arizona**

2001-2006

*Founder/Shareholder*

**Korn, Waterman & Simon, PC**, Tucson, Arizona 1993-2001  
*Shareholder (from 1995)*

**Rosenfeld, Meyer & Susman**, Beverly Hills, California 1985-1992  
*Equity Partner (from 1989)*

**Bryan Cave**, Los Angeles, California 1984-1985  
*Associate*

**Liotta & Finkelstein**, Washington, DC 1982-1984  
*Associate*

**Bar Admissions:** Arizona (retired status), California (inactive status), Georgia (inactive status), and the District of Columbia (inactive status).

### AWARDS

**Distinguished Early Career Scholar Award** May 22, 2023  
Recognizes one outstanding faculty member per year for highly valued contributions to research and the intellectual life of the College.

**Global Legal Skills Award** Dec. 2019  
For scholarship on cross-cultural education. Global Skills Conference, Phoenix, AZ.

### SERVICE TO INSTITUTION

- University Ombuds, Chair, University of Arizona's Ombuds Committee (2022-2024)
  - Conducted University outreach, including presentation to Deans, Provost's Council, Human Resources, College of Law, College of Medicine (Tucson and Phoenix), College of Pharmacy, College of Applied Science and Technology, College of Education, Wyant College of Optical Sciences, Graduate College, student workers' union, and student fairs. Drafted first charter and content for website. Conducted in-house training of committee members. The [Ombuds Blog](#) reported on my appointment and included a reference to my article on the ombuds privilege.
- Managing Editor, Journal of Appellate Practice and Process (2020-2024).
- Member, Diversity Coordinating Council, University of Arizona (2022-2023).
- Designated one of 100 Campus Leaders (2022-2023).
- Hiring Committee for a professor to teach legal writing and other subjects at Ocean University (2022).
- Member, Senate ad hoc University of Arizona Committee on Career Track Faculty (2021-2022).
- Admissions Committee (2020-2022).

- Member, Inaugural University-wide Ombuds Committee (2021-2022) (selected after application process).
- Creation of eight-module, three-hour online plagiarism workshop for our global and non-global students in Arizona (covering definitions of plagiarism, reasons for plagiarism and types of plagiarism, diverse cultural perspectives, quoting and paraphrasing, character and fitness issues, and lawyers and plagiarism) (Summer 2021) (Became mandatory part of 1L curriculum in Fall of 2022).
- LawCats Live online seminar, “Ownership of intellectual property between employers and their employees: How COVID-19 and a remote workforce could change the landscape,” (June 22, 2021).
- Faculty Advisor, Student Notes (patent law, Indian Country and environmental racism, English only laws, election law and AI interference, treatment of celebrity defendants accused of a crime, mass marketing companies/pyramid schemes and regulation).
- Podcast Interviews for Practice in Place: Law and Justice Go Viral. (June 2020).
- Writing Fellow Selection Process: Interviewed all writing fellow applicants, summarized interviews, and made recommendations to legal writing team, (Spring 2020, 2021, and 2022).
- Presenter at workshop for incoming international students at orientation on plagiarism, (Fall 2019, 2020, 2021).
- Speaker, 1L Class, “On Making Partner and Generating Business,” (Spring 2019).
- Judge for Fegly Moot Court Competition (finals), (Spring 2018).
- Judge for practice rounds of ABA Moot Court Competition (2017-present).
- Speaker, Sports and Entertainment Law Society (multiple years).

## PUBLICATIONS

### *BOOKS*

- *The (Not Too Serious) Grammar, Punctuation, and Style Guide to Legal Writing* (Carolina Academic Press, November 2022).
  - This book was listed in [David Lat’s November 2022 column](#) where he spotlights noteworthy new books related to the law. The book was also favorably reviewed on a leading legal writing blog, [legal writing.net \(Dec. 6, 2022\)](#). It was also favorably reviewed by the Editor-in-Chief of the [Arizona Attorney Magazine](#) in the January 2023 issue and by author William Domnarski in Los Angeles’s [Daily Journal](#) (Feb. 24, 2023) (“Diana Simon has written the best and only book you need to get what you write right. That it is fun to read is a bonus.”). It was also favorably reviewed in December of 2023 in *Legal Communication & Rhetoric: JALWD*, a publication of the Association of Legal Writing Directors and can be found [here](#).

### *FULL-LENGTH ARTICLES*

- “Legal Education and Trigger Warnings: More Harm Than Good?” 18 *Charleston L. Rev.*

(forthcoming spring 2024). [TaxProf Blog](#) addressed the article.

- “The Ombudsman Privilege is a House of Cards: The Organizational Ombudsman’s Hopeful but Unrealized Promise of Privilege and a Roadmap for Keeping the Promise,” 41 *Tex. Rev. Litigation*, 34-101 (Winter 2021). *The Ombuds Blog* [blogged about it](#). It was also cited as authority in *Domke on Commercial Arbitration*, § 3:24 (Dec. 22 update).
- “The Power of Connectivity: The Science and Art of Transitions,” 18 *Legal Communication & Rhetoric*, JALWD, 65-80 (Fall 2021). *TaxProf Blog* referenced it in its [Weekly Legal Education Roundup](#). It was also discussed in 91 *Kan. B. J.* 14 (2022) (“Professor Simon’s article inspired this column. If you are interested in a deeper dive into transitions, I recommend it!”). The [Law & Humanities](#) blog included a discussion of it as well as a top legal writing blog, [Legalwriting.net](#). Further, a professor at the University of Texas wrote an article in the [Austin Lawyer](#) focusing on my article.
- “The Scope of Employment Test Under the Work-Made-for-Hire Doctrine Revisited: How Covid-19, Remote Working, and the Restatement (Third) of Agency Could Change It,” 20 *UIC Rev. Intell. Prop. L.* 232 (April 2021). This article was cited in Tommy McCutchen & Alex MacDonald, “The War on Independent Work: Why Some Regulators Want to Abolish Independent Contracting, Why They Keep Failing, and Why We Should Declare Peace,” 24 *Federalist Society* 165, 177 (Aug. 10, 2023).
- “Laughing Your Way to Academic Success: Can Laughter Impact Learning and Well-Being in the Law School Classroom & Are There Cross-Cultural Differences?” 53 *Conn. L. Rev. Online* (May 2021). [TaxProf Blog](#) reported on it.
- “Focused and Fun: A How-to Guide for Creating Hypotheticals for Law Students,” 19 *Scribes Journal of Legal Writing* 161-180 (Fall 2020).
- “Cross-Cultural Differences in Plagiarism: Fact or Fiction?” 57 *Duq. L. Rev.* 73 (2019). Won Global Legal Skills Award for this article. The article was featured in the [TaxProf Blog](#) and in [Retraction Watch](#), funded in part by the MacArthur Foundation. Scholars in France and Saudi Arabia tweeted about it. It was also reported on in the [Committee on Publication Ethics](#) (a UK website).

#### SHORTER PIECES ON LEGAL WRITING

- “Yada, Yada, Yada: The Magic of Three in Legal Writing” <https://www.law360.com/pulse/articles/1720327> (Oct. 3, 2023).
- “Time to do Laundry: Cleaning Up Your Quotations” (forthcoming 360.com).
- “Be a Superhero (Not a Mummy): Embrace the Active Voice” (forthcoming 360.com).
- “Exploring the Singular ‘They’” (forthcoming 360.com).
- “More True Confessions of a Legal Writing Professor: Down the Rabbit Hole with Doe,” *Arizona Attorney Magazine* (forthcoming).
- “More True Confessions of a Legal Writing Professor: Don’t Be a Turkey—Avoid Gobbledygook,” *Arizona Attorney Magazine* (forthcoming).
- “More True Confessions of a Legal Writing Professor: Response Times Are So Slow These

Days, Email is Now Sloth Mail,” *Arizona Attorney Magazine* (forthcoming).

- “More True Confessions of a Legal Writing Professor: Chat GPT Makes a Better Therapist Than a Lawyer,” *Arizona Attorney Magazine* (Oct. 2023). This article was reported on in Law 360 and blogged about in [TaxProfBlog](#).
- “So, You Think You Can Write? Why Legal Writing Continuing Education Should Be Mandatory for Lawyers,” <https://www.law360.com/pulse/articles/1697275> (July 11, 2023).
- “More True Confessions of a Legal Writing Professor: The Continuing Study of Legal Writing Should Be Deemed a Required Part of Our Professional Responsibility,” *Arizona Attorney Magazine* (June 2023). This article was blogged about in the [Law & Humanities](#) blog (Feb. 23, 2023).
- “More True Confessions of a Legal Writing Professor: Unlike Belly Buttons, Commas and Periods with Quotation Marks Cannot Be Innies or Outies,” *Arizona Attorney Magazine* (forthcoming). The article was blogged about in [Comparative Law Tips and Tricks](#).
- “More True Confessions of a Legal Writing Professor: Dictionaries Should Not Be a Democracy,” *Arizona Attorney Magazine* (October 2022). Reprinted in *@law*, National Association for Legal Support Professionals (Summer 2022, Vol. 71, Issue 3). This article was blogged about in [hedges and foxes](#).
- “More True Confessions of a Legal Writing Professor: I Will Never Surrender to the Sinful Comma Splice,” *Arizona Attorney Magazine* (September 2022). This was blogged about on [TaxProf Blog](#). It was also referenced in the Legal Education eJournal, Vol. 19, No. 11 (Feb. 25, 2022).
- “More True Confessions of a Legal Writing Professor: Exclamation Proliferation and Why it Has to Stop!” *Arizona Attorney Magazine* (February 2022). This article was blogged about in [hedges and foxes](#), [TaxProf Blog](#), and an international consultant’s [linked in](#) feed (“the best and most amusing article you have read on the exclamation mark”).
- “True Confessions of a Legal Writing Professor: Semicolons Suck,” *Arizona Attorney Magazine* (April 2021). Even before it was published, the blog [prawnsblawg](#), wrote about it. The [Appellate Advocacy Blog](#) also blogged about my article. My article was also discussed in [Maricopa County’s Public Defender Newsletter](#) (Jan. 2022, Vol. 31, Issue 4, p. 8).
- “Handling Criticism of Your Writing (after Taking Advil to Handle the Hurt),” *Arizona Attorney Magazine* (Nov. 2018).
- “The Science and Art of Transitions,” *Arizona Attorney Magazine* (April 2018).

As of September of 2023, I rank in the top 2% of all authors in downloads on SSRN.

#### WORKS IN PROGRESS

- *The Case for Effective Legal Writing: Court Opinions, Commentary, and Exercises* (Accepted for publication by Carolina Academic Press in February 2023. Expected publication date 2024). (Co-author of Book with Mark Cooney.)
- “How I Spent My Summer Vacation: Creating an Online Plagiarism Workshop for Law Students,” (Journal article in progress).



## **EDITORIAL/PEER REVIEW POSITIONS**

- Deputy Editor, American Bar Section of International Law, 2023 International Law Year in Review.
- Managing Editor, Journal of Appellate Practice and Process (2020-2024).
- Peer Reviewer, “Strategies to manage student’s plagiarism: a cross-cultural comparison,” *Higher Education Quarterly* (2020).
- Peer Reviewer, ALWD Guide to Legal Citation (Seventh Edition) (Fall 2020). I peer reviewed Rule 15 governing all citation forms to both federal and state legislation.
- Deputy Editor, American Bar Section of International Law, 2020 International Law Year in Review.

## **PRESENTATIONS**

- Invited Speaker: University of Arizona Law Board of Visitors (Jan. 19, 2024) (invited to speak on current/recent scholarship for approximately 130 lawyers, judges, business people, and friends of the College of Law).
- Invited Speaker, “Tips to Improve Your Legal Writing,” The Legal Support Alliance Super Saturday CLE (LSA is a division of the Pima County Bar Association) (Sept. 23, 2023).
- Selected Co-Presenter (with Sylvia Lett), “The Power of the Hypo: How Writing About Whether a Homeless Shelter is a Dwelling under the Fair Housing Act Can Educate Students about Cultural Competency and Teach Instructors About Handling Student Triggers,” (ALWD Biennial Conference, July 13, 2023).
- Selected Speaker, “Harry Potter, Cartoons, and Caselaw: The Stories Surrounding Grammar, Punctuation, and Style,” (Rocky Mountain Legal Writing Conference, Feb. 24, 2023).
- Book Talk (Nov. 14, 2022) Diana J. Simon, “The (Not Too Serious) Grammar, Punctuation, and Style Guide to Legal Writing,” (Carolina Academic Press, 2022).
- Invited Speaker, Arizona Women Lawyers Association, “The Details Matter: Tips to Improve Your Legal Writing” (October 16, 2022) (CLE Webinar).
- Selected Speaker, “How I Spent My Summer Vacation: Creating an Online Plagiarism Workshop” (Rocky Mountain Legal Writing Conference, Phoenix, March 4, 2022).
- Moderator, Book Talk on ALWD Guide, Seventh Edition (Sept. 14, 2021).
- Speaker, LawCats Live Webinar, “Ownership of intellectual property between employers and their employees: How Covid-19 and a Remote Workforce Could Change the Landscape” (June 22, 2021)
- Invited Speaker, Legal Support Alliance (Arizona Chapter), “Brevity in Legal Writing: Be Prepared to Fall Out of Love with Your Words,” (May 26, 2021).

- Selected Speaker, ALWD 2021 Biennial Conference, “Laughing Your Way to Academic Success: Can Laughter Improve Learning and Well-Being?” (June 2021).
- Selected Speaker, “Cross-Cultural Differences in Plagiarism: Fact or Fiction?” (Legal Writing Institute Biennial Conference Washington, D.C. July 2020) (in-person conference cancelled but presented online in July).
- Selected Speaker, “Laughing Your Way to Academic Success: Can Laughter Impact Learning and Well-Being and are There Cross-Cultural or Cross-Generational Differences?” (Rocky Mountain Legal Writing Conference, Tucson, AZ, Mar. 2020) (cancelled due to Covid-19).
- Selected Speaker, “Laughing Your Way to Academic Success: Can Laughter Improve Learning and Well-Being?” (Conference on Writing and Well-Being, University of Arizona, Tucson, AZ, Jan. 2020).
- Selected Speaker, “Cross-Cultural Differences in Plagiarism: Fact or Fiction?” (Global Legal Skills Conference, Phoenix, AZ, Dec. 2019).
- Selected Speaker, “The Story of Cross-Cultural Differences in Plagiarism,” (Biennial Applied Storytelling Conference, Boulder, CO, July 2019) (forced to cancel due to family emergency).
- Speaker, “The ABCs of Legal Writing,” (Tucson Paralegal Association and NALS of Tucson & So. Az.), Continuing Legal Education on Legal Writing (Tucson, AZ, May 2019).
- Selected Speaker, “The Power of Connectivity: The Science and Art of Transitions,” (Rocky Mountain Legal Writing Conference, Las Vegas, NV, Mar. 2019).
- Selected Speaker, “Cross-Cultural Differences in Plagiarism: Fact or Fiction?” (Rocky Mountain Regional Legal Writing Conference, University of Denver, Sturm College of Law, Denver, CO, Mar. 2018).
- Speaker, “Cross-Cultural Differences in Plagiarism: Fact or Fiction?” (Legal Writing Institute One-Day Workshop, University of Arizona, James E. Rogers College of Law, Tucson, AZ, Dec. 2017).
- Selected Speaker, “The Power of Connectivity: The Science and Art of Transitions,” (Rocky Mountain Legal Writing Conference, Phoenix, AZ, Mar. 2017).
- Speaker, “On Going to Law School,” Pre-Law Society, (University of Arizona, Tucson, AZ Sept. 2011).
- Speaker, “Moving Beyond Memos—Moving Students from the Ivory Tower to the Office,” (Tenth Annual Rocky Mountain Legal Writing Conference, University of Arizona, James E. Rogers College of Law, Tucson, AZ, Mar. 2010).