SCHOLARSHIP BY LEGAL WRITING PROFESSORS: NEW VOICES IN THE LEGAL ACADEMY

Terrill Pollman[*]
Linda H. Edwards[*]

I have only one thing to fear in this enterprise; that isn't to say too much or to say untruths; it's rather not to say everything, and to silence truths.[1]

—Jean-Jacques Rousseau

TABLE OF CONTENTS

I. INTRODUCTION 4
II. METHODOLOGY 6
III. WHAT THE BIBLIOGRAPHY SHOWS 8
IV. THE JUSTIFICATIONS FOR SCHOLARSHIP 14
V. WHAT IS A "LEGAL WRITING TOPIC"? 18
A. *Category One: The Substance or Doctrine of Legal Writing* 20
B. *Category Two: The Theoretical Foundations of Legal Writing* 25
C. *Category Three: The Theory and Practice Appropriate to the Teaching of Legal Writing* 27

[*] Terrill Pollman is the Ralph Denton Professor of Law and Director of the Lawyering Process Program at the University of Nevada, Las Vegas William S. Boyd School of Law, and Linda Edwards is Professor of Law at Mercer University School of Law. We are grateful for insightful comments from Mary Beth Beazley, Ted Blumoff, Daisy Hurst Floyd, Lash LaRue, Hal Lewis, Richard Morgan, and Michael Smith, none of whom can be blamed for any inaccuracies or indiscretions we may have committed. We also are grateful for the invaluable research assistance of Kim Degonia, Adriana Fralick, Jennifer Linebarger, and especially Jennifer Lloyd, who most recently spent countless hours on the project. The editorial assistance of Mary Beth Beazley, Brooke Bowman, Darby Dickerson, Judith Fisher, and Jim Levy has been superb, and we thank them. We thank each legal writing professor who responded to our telephone calls and e-mails. Finally, we appreciate the financial support of our institutions and the less tangible but even more important support and encouragement of our colleagues there.

[1] Jean-Jacques Rousseau, *The Confessions* bk. 4, in *The Collected Writings of Rousseau* vol. 5, 147 (Christopher Kelly et al. eds., Christopher Kelly trans., U. Press of New Eng. 1995) (quoted in Peter Brooks, *Storytelling without Fear? Confession in Law and Literature*, in *Law's Stories: Narrative and Rhetoric in the Law* 114, 114 (Peter Brooks & Paul Gewirtz eds., Yale U. Press 1996)).

D. Category Four: The Institutional Choices Affecting the Teaching of Legal Writing 32

VI. RATIONALES USED TO DISCOUNT LEGAL WRITING TOPICS 34

A. Myth #1: Legal Writing Topics Do Not Qualify as Scholarship 35

B. Myth #2: Non-Legal Writing Faculty Members Do Not Know How to Evaluate Legal Writing Articles 42

VII. THE TROUBLE WITH CATEGORIES 53

VIII. WHERE DOES THIS LEAVE US? 55

I. INTRODUCTION

In this Article, we explore the questions of whether legal writing topics are subjects fit for scholarship and whether scholarship on these topics could support promotion and tenure. We examine the scholarship of today's legal writing professors—what they are writing and where it is being published—and we define the term "legal writing topic," identifying major categories of legal writing scholarship and suggesting criteria for evaluation in this emerging academic area.

The data we use derives in significant part from the bibliography presented at the end of this Article, which lists publications written by members of the academy who consider legal writing and rhetoric a primary area of their expertise.[2] The bibliography contains entries for more than 300 authors. It includes entries for more than 350 books, book chapters, and supplements, as well as more than 650 articles published in traditional, student-edited law reviews.

The bibliography serves several purposes. First, it provides a database for those asking important questions about legal writing scholarship: What do legal writing professors write? Where are those articles being published? What is included in the category of legal writing scholarship? What can constitute the body of work of a legal writing scholar? What kinds of early writing can lead to the development of mature scholarly work? The bibliography also functions as a resource to assist legal writing professors in their

[2] The list is not limited to publications about legal writing topics. Rather, it includes publications by legal writing professors, no matter what the topic.

own scholarship. It provides a vehicle for finding and using scholarship created by legal writing colleagues, and it serves to stimulate ideas for new scholarship in this emerging field.

Finally, the bibliography disproves the assumption, sometimes recited in the legal academy, that legal writing professors do not need support for scholarship because they *do* no scholarship. Despite its circularity,[3] the argument persists. The impressive length of this bibliography demonstrates that even with reduced support,[4] legal writing professors write. One can imagine the productivity that would result if all legal writing professors received the institutional support their non-legal writing colleagues deem so critical for the production of good scholarly work.[5] And if writing is important for the development of faculty members who teach subjects *other than* writing, it is doubly important for the development of those whose primary teaching area is the writing process itself.

In the following discussion, we first set out the methodology used to compile the bibliography and comment generally on what the bibliography shows (Sections II and III). We note particularly one important issue the bibliography raises—the surprisingly

[3] The argument fails on grounds other than its circularity as well. For instance, cost is the reason customarily offered for denying scholarship support. If, in fact, legal writing professors do not write, administrators need not deny eligibility for scholarship support. If legal writing professors would not write, they would not use the support, so eligibility for research stipends would cost the institution nothing.

[4] Historically, law schools did not provide scholarship support to teachers of legal writing. Many law schools today provide their legal writing professors with the same scholarship support provided for other professors, but some schools still do not. According to the results of the 2005 Survey by the Association of Legal Writing Directors and the Legal Writing Institute, 16 of the 178 responding schools reported either that their school does not provide research grants at all or that the responders did not know their school's policy. Of the remaining 162 schools confirming the availability of research grants, only 77 reported making that support available to their legal writing faculty members, and at least 11 of those 77 reported awarding lesser amounts to legal writing faculty members. (Seventeen of the responders did not know how the legal writing faculty's scholarship grants compared to those of other faculty members.) *ALWD & Legal Writing Institute 2005 Survey Results*, questions 76 & 78, http://www.lwionline.org/survey/surveyresult.asp (accessed Sept. 6, 2005) [hereinafter *LWI-ALWD 2005 Survey*]. Since salaries for legal writing professors not on a tenure track are, on average, significantly lower than the salaries of their non-legal writing colleagues, Jan M. Levine & Kathryn M. Stanchi, *Women, Writing & Wages: Breaking the Last Taboo*, 7 Wm. & Mary J. Women & L. 551, 557, 582 (2001), the lack of summer research stipends is especially problematic for legal writing faculty members.

[5] Mary Beth Beazley, *"Riddikulus!": Tenure-Track Legal-Writing Faculty and the Boggart in the Wardrobe*, 7 Scribes J. Leg. Writing 79, 81–82 (1998–2000); Toni M. Fine, *Legal Writers Writing: Scholarship and the Demarginalization of Legal Writing Instructors*, 5 Leg. Writing 225, 227–228 (1999); Susan P. Liemer, *The Quest for Scholarship: The Legal Writing Professor's Paradox*, 80 Or. L. Rev. 1007, 1020, 1021 (2001).

large percentage of non-legal writing topics among publications by legal writing professors. We identify a number of legitimate factors possibly contributing to this imbalance, but we also identify a particularly troubling factor—formal policies and informal attitudes that discount scholarship about legal writing topics as a whole.

Since these policies and attitudes threaten the future of an entire field of academic study, we devote the remainder of the Article to testing their supporting premises. We first review the customary justifications for legal scholarship generally (Section IV), and we clarify the definition of the term "legal writing topic" in Section V. We then test two rationales used to discount legal writing topics, the assumption that legal writing topics do not qualify as scholarship, and the fear that non-legal writing faculty members do not know how to evaluate legal writing articles (Section VI). We conclude that neither rationale withstands reasoned analysis. Both rationales rely on misconceptions about the substance and breadth of the field and also may be tainted with a human resistance to ideas that challenge one's own.[6] Because the second rationale also signals some legitimate uncertainty about how to evaluate publications in fields unfamiliar to one's own, we offer methodologies faculties can use to evaluate scholarship in legal writing or in any other field with which they are unfamiliar.[7]

Finally, we conclude that, if legal academics are true to our roles as lawyers, teachers, and scholars and if we are serious about the justifications we routinely offer for legal scholarship, we should not exclude legal writing topics from the legal canon. Rather, we should allow, even encourage, legal writing faculty members to write in their own field, unearthing and exploring the foundations of their discipline. If we do, we may be surprised at what we will learn.

II. METHODOLOGY

We began this project in 2000, when we contacted legal writing directors or deans' offices at each accredited law school and obtained the names of each school's legal writing professors. We ran electronic searches for publications by each legal writing professor, and we contacted each professor individually to double-

[6] *See infra* n. 204 and accompanying text.

[7] *See infra* nn. 188–235 and accompanying text.

check our results. We returned to the project in 2001, updating the list by using the membership directories of two well-recognized professional organizations, the Legal Writing Institute (LWI)[8] and the Association of Legal Writing Directors (ALWD).[9]

After compiling a preliminary list, we created a website for the bibliography at http://www.legalwritingscholarship.org/. A notice on the two prominent legal writing listservs[10] announced the list and asked legal writing professors to contact the authors or to visit the list online to correct or supplement the list. Additionally, conference attendees at the 2002 Biennial Conference of the Legal Writing Institute in Knoxville, Tennessee received an announcement in their registration materials asking them to visit the website and edit their entries. Finally, we distributed a draft of the list at the 2004 Biennial Conference at the University of Seattle.[11] At a plenary session describing the list, we requested updates and corrections. Since 2004, publication updates have been solicited as part of the annual ALWD-LWI survey of legal writing programs.[12]

The list includes publications of many sorts. Because part of the list's purpose is to discover what legal writing professors are

[8] The Legal Writing Institute (LWI) was founded in 1984 at the University of Puget Sound School of Law (now Seattle University School of Law), and now makes its home at Mercer University School of Law. "The Institute is a non-profit organization dedicated to improving legal writing by providing a forum for discussion and scholarship about legal writing, analysis, and research." LWI, *Legal Writing Institute*, http://www.lwionline.org/ (accessed Sept. 4, 2005). LWI currently has over 1,800 members.

LWI membership is open to anyone interested in the improvement of legal writing and is not limited to those who teach legal writing in American law schools. Therefore, to avoid including those LWI members whose primary focus lies in other areas, LWI members listed in the 2002 LWI membership list were contacted personally by either telephone or e-mail. They were asked whether they considered "the teaching of Legal Writing and Rhetoric to be an area of primary interest and expertise." The bibliography includes entries for only those who answered affirmatively.

[9] The Association of Legal Writing Directors "is a non-profit professional association of directors and former directors of legal research, writing, analysis, and advocacy programs from law schools throughout the United States, Canada and Australia." ALWD, *Association of Legal Writing Directors*, http://www.alwd.org (accessed Sept. 4, 2005).

[10] Two listservs serve the legal writing community. DIRCON, the listserv of the Association of Legal Writing Directors (ALWD), is a closed listserv for ALWD members. LRWPROF (formerly LWIONLINE) is a closed listserv for LWI members who teach legal writing. *Legal Writing Institute*, http://www.lwionline.org/resources/listserv.asp (accessed Oct. 24, 2005).

[11] Nearly 400 people attended the 2002 Conference, and almost 500 people attended the 2004 Conference. Almost all of the conference attendees teach legal writing.

[12] Each year ALWD and LWI survey legal writing professors about curricular issues and employment conditions in the legal writing programs in which they teach. The survey is extraordinarily successful with a high response rate. For instance, the 2005 survey had a response rate of 93%. *LWI-ALWD 2005 Survey*, *supra* n. 4.

writing, we did not limit the list to any particular kind of publication. The instructions asked participants to include books; book chapters; articles in journals designed primarily for an academic readership; articles in journals designed primarily for practitioners; and articles in newsletters, bar magazines, continuing legal education publications, or law school development publications. The instructions also invited miscellaneous entries under the classification of "other."

The bibliography includes publications on any topic, but the publication must have been written since beginning law school.[13] The publication must either have appeared in print or be the subject of a commitment from a publisher; the bibliography does not include self-published materials.

III. WHAT THE BIBLIOGRAPHY SHOWS

The most important observations pertain to the number, scope, and variety of publications by legal writing professionals. The list contains entries for nearly 300 authors. It includes more than 350 books, book chapters, supplements, and editorships, and over 650 law review articles. It includes at least that many articles in peer-reviewed academic journals, specialty journals designed primarily for practitioners, and other kinds of publications.[14] By any criteria, the content of the list is impressive.

Law review placements span the spectrum of the academy and include journals at such schools as Harvard, Yale, Columbia, N.Y.U., Cornell, Georgetown, Minnesota, Virginia, California, Michigan, Duke, Wisconsin, Notre Dame, Stanford, and Chicago. The subject areas represented are as broad as the legal academy itself. Topics range from a variety of legal writing topics to topics

[13] We used the beginning of law school as the starting point so that the database could support a broad review of the writing histories of legal writing professors. Also, early sample data bases indicated that we would encounter questions about whether to include publications begun during law school but published later. We wanted a bright-line test that would avoid those subjectivities.

[14] The bibliography demonstrates that, in addition to more traditional scholarship (books, student-edited law review articles, and articles in peer-reviewed academic journals), legal writing professors are writing a vast array of smaller pieces, such as short essays and substantive newsletter articles. These smaller pieces have created a rich and vibrant discourse on teaching, which is, after all, the other primary responsibility of the professoriate. This discourse on teaching probably is unequaled elsewhere in the legal academy. *See* Mary Beth Beazley, *Better Writing, Better Thinking: Using Legal Writing Pedagogy in the "Casebook" Classroom (without Grading Papers)*, 10 Leg. Writing 23, 30 (2004).

in other areas such as constitutional law, contracts, property, criminal law, environmental law, employment discrimination, professional responsibility, legal history, civil procedure, family law, consumer law, bankruptcy, disability law, education law, media law, and antitrust law.

The list demonstrates that newsletter articles, book reviews, and other kinds of early writing are serving as an entry point for legal writing professors, just as they often do for professors in other areas. Peer-reviewed journals such as the *Legal Writing: The Journal of the Legal Writing Institute*, the *Journal of the Association of Legal Writing Directors*, *The Scribes Journal of Legal Writing*, the *Journal of Appellate Practice and Process*, and the *Journal of Legal Education* are publishing articles on legal writing topics, but many student-edited law reviews are publishing legal writing articles as well.

Uses of the bibliography are limited in some respects. First, it is almost certainly incomplete. Despite its length, the nature and scope of the undertaking virtually ensure that the bibliography does not include all legal writing professors in the country. Further, the list provides only a snapshot view of the publications of current or recent legal writing professionals. It does not include the scholarship of individuals who, for various reasons, had left the field before entries were solicited. Also, entries have not been updated for any who left the field during the project. Finally, since scholarly work is ongoing, the entries for some authors will have become incomplete by the time this Article appears in print. Entries for legal writing professors who are not members of LWI or ALWD are almost certainly incomplete since requests for updates have been made only through the listservs of those two organizations.

Also, the bibliography will not help answer some kinds of questions. One cannot readily discern trends in scholarship by legal writing professors since there is no earlier database to support a comparison. One cannot draw useful inferences about average productivity levels because the bibliography does not distinguish between professors new to the field and professors who have been teaching legal writing for twenty or more years.[15] Nor can one draw useful inferences about the number of mature scholars be-

[15] The bibliography also does not reflect the greater-than-normal teaching loads of most legal writing professors, so meaningful comparisons to productivity levels for casebook faculty members are impossible.

cause the field is nascent and because, historically, institutional policies have artificially increased the turnover in the field.[16] And since the list does not attempt to track law school graduation dates, one cannot accurately subtract publications written before law school graduation. Despite these limitations, the bibliography does provide important information about scholarship *by* legal writing professors and the scholarship *about* legal writing topics.

Among this important information is the comparison between the number of law review articles about legal writing topics and the number about non-legal writing topics. The bibliography reveals that approximately 75% of the law review articles legal writing professors have published are about topics in areas other than legal writing, while only approximately 25% are about legal writing topics. Even using the broad definition of legal writing scholarship described below,[17] most of what legal writing professors have published in the traditional venues for legal scholarship is outside the field.

While the bibliography does not provide evidence of the reasons for this perhaps surprising result, a number of factors may contribute. Some entries include publications written before the author began to teach legal writing. Some entries may have been written soon after the transition out of practice and may deal with a topic area in which the author had developed an expertise while in practice. Also, a number of legal writing professors maintain more than one area of expertise, just as do other law professors. Naturally, law professors with several areas of expertise can be

[16] Although law schools recognized the need for legal writing courses as early as the 1950s, it is only over the last fifteen years that the "graduate student or young associate" model has been replaced by the "full time professional" model. Maureen J. Arrigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing Programs*, 70 Temp. L. Rev. 117, 134, 144–45 (1997) (citing Allen Boyer, *Legal Writing Programs Reviewed: Merits, Flaws, Costs, and Essentials*, 62 Chi.-Kent L. Rev. 23 (1985)). One old staffing model involved full-time teachers but imposed a limit of one to three years on the number of years a teacher was permitted to teach the course. That staffing model has now been discarded in most law schools. Terrill Pollman, *Building a Tower of Babel or Building a Discipline? Talking about Legal Writing*, 85 Marq. L. Rev. 887, 912–913 (2002). Despite the marked trend toward more professional programs, turnover may have remained a problem for some time. One survey reported that in forty-five out of eighty-five schools, legal writing professionals stayed three years or less. J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View,* 69 Wash. L. Rev. 35, 38 n. 8 (1994). Today, staffing models that force legal writing faculty members to leave the position after a set number of years have all but died out. The results of the *LWI-ALWD 2005 Survey* indicate that, of 119 schools responding, 105 (88%) impose no cap on the number of years a legal writing teacher can remain in the position. *Supra* n. 4, at question 66.

[17] *Infra* nn. 53–61 and accompanying text.

expected to write in those other areas as well. Undoubtedly, the nascency of the field is a significant factor too. Only in recent years has legal writing begun to develop as an academic field. Today, most law schools have discarded outmoded staffing models in favor of full-time professors with no arbitrary limits on the number of years those professors are permitted to teach the course.[18] Therefore, for the first time in the history of legal education, the field of legal writing can begin to develop a critical mass of experienced scholars engaged in the serious and important work of developing a vision of legal writing scholarship.[19]

These factors alone, however, cannot account for the number of non-legal writing topics included in the bibliography. Another more problematic factor—antipathy toward topics relating to legal writing—most likely is at play. Some law faculties tell their legal writing professors that legal writing articles will not be considered for promotion and tenure. Even if a law school does not have a formal policy, faculty mentors may discourage their legal writing colleagues from writing in the author's own area, predicting that legal writing topics will be discounted. For instance, testimony before the American Bar Association's Section of Legal Education and Admissions to the Bar Standards Review Committee demonstrated that some legal writing professors have been advised not to write on legal writing topics.[20] Even without individualized advice,

[18] *Infra* nn. 53–61 and accompanying text.

[19] Michael R. Smith, *The Next Frontier: Exploring the Substance of Legal Writing*, 2 J. ALWD 1, 26 (2004).

[20] ALWD & Leg. Writing Inst., *Quality Legal Writing Instruction and ABA Accreditation Standard 405: Report and Recommendations to the ABA Standards Review Committee of the ABA Section of Legal Education and Admissions to the Bar* (Aug. 23, 2004) (on file with the Authors); *see also* Harold S. Lewis, Jr., *Integrity in Research*, 42 J. Leg. Educ. 607, 609 (1992) ("Concerns about academic freedom are probably more pertinent to untenured faculty. Schools are uneven in assuring junior members that they will not be penalized for tackling controversial issues, espousing unpopular positions, or pursuing topics considered marginal when the more established faculty began their careers. Studies in clinical education or legal writing, for instance, may pose real risks for untenured faculty. Given the organized bar's intense interest in these areas, it is at least somewhat troubling that they are still in bad intellectual odor at many of our schools. Do we *communicate* to junior faculty a sense that our institutions welcome these pursuits and deem them fair grist for the writings that lead to promotion and tenure? If we do, do we do so honestly? How many of us, for example, could confidently advise a junior colleague that his toils in the vineyard of clinical education will not be dismissed as falling within a disfavored category?" (emphasis in original)).

> But not all law schools take this view:
>
> Some schools recognize that prescribing acceptable publication outlets . . . forces candidates into what one school refers to as an "unfortunate byproduct" of tenure guidelines—"a tendency to force all of the work of young faculty into

legal writing professors almost certainly will choose topics with an "internal scholarly jury" in mind.[21] Legal writing professors may choose to avoid risk by refraining from writing in their own discipline.[22]

One must ask whether a policy precluding or discouraging legal writing articles makes sense. Would a law school promulgate a policy that refuses to count torts articles written by a torts professor? Would a law school require the torts professor to write instead in *someone else's* field? Contracts, perhaps? And would the law school then evaluate the torts professor's *contracts* article against the articles written by professors who actually teach contracts? Such a counterintuitive policy should require a compelling justification.

We speculate that three primary reasons account for the resistance to legal writing topics. First and foremost, other faculty members may misunderstand the content of a modern legal writing course, not realizing its breadth and depth, and especially not realizing the intellectual content that underlies the course coverage. When faculties think of legal writing, they may think of classes on the passive voice and citation form. In fact, technical matters make up a relatively small percentage of most legal writing courses today.[23] Rather, as we discuss in later Sections, legal writ-

---

> a common mold." One law school cautions that "[t]he criteria are not intended to restrict the range of intellectual investigation either as to method or subject matter . . . ."

Report of the AALS Special Committee on Tenure and the Tenuring Process, 42 J. Leg. Educ. 477, 490 (1992) [hereinafter *AALS Tenure Report*].

[21] *See* Julius Getman, *The Internal Scholarly Jury*, 39 J. Leg. Educ. 337, 337 (1989) ("One important but rarely discussed technique by which legal scholars shape their work is what may be referred to as the 'internal scholarly jury.' The jury is made up of those people whom we imagine reading our work and whose presumed reactions of pleasure or disappointment shape our decisions about such things as topic, approach, method of analysis, and materials.").

[22] These suspicions are borne out when legal writing professors speak to each other at conferences and on listservs. The same phenomenon has been noted with regard to clinical scholarship. *See* Richard A. Boswell, *Keeping the Practice in Clinical Education and Scholarship*, 43 Hastings L.J. 1187, 1191 (1992); Peter Toll Hoffman, *Clinical Scholarship and Skills Training*, 1 Clin. L. Rev. 93, 106–107 (1994); Peter A. Joy, *Clinical Scholarship: Improving the Practice of Law*, 2 Clin. L. Rev. 385, 390 (1996).

The consequences of a constraining tenure process extend well beyond the period of the process itself. As Duncan Kennedy has observed, "Five years of 'being good' on probation, subject to the notorious arbitrariness of the promotion process, chills all kinds of divergent thinking, too often forever (the face becomes the mask)." *Introduction*, 73 UMKC L. Rev. 231, 233 (2003).

[23] An informal survey of the legal writing professors at our own schools indicates that technical matters make up less than 15% of the typical legal writing course.

ing courses cover the role and function of the judicial system, common law analysis, statutory interpretation, forms of legal reasoning, case synthesis, structural paradigms, and other rich and complex subjects.[24]

Further, most schools offer advanced legal writing electives that expand and deepen the coverage of the required courses.[25] A recent advanced legal writing text, *Advanced Legal Writing: Theories and Strategies in Persuasive Writing*,[26] can serve as an example of coverage in an advanced course. Professor Smith's entire text is devoted to such subjects as the cognitive dimensions of illustrative narratives; a multidisciplinary study of the functions of literary references; principles of classical rhetoric; the functions of metaphor and simile; and the ethics and morality of advocacy.[27] Many casebook faculty members would be surprised to learn that a legal writing course syllabus can look like this table of contents.[28]

Second, some legal writing topics rely on sources from such disciplines as rhetoric, literary criticism, composition theory, cognitive psychology, and philosophy. Thus, these topics fall within a somewhat controversial category of scholarship—interdisciplinary scholarship. Law faculty members are divided about the value of interdisciplinary scholarship. Some consider it an exciting and promising scholarly development,[29] while others are less inclined to welcome its reliance on sources outside the law or its emphasis on theory.[30] An interdisciplinary legal writing topic, like any other

[24] Ralph L. Brill et al., *Sourcebook on Legal Writing Programs* 5 (ABA 1997).

[25] Of the 178 schools responding to the LWI/ALWD 2005 survey, only 18 reported not offering advanced legal writing electives. *LWI-ALWD 2005 Survey*, *supra* n. 4, question 32; *see also* Michael R. Smith, *Alternative Substantive Approaches to Advanced Legal Writing Courses*, 54 J. Leg. Educ. 119, 119 (2004).

[26] Michael R. Smith, *Advanced Legal Writing: Theories and Strategies in Persuasive Writing* (Aspen L. & Bus. 2002).

[27] *Id.* at xi–xx.

[28] Old understandings of the content of the field largely account for the academy's historic undervaluation of legal writing as a part of the teaching curriculum as well. Some faculty members today still operate out of these older attitudes, and so may allow a habitual response to the field to distort their judgment. A more accurate understanding of the content of a legal writing course is critical not only to questions of scholarship but also to questions of curriculum and institutional status of legal writing faculty members.

[29] *See e.g.* J.M. Balkin, *Interdisciplinarity as Colonization*, 53 Wash. & Lee L. Rev. 949, 970 (1996).

[30] *See generally* Harry T. Edwards, *The Growing Disjunction between Legal Education and the Legal Profession*, 91 Mich. L. Rev. 34 (1992) (criticizing legal scholarship as not sufficiently helpful to practicing lawyers); *see also* Banks McDowell, *The Audiences for Legal Scholarship*, 40 J. Leg. Educ. 261, 262–264 (1990) (questioning the value of much legal scholarship).

interdisciplinary topic, may be subject to this larger scholarly debate.

Third, many law schools have not yet settled the question of whether legitimate legal scholarship can include sophisticated and rigorous analyses of pedagogy or penetrating critiques of institutional practices.[31] Since some legal writing topics fall within these controversial categories, those topics may be considered risky as well.

In his carefully balanced article, Dean Edward Rubin, at Vanderbilt University School of Law, observes that peer evaluation of scholarship functions as a gatekeeper, setting the boundaries of a discipline.[32] He reminds us that the evaluation of scholarship is an exercise of power that "determines which . . . groups are excluded or included, marginalized or empowered."[33] These decisions will, over time, limit the intellectual reach of the entire discipline to only what we can now envision.[34] So the stakes of our decisions are high. We should not lightly exclude from our definition of permissible scholarship an emerging field of study, for to do so is to reject out-of-hand all potential insights long before we can predict their nature or significance.

In the remainder of this Article, we analyze the propositions usually offered to justify institutional resistance to scholarship on legal writing topics. Two preliminary steps will facilitate the discussion, however. First, we should remind ourselves of the academy's normative understandings of the values and functions of scholarship. Second, we must clarify the meaning of the term "legal writing topic."

IV. THE JUSTIFICATIONS FOR SCHOLARSHIP

Law schools devote substantial resources to the production of legal scholarship. As Banks McDowell has observed,

> There are large economic costs—support for the ever-growing host of law reviews, research grants, research collections of law libraries, and compensation for student research assistants. There are time and opportunity costs—the hours that faculty

[31] *See infra* nn. 161–184 and accompanying text.

[32] Edward L. Rubin, *On beyond Truth: A Theory for Evaluating Legal Scholarship*, 80 Cal. L. Rev. 889, 893 (1992).

[33] *Id.*

[34] *See id.* at 894.

> spend on scholarly research and writing leave less time available for teaching, counseling students, and engaging in university and community service. Finally there are substantial psychic costs to professors who worry about the quality and quantity of their writing.[35]

The lost time and energy for teaching and counseling students have even caused some to question the value of the entire enterprise.[36]

We do not agree that institutional and personal resources devoted to scholarship should be invested elsewhere. But because scholarship costs are indeed sobering, law faculties must consider seriously the values served and the purposes achieved by that investment. If law schools invest so much in scholarship, we have an obligation to the profession and to our students[37] to secure the most value possible for that investment and to ensure that we are serving multiple interests and audiences.[38]

One of the most important of these interests is the advancement of knowledge for its own sake. Universities have a unique obligation to advance human knowledge. We owe that obligation not only to individual legal constituencies like judges and lawyers, but also, and we hope not to fall victim to grandiosity here, to humanity itself. We refer to the fundamental scholarly urge to understand—to find undiscovered information, to identify unrealized effects, to uncover deep structures, to make new connections or draw new parallels—in short, "to understand as fully and as fundamentally as possible."[39]

Another commonly recited value of scholarship is the enhancement of teaching.[40] Scholarship may enhance teaching if it

---

[35] McDowell, *supra* n. 30, at 265.

[36] *See e.g.* John Elson, *The Case against Legal Scholarship or, If the Professor Must Publish, Must the Profession Perish?* 39 J. Leg. Educ. 343 (1989).

[37] Students bear a significant portion of the expense and burden of institutional focus on scholarly production. *See* McDowell, *supra* n. 30, at 265; *see generally* Elson, *supra* n. 36.

[38] McDowell identifies at least nine possible audiences for legal scholarship: "(1) legal academics, (2) other academics, (3) judges, (4) legal specialists, (5) general practitioners . . . , (6) law students, (7) students from the rest of the university interested in law as it relates to [other disciplines], (8) legislators, and (9) the general public." McDowell, *supra* n. 30, at 261.

[39] *Id.* at 270; *see also* Stephen Carter, *Academic Tenure and "White Male" Standards: Some Lessons from the Patent Law,* 100 Yale L.J. 2065, 2080 (1991) ("The purpose of scholarship is to increase human knowledge. The corollary is that the greater the degree of the contribution to human knowledge, the greater the value of a particular scholarly work. Any test for scholarly quality, then, should rest on answering the question: Does this scholarship increase human knowledge, and if so, by how much?").

[40] *See* Ronald Benton Brown, *A Cure for Scholarship Schizophrenia: A Manifesto for*

expands the knowledge we can share with our students; if it becomes part of the text of a course;[41] if it contributes to the moral education of our students;[42] if it provides examples of excellence;[43] or if it enhances our own analytical abilities.[44]

Scholarship also provides a vehicle for improving the performance of legal decision makers.[45] Part of the justification for law schools' relatively low teaching loads is the obligation to assist judges and lawyers. Because law faculty members have the luxuries of time, an objective role, and significant institutional support, we can assist lawyers to analyze thorny problems or think more clearly and deeply about their own lawyering responsibilities. Legal scholarship should anticipate social change and recommend resolutions for emerging issues.[46] Indeed, Dean Rubin maintains that this prescriptive role is the primary purpose of scholarship.[47] As Dean Rubin explains,

> [T]he scholar may not literally be addressing the decisionmaker, nor need a decisionmaker ever see the work in question . . . . The notion of a prescription addressed to a particular deci-

Sane Productivity and Productive Sanity, 13 Nova L. Rev. 39, 49–51 (1988); Clark Byse, *Legal Scholarship, Legal Realism and the Law Teacher's Intellectual Schizophrenia*, 13 Nova L. Rev. 9, 29–30 (1988).

[41] James Boyd White, *Why I Write*, 53 Wash. & Lee L. Rev. 1021, 1032 (1996).

[42] Anthony T. Kronman, *Foreword: Legal Scholarship and Moral Education*, 90 Yale L.J. 955, 968 (1981) (A scholar's pursuit of the truth can "preserve in his students an attitude of friendship, or goodwill, towards those who seek the truth and indeed toward the truth itself.").

[43] David L. Gregory, *The Assault on Scholarship*, 32 Wm. & Mary L. Rev. 993, 1003 (1991) ("So why write? Fundamentally, the answer is a matter of vocation and ethics. The aspiration to excellence breeds excellence in students and in legal audiences.").

[44] *Id.* at 999 ("Although scholarship as an intellectual pursuit is commendable for its own worth, that is not its raison d'etre in the professional law school. If professors do not engage in scholarship, they cannot fully foster critical analytical skills in their students, because their own skills will atrophy.").

[45] *See generally* Edward L. Rubin, *The Practice and Discourse of Legal Scholarship*, 86 Mich. L. Rev. 1835, 1847–1848 (1988).

[46] *See e.g.* Dennis Archer, *The Importance of Law Reviews to the Judiciary and the Bar*, 1991 Det. C. L. Rev. 229, 236–237; Brown, *supra* n. 40, at 46; Michael J. Graetz & Charles H. Whitebread II, *Monrad Paulsen and the Idea of a University Law School*, 67 Va. L. Rev. 445, 454 (1981) ("A university law school is among the few institutions for anticipating future social needs and for relating the role of law to furthering those needs. It must produce lawyers for tomorrow.") (cited in Donald J. Polden, *Scholarship in Legal Education*, 24 Mem. St. U. L. Rev. 1, 2 n. 8 (1993)).

[47] Rubin, *supra* n. 32, at 903–904 ("The purpose of legal scholarship is most accurately described as prescription, or recommendation. . . . The entire field crackles with normativity . . . .").

> sionmaker describes the conceptual structure of the work, the way in which its arguments are formulated.[48]

The academy also has an obligation to speak truth to power.[49] That obligation can require confronting government in the persons of judges, legislators, and governmental administrators. It can require confronting the profession in the persons of lawyers, judges, and institutional structures such as bar associations and law firms. And it can require confronting the structures and institutions of legal education as well, for who is more able to critique and improve the vital enterprise of legal education than those who know it best?

Finally, scholarship is a powerful vehicle for personal and professional transformation[50] and for the sheer pleasure of doing a difficult task well.[51] While an author's personal and professional

---

[48] *Id.* at 904.

[49] David R. Barnhizer, *Prophets, Priests, and Power Blockers: Three Fundamental Roles of Judges and Legal Scholars in America*, 50 U. Pitt. L. Rev. 127, 172 (1988) ("Hans Morgenthau . . . claimed the intellectual was responsible for speaking 'truth to power.'"). Barnhizer finds Arthur Schlesinger "most powerful" when commenting on Morgenthau:

> The contemporary intellectual, in [Morgenthau's] view, lived in a world that was distinct from, though potentially involved with, that of the politician. The intellectual . . . seeks truth; the politician, power. And the intellectual . . . can deal with power in four ways: by retreat into the ivory tower, which makes him irrelevant; by offering expert advice, which makes him a servant; by absorption into the machinery, which makes him an agent and apologist; or by "prophetic confrontation."
>
> Of the four modes of response, the last seemed to him most faithful to the intellectual's obligation. The "genuine intellectual," Hans Morgenthau wrote, ". . . must be 'the enemy of the people' who tells the world things it either does not want to hear or cannot understand." The intellectual's duty is to look "at the political sphere from without, judging it by, and admonishing it in the name of, the standards of truth accessible to him. He speaks, in the biblical phrase, truth to power."

Id. at 172–173 (quoting Arthur Schlesinger, Jr., *Intellectuals' Role: Truth to Power?* Wall St. J. 28 (Oct. 12, 1983) (quoting Hans Morgenthau)).

[50] As one scholar said,

> The task the course set me, then, was the direct analogue of Thoreau's task: to write my way out of Concord, out of false and inauthentic forms of speech and thought, to a kind of Walden, to a voice and language of my own. Writing to me thus became a way of creating a voice with which to speak and be, with which to represent and transform my own experience.

White, *supra* n. 41, at 1030.

[51] Another scholar said,

> And of course, for all that, legal scholarship is also something that produces pleasure. I do not want to end this symposium on a note of pure Yellow-Book aestheticism, but I defy any of the symposiasts (and at least many of the readers) to deny that they're also in the game . . . for those occasional moments

transformation and pleasure do not, alone, justify the resource expenditure for scholarship, this transformation and pleasure have their value for students, the profession, and the institutions we serve. The best faculties are composed of curious people, people who are constantly learning and adapting, people who are intellectually engaged with law, its study, and its practice. Scholarship is one of the best ways—perhaps the best way—to develop and maintain that kind of a faculty.

We join those who believe that these values justify the significant institutional and personal costs of scholarly production. But to claim these justifications, law faculties must take these underlying values seriously when defining acceptable scholarly topics and when evaluating individual scholarly efforts. Taken as a whole, the spectrum of scholarship we produce should serve these articulated values. If it does not, we cannot claim that legal scholarship justifies the enormous investment it requires.

V. WHAT IS A "LEGAL WRITING TOPIC"?[52]

Most law professors would agree that the content of a particular field includes at least the topics covered by the texts commonly adopted for those courses.[53] For instance, if a property professor is looking for a property topic on which to write, she may look first at the table of contents of a property text. If she finds the category "estates and future interests," she can be fairly certain that a future interests topic is a property topic. She may write an article exploring a trend in future interests case law.[54] She may write a

> when they say, in some concise and illuminating way, something that appears to be true. . . .
>
> [T]o have crafted, on occasion, something true and truly put—whatever the devil else legal scholarship is, is from, or is for, it's the joy of that too.

Arthur A. Leff, *Afterword*, 90 Yale L.J. 1296, 1296 (1981).

[52] Some have rightly questioned the use of categories to label kinds of scholarship. *See e.g.* Leslie Espinoza, *Labeling Scholarship: Recognition or Barrier to Legitimacy*, 10 St. Louis U. Pub. L. Rev. 197, 206 (1991). We use the label "legal writing topic" for the purposes of the discussion in this article, but we use it reluctantly and provisionally. *See also infra* § VII.

[53] The content of a legal field usually is broader and deeper than its course texts. Curricular constraints limit the breadth of coverage, and the course context limits depth. Much relevant material is more advanced or more theoretical than is appropriate for coverage in a law school course, though it is important for the development of scholars and teachers in the area.

[54] *See e.g.* C. Dent Bostick, *Loosening the Grip of the Dead Hand: Shall We Abolish Legal Future Interests in Land?* 32 Vand. L. Rev. 1061 (1979); Jesse Dukeminier, *Perpetui-*

more theoretical article analyzing the economic underpinnings of future interests.[55] She may write about a technique for teaching future interests,[56] or she may analyze the curricular resources law schools devote to teaching various property topics, including future interests.[57] Our property professor has identified at least four categories of property topics: (1) the substance or doctrines of property; (2) the theories underlying property; (3) the pedagogy of the property class; and (4) the institutional choices affecting the teaching of property. Those four categories may be valued differently by her faculty colleagues, but they are all property topics.[58] And they all serve, in one way or another, the purposes of scholarship, that is, they advance our understanding of the legal world in important ways. They develop new and important ideas and bring them to the people who need them—the legal academy, lawyers, and judges.

Applying this same methodology to the field of legal writing yields the same four categories. Just as in our property example, legal writing topics include those related to (1) the substance or doctrine legal writing professors teach; (2) the theories underlying that substance; (3) the pedagogy used to teach that substance; and (4) the institutional choices that affect that teaching.[59] A brief ex-

ties: The Measuring Lives, 85 Colum. L. Rev. 1648 (1985); Adam J. Hirsch & William K.S. Wang, *A Qualitative Theory of the Dead Hand*, 68 Ind. L.J. 1 (1992).

[55] *See e.g.* Robert C. Ellickson & Charles Dia. Thorland, *Ancient Land Law: Mesopotamia, Egypt, Israel*, 71 Chi-Kent L. Rev. 321 (1995) (examining land tenure institutions to argue that human beings have long behaved as rational economic maximizers).

[56] *See e.g.* Peter A. Appel, *The Embarrassing Rule against Perpetuities*, 54 J. Leg. Educ. 264 (2004) (proposing methods for teaching jurisprudential concepts in future interests); Robert J. Hopperton, *Teaching the Rule against Perpetuities in First Year Property*, 31 U. Toledo L. Rev. 55 (1999); John W. Weaver, *Fear and Loathing in Perpetuities*, 48 Wash. & Lee L. Rev. 1393 (1991).

[57] *See e.g.* Roberta Rosenthal Kwall & Jerome M. Organ, *The Contemporary Property Law Course: A Study of Syllabi*, 47 J. Leg. Educ. 205 (1997).

[58] Topics may be relevant to more than one law school course. For instance, a future interests topic may be relevant to courses in property, wills, trusts and estates, taxation, and estate planning. A zoning topic may be relevant to courses in property, local government law, constitutional law, and environmental law. A law and economics topic may be relevant to a variety of courses. Faculty members in several subject areas may consider these shared topics part of their own areas. This sort of scholarly cross-fertilization is desirable since it significantly broadens our view of each topic. Christopher D. Stone, *From a Language Perspective*, 90 Yale L.J. 1149, 1155–1156 (1981) ("To define and approach the same sorts of problems in different ways is a source of vitality.").

[59] For other purposes, legal writing scholarship can be categorized in other ways as well. *See* Smith, *supra* n. 19, at 5–21.

ploration of each of these categories will clarify the scope of legal writing scholarship.[60]

A. Category One: The Substance or Doctrine of Legal Writing

The first category—the substance or doctrine of legal writing—includes course content fundamental to a legal writing course. Just as in our property example, course textbooks provide the best starting point for identifying this content. A review of legal writing textbooks demonstrates that this course content includes such basic legal topics as the roles and functioning of the judicial and legislative systems; the doctrine of stare decisis; precedential values and appropriate uses of legal authority; the major forms of legal reasoning; the principles of statutory construction; the ethical duties of legal writers; the standards of appellate review; and other doctrines relating to appellate procedure.[61]

Nor are legal writing textbooks alone in identifying this course content as basic to a legal writing course. The ABA's Communication Skills Committee's first articulated goal for a legal writing program is to "introduc[e] students to the fundamentals of the legal system: the structure of law-making bodies; the sources of law . . . ; the rules governing conflicts between those sources; and

[60] For an initial understanding of legal writing scholarship, it is useful to think in terms of categories; but such artificial constructs do not reflect accurately the breadth of many of the articles we shall discuss. On closer inspection, one would find that many legal writing articles contain aspects of several or even all of the identified categories. For instance, no bright line divides category-one articles (articles on the substance of legal writing) and category-two (theoretical) articles. Many category-one articles do address theory, and most theoretical articles take a substantive point as their starting point. Many articles about substance and theory also discuss the pedagogical implications of the article's thesis, and many primarily pedagogical articles include a significant substantive or theoretical component. Finally, many articles about institutional choices (category-four articles) deal with a substantive or theoretical misunderstanding that causes a misguided institutional choice.

[61] All of these examples are covered in each of the commonly adopted texts. *See e.g.* Charles R. Calleros, *Legal Method and Writing* (4th ed., Aspen L. & Bus. 2002); John C. Dernbach et al., *A Practical Guide to Legal Writing & Legal Method* (2d ed., Rothman & Co.1994); Linda H. Edwards, *Legal Writing and Analysis* (Aspen L. & Bus. 2003); Richard Neumann, *Legal Reasoning and Legal Writing: Structure, Strategy, and Style* (5th ed., Aspen L. & Bus. 2005); Laurel Currie Oates et al., *The Legal Writing Handbook: Analysis, Research, and Writing* (3d ed., Aspen L. & Bus 2002); Deborah A. Schmedemann & Christina L. Kunz, *Synthesis: Legal Reading, Reasoning, and Writing* (2d ed., Aspen L. & Bus. 2003); Nancy L. Schultz & Louis J. Sirico, Jr., *Legal Writing and Other Lawerying Skills* (4th ed., LexisNexis 2004); Helene Shapo et al., *Writing and Analysis in the Law* (4th ed., Found. Press 2003); Robin S. Wellford, *Legal Reasoning, Writing, and Persuasive Argument* (LexisNexis 2002).

interpretive canons for judging the meaning and weight of those sources."[62]

Some of this legal writing course content can also arise in non-legal writing courses.[63] For instance, in a property course, the case for the day may invite a discussion of some aspect of the judicial system. Another case the next week may invite a discussion of the concept of dicta. Periodically, the professor may invite consideration of some aspect of policy-based reasoning. But the property professor is unlikely to do more than offer a brief explanation of such concepts. Rarely does a property professor assign any reading material on the judicial system, dicta, or forms of legal reasoning such as statutory construction. It is even more unlikely that a property professor will hold students accountable for the material by, for instance, including it on the course examination. Further, a review of traditional case books demonstrates that these topics are not part of the identified course coverage and certainly are not treated in any intentional and comprehensive way.[64]

Indeed, the construction of most casebooks, at best, treats the precedential values of particular authorities as irrelevant.[65] For example, consider the excellent text we each use for our property courses, Jesse Dukeminier and Jim Krier's *Property*.[66] Acquisition by capture is taught primarily by assigning *Pierson v. Post*[67] (an 1805 case from the New York Supreme Court of Judicature, an early New York court that had both trial and appellate functions); *Ghen v. Rich*[68] (an 1881 case from the federal trial court in Massa-

[62] Brill et al., *supra* n. 24, at 5; *see also id.* at 15–19.

[63] Non-legal writing professors sometimes write about legal methods topics such as these, and just as in the case of our property example, *supra* n. 56, such scholarly cross-fertilization is desirable.

[64] Professor Brill has observed,

> Only some of these reasoning skills can be taught in doctrinal courses, and those that can be taught in doctrinal courses cannot be taught completely there. For example, although two or three consecutive cases in a casebook can be synthesized into a consistent doctrine on a particular issue, the synthesizing that lawyers typically do is more complicated. A typical problem in the practice of law might involve harmonizing half a dozen cases, all within the same jurisdiction, none of which expressly states the rule for which it stands, and several of which appear to come to inconsistent results.

Brill et al., *supra* n. 24, at 18 n. 12.

[65] At worst, typical case book construction inadvertently suggests that all authorities are equal.

[66] Jesse Dukeminier & James E. Krier, *Property* (5th ed., Aspen L. & Bus. 2002).

[67] 3 Cai. R. 175, 2 Am. Dec. 264 (1805) (cited in Dukeminer & Krier, *supra* n. 66, at 19).

[68] 8 F. 159 (D. Mass 1881) (cited in Dukeminer & Krier, *supra* n. 66, at 26).

chusetts); and *Keeble v. Hickeringill*[69] (a 1707 case from an English court of an unidentified level and not precisely on point). Note materials include a 1963 Mississippi case,[70] a 1954 law review article,[71] a 1950 case from the Seventh Circuit on which certiorari was denied by the United States Supreme Court,[72] and a 1975 treatise.[73] Nowhere does this excellent text explain the vastly differing precedential values of each of these authorities. Nor need the property text cover this important subject, for the property student is also taking a legal writing class, and she is learning the principles of precedential values there.

Legal writing course content also includes analytical processes students are expected to use in all of their classes, but for which they receive serious and sustained instruction usually only in their legal writing class. Examples of these analytical processes include common-law rule formulation; the construction of analogies; the synthesis of related authorities; the use of rule-based or policy-based reasoning; and the principles of statutory interpretation.

Finally, legal writing substantive content includes topics usually missing from other courses—topics such as the major structural paradigms of legal analysis; rhetorical principles of persuasion; the characteristics of legal readers; the stages of the legal writing process; strategies for dealing with adverse facts; the impact and use of narrative principles; and the standards of appellate review.[74]

Just as in the property example above, articles about legal writing substance or doctrine (category one articles) analyze the

[69] (1707), 103 Eng. Rep. 1127 (Q.B.) (cited in Dukeminer & Krier, *supra* n. 66, at 31).

[70] *Carruth v. Easterling*, 150 So. 2d 852 (1963) (cited in Dukeminer & Krier, *supra* n. 66, at 36 n. 16).

[71] Felix Cohen, *Dialogue on Private Property*, 9 Rutgers L. Rev. 357 (1954) (cited in Dukeminer & Krier, *supra* n. 66, at 36 n. 16).

[72] *Sickman v. U.S.*, 184 F. 2d 616 (7th Cir. 1950), *cert. denied*, 341 U.S. 939 (1951) (cited in Dukeminer & Krier, *supra* n. 66, at 37).

[73] Ray A. Brown, *The Law of Personal Property* (3d ed., Callaghan 1975) (cited in Dukeminer & Krier, *supra* n. 66, at 16, 36, 53, 108, 110, 547).

[74] Some, though certainly not all, of these topic areas relate directly to lawyering skills rather than to the more theoretical exploration of law and legal reasoning. The marginal relationship of theoretical scholarship to the practice of law has been roundly criticized, with perhaps the best known recent example being that of Judge Harry Edwards. Edwards, *supra* n. 30; *see* Robert W. Gordon, *Lawyers, Scholars and the Middle Ground*, 91 Mich. L. Rev. 2017, 2096 (1993); Judith S. Kaye, *One Judge's View of Academic Law Review Writing*, 39 J. Legal Educ. 313, 320 (1989). To the extent that law faculties take that criticism to heart, these more skills-oriented topic areas can build useful bridges between the academy and law practice. Faculties less interested in serving the practice, however, should recognize many theoretical topics among those taught most often in legal writing classes.

application of a doctrine or other topic, exposing questions and proposing answers. For instance,

1. A legal writing article might explore the effect of raising and deciding appellate cases sua sponte, without first allowing the parties to brief the dispository issue.[75]
2. Another article might analyze the practice of manufacturing a final judgment in order to obtain appellate review[76] or might propose a method for reducing intercircuit conflicts.[77]
3. An article might explore fiction-writing strategies lawyers can use to construct a persuasive fact statement.[78]
4. Another article might demonstrate the inadequacy of researching only legal sources when both the legal academy and law practice have long since rejected a formalistic understanding of the law in favor of a broad legal realism.[79]
5. Yet another article might explore how bias typically appears in legal language and how it can infect legal analysis and argument.[80]
6. Another might propose the use of object-oriented analysis and design to improve legislative drafting[81] or draw on

[75] Adam Milani & Michael Smith, *Playing God: A Critical Look at Sua Sponte Decisions by Appellate Courts*, 69 Tenn. L. Rev. 245 (2002). Professor Smith teaches legal writing at Mercer University School of Law, and the late Professor Milani taught legal writing at Mercer University School of Law.

[76] Rebecca Cochran, *Gaining Appellate Review by Manufacturing a Final Judgment*, 48 Mercer L. Rev. 979 (1997). Professor Cochran teaches legal writing at University of Dayton School of Law.

[77] Mary Garvey Algero, *A Step in the Right Direction: Reducing Intercircuit Conflicts by Strengthening the Value of Federal Appellate Court Decisions*, 70 Tenn. L. Rev. 605 (2003). Professor Algero teaches legal writing at Loyola University New Orleans School of Law.

[78] Brian Foley & Ruth Anne Robbins, *Fiction 101: A Primer for Lawyers on How to Use Fiction Writing Techniques to Write Persuasive Facts Sections*, 32 Rutgers L.J. 459 (2001). Professor Robbins teaches and Professor Foley formerly taught legal writing at Rutgers School of Law–Camden.

[79] Thomas McDonnell, *Playing beyond the Rules: A Realist and Rhetoric-Based Approach to Researching the Law and Solving Legal Problems*, 67 UMKC L. Rev. 285 (1998). Professor McDonnell teaches legal writing at Pace University School of Law.

[80] Anne Enquist & Lorraine Bannai, *(Un)Examined Assumptions and (Un)Intended Messages: Teaching Students to Recognize Bias in Legal Analysis and Language*, 27 Seattle U. L. Rev. 1 (2003). Professors Enquist and Bannai teach legal writing at Seattle University School of Law.

[81] Thomas Blackwell, *Finally Adding Method to Madness: Applying Principles of Object-Oriented Analysis and Design to Legislative Drafting*, 3 N.Y.U. J. Legis. & Pub. Policy 227 (2000). The late Professor Blackwell taught legal writing at the Appalachian School of Law.

methods of statutory interpretation, literary criticism, and musicology to propose a resolution to methodological disputes over statutory interpretation.[82]

7. Another article might identify the myths and realities surrounding the "plain English" movement,[83] or chronicle the growing acceptance of electronic communication within the American court system and use current research in rhetoric, cognition, and computer usability to suggest guidelines for using electronic communication with courts.[84]

8. Still another article might explore the extent to which a lawyer or a court legitimately can rely on non-legal materials in support of policy rationales.[85]

All of these articles are legal writing articles because they deal with the *substantive content* of the typical legal writing course, and all of these articles serve the purposes of legal scholarship. They advance knowledge generally; they enhance teaching, often demonstrating a close relationship between the scholarly topic and actual course content; and they improve the performance of legal decision-makers. These legal writing topics directly improve the performance of judges and lawyers by improving their ability to reason effectively, research thoroughly, and communicate clearly.

Some of these topics fulfill the purposes of scholarship in the most traditional of ways. Many are examples of traditional analyses of clearly legal issues, such as topics of appellate procedure, uses of precedent, statutory construction, or professional responsibility. Other category one topics explore new territory, using insights from other disciplines to deepen our understanding of important issues of legal analysis. These examples of grounded interdisciplinary scholarship are directly useful to legal decision-makers, offering new insights to improve the performance of lawyers and judges. They offer the advantages of breaking new ground and expanding the scope of our thinking about law and the

[82] Scott Fruehwald, *Pragmatic Textualism and the Limits of Statutory Interpretation:* Dale v. Boy Scouts of America, 35 Wake Forest L. Rev. 973 (2000). Professor Fruehwald teaches legal writing at Hofstra University School of Law.

[83] Joseph Kimble, *Plain English: A Charter for Clear Writing*, 9 Thomas M. Cooley L. Rev. 1 (1992). Professor Kimble teaches legal writing at Thomas M. Cooley Law School.

[84] Maria Perez Crist, *The E-Brief: Legal Writing for an Online World*, 33 N.M. L. Rev. 49 (2003). Professor Crist teaches legal writing at the University of Dayton School of Law.

[85] Ellie Margolis, *Beyond Brandeis: Exploring the Uses of Non-Legal Materials in Appellate Briefs*, 34 U.S.F. L. Rev. 197 (2000). Professor Margolis teaches legal writing at Temple University James E. Beasley School of Law.

profession,[86] while avoiding the concern of being too theoretical to be relevant to most legal audiences.[87]

B. Category Two: The Theoretical Foundations of Legal Writing

All legal fields rest upon theoretical foundations, and many can claim theoretical ties to other disciplines such as economics, history, political science, statistics, psychology, environmental science, and philosophy. Legal writing topics, too, have theoretical foundations. Those foundations include constitutional theory, legal methods concepts, jurisprudence, composition theory, philosophy, ethics, logic, political theory, rhetoric, literary theory, linguistics, cognitive psychology, narrative theory, comparative law, and legal history. For instance,

1. A legal writing article might challenge the use of unpublished and depublished opinions as a serious breach of traditional understandings of the common law system, resulting in a legal system much closer to a civil law system.[88]
2. Another article might explore the relationship of narrative to rule articulation, analogy, and policy-based reasoning.[89]
3. An article might use post-modern philosophy to critique common approaches to the teaching of legal writing,[90] or

[86] One strand in the conversation about legal scholarship laments the difficulty of saying anything both important and new. *See e.g.* Christopher D. Stone, *supra* n. 58, at 1151. Speaking of treatise-writing, Professor Stone observes that "much of the most challenging, creative, and rewarding work . . . —the supplying of insight and system—has largely been done in the major common-law fields." *Id.*; *see also* Geoffrey R. Stone, *Controversial Scholarship and Faculty Appointments: A Dean's View*, 77 Iowa L. Rev. 73, 74 (1991) ("Quite frankly, it is difficult to make a useful contribution at the cutting edge of legal scholarship. Sometimes it seems that everything worth saying has been said."). For a largely unmined field like legal writing, however, the most important and most exciting work—the work of unearthing patterns, making broad connections, unmasking misconceptions—remains to be done.

[87] *See e.g.* Edwards, *supra* n. 30 (discussing criticisms of overly theoretical scholarship).

[88] Penelope Pether, *Inequitable Injunctions: The Scandal of Private Judging in U.S. Courts*, 56 Stan. L. Rev. 1435 (2004). Until 2005, Professor Pether taught legal writing and rhetoric at American University, Washington College of Law; she now teaches at Villanova University School of Law.

[89] Linda H. Edwards, *The Convergence of Analogical and Dialetic Imaginations in Legal Discourse*, 20 Leg. Stud. Forum 7 (1996). Professor Edwards teaches legal writing at Mercer University School of Law.

[90] Joel Cornwell, *Languages of a Divided Kingdom: Logic and Literacy in the Writing Curriculum*, 34 John Marshall L. Rev. 49 (2000) [hereinafter *Languages*]; Joel Cornwell,

discuss the relationship of emotions to the more rational aspects of legal decision-making, showing that they work together to construct legal meaning.[91]

4. Another article might compare the American common-law system to other common-law systems, explaining how the American system became uniquely writing-centered and why the American reliance on writing results in a more effective and trustworthy system.[92]
5. An article might analyze the rhetorical forces at play in Justice Scalia's dissents[93] or in the employment discrimination cases of the Supreme Court.[94]
6. Yet another article might analyze the legal writing process in light of principles of composition theory.[95]
7. Another article might critique rhetorical strategies of legal writers based on particular ethical principles.[96]
8. The theoretical possibilities of legal writing topics are virtually limitless.

All of these articles serve the purposes of legal scholarship. They advance knowledge about the law and the profession. Many of them expressly discuss the application of theory to the profession or to teaching, and thus they serve the purposes of improving teaching and improving the profession. Other examples are highly theoretical, but as Professor Rubin reminds us, the scholar's work

Legal Writing as a Kind of Philosophy, 48 Mercer. L. Rev. 1091 (1997). Professor Cornwell teaches legal writing at The John Marshall Law School.

[91] Peter Brandon Bayer, *Not Interaction but Melding—The "Russian Dressing" Theory of Emotions: An Explanation of the Phenomenology of Emotions and Rationality with Suggested Related Maxims for Judges and Other Legal Decision Makers*, 52 Mercer L. Rev. 1033 (2001). Professor Bayer teaches legal writing at the William S. Boyd School of Law at University of Nevada, Las Vegas.

[92] Suzanne Ehrenberg, *Embracing the Writing-Centered Legal Process*, 89 Iowa L. Rev. 1159 (2004). Professor Ehrenberg teaches legal writing at Chicago-Kent College of Law.

[93] Michael Frost, *Justice Scalia's Rhetoric of Dissent: A Greco-Roman Analysis of Scalia's Advocacy in the VMI Case*, 91 Ky. L.J. 167 (2000–2003). Professor Frost teaches legal writing at Southwestern University School of Law.

[94] Mary Ellen Maatman, *Choosing Words and Creating Worlds: The Supreme Court's Rhetoric and Its Constitutive Effects on Employment Discrimination Law*, 60 U. Pitt. L. Rev. 1 (1998). Professor Maatman teaches legal writing at Widener University School of Law, Wilmington, Delaware.

[95] Linda Berger, *Applying New Rhetoric to Legal Discourse: The Ebb and Flow of Reader and Writer, Text and Context*, 49 J. Leg. Educ. 155 (1999). Professor Berger teaches legal writing at the Thomas Jefferson School of Law.

[96] Elizabeth Fajans & Mary Falk, *Shooting from the Lip:* United States v. Dickerson*, Role [Im]morality, and the Ethics of Legal Rhetoric*, 23 U. Haw. L. Rev. 1 (2000). Professors Fajans and Falk teach legal writing at Brooklyn Law School.

can serve legal decision-makers even if it is not addressed to that audience, indeed, even if it is never seen by that audience.[97] Some of today's best-known legal scholarship, though theoretical in nature,[98] serves legal decision-makers in just this way.

C. Category Three: The Theory and Practice Appropriate to the Teaching of Legal Writing

Like other teaching areas, legal writing has been enriched by articles about pedagogy. In fact, the pedagogical conversation among legal writing professors may be more vibrant than that in any other area of the legal academy. Since much of the content of a legal writing course is focused on the teaching of a process, it is natural that legal writing professors would focus scholarly attention on pedagogical issues. Further, many articles about pedagogy take as their starting point a substantive (category one) or theoretical (category two) point. Examples of possible pedagogical topics are ample:

1. An article might analyze aspects of the legal environment of law teaching, such as the application of the ADA to learning disabled law students,[99] or the tension between liability for peer-on-peer harassment under Title IX and students' rights of free expression under the First Amendment.[100]
2. Another article might explore the effects on women and minorities of particular institutional environments and common classroom practices.[101]

---

[97] Rubin, *supra* n. 32, at 904.

[98] *See e.g. infra* nn. 148–158 and accompanying text (explaining that theoretical topics related to legal writing have long been acceptable for legal scholarship).

[99] Lisa Eichhorn, *Reasonable Accommodations and Awkward Compromises: Issues Concerning Learning Disabled Students and Professional Schools in the Law School Context*, 26 J.L. & Educ. 31 (1997). Professor Eichhorn teaches legal writing at the University of South Carolina School of Law.

[100] Susan Hanely Kosse, *Student Designed Home Web Pages: Does Title IX or the First Amendment Apply?* 43 Ariz. L. Rev. 905 (2001). Professor Kosse teaches legal writing at the Louis D. Brandeis School of Law at the University of Louisville.

[101] Brook Baker, *Transcending Legacies of Literacy and Transforming the Traditional Repertoire: Critical Discourse Strategies for Practice*, 23 Wm. Mitchell L. Rev. 491 (1997); Judith D. Fischer, *Portia Unbound: The Effects of a Supportive Law School Environment on Women and Minority Students*, 7 UCLA Women's L.J. 81 (1996) (presenting a study at Chapman University examining effects of various institutional practices on women and minority students); Kathryn Stanchi, *Resistance Is Futile: How Legal Writing Contributes to the Law's Marginalization of Outsider Voices*, 103 Dick. L. Rev. 7 (1998) (exploring the two

3. Other articles might present a study of the effectiveness of various academic support techniques[102] or critique present practices of teaching legal research.[103]
4. Another article might analyze how the academic discipline of legal writing has developed its doctrine by developing a common professional language.[104]
5. Still other articles might explore the application of various principles of learning theory to the law school classroom.[105]
6. An article might draw on emerging contextualist work in cognitive research to critique existing clinical experiential theory.[106]
7. Or an article might apply writing process principles to the setting of the law school seminar paper.[107]

reigning pedagogies of legal writing and describing the linguistic model used to gauge how teaching law as language marginalizes outsider voices). Professor Baker teaches legal writing at Northeastern University School of Law. Professor Fischer teaches legal writing at the Louis D. Brandeis School of Law at the University of Louisville. Professor Stanchi teaches legal writing at Temple University James E. Beasley School of Law.

[102] Laurel Currie Oates, *Beating the Odds: Reading Strategies of Law Students Admitted through Special Admissions Programs*, 83 Iowa L. Rev. 139 (1997) (presenting a study exploring perceived differences in the ways academically challenged students read judicial opinions). Professor Oates teaches legal writing at Seattle University School of Law.

[103] McDonnell, *supra* n. 79; Terry Jean Seligmann, *Beyond "Bingo!": Educating Legal Researchers as Problem Solvers*, 26 Wm. Mitchell. L. Rev. 179 (2000); Marilyn Walter, *Retaking Control over Teaching Research*, 43 J. Leg. Educ. 569 (1993). Professor McDonnell teaches legal writing at Pace University School of Law. Professor Seligmann teaches legal writing at the University of Arkansas School of Law, Fayetteville. Professor Walter teaches legal writing at Brooklyn Law School.

[104] Terrill Pollman & Judith Stinson, *IRLAFARC! Surveying the Language of Legal Writing*, 56 Me. L. Rev. 239 (2004) (presenting a study using correlation analyses and two-sample t-test analyses to analyze the degree to which legal writing professors employ or understand a common set of terms). Professor Pollman teaches legal writing at the William S. Boyd School of Law at University of Nevada, Law Vegas. Professor Stinson teaches legal writing at the Arizona State University College of Law.

[105] Robin Boyle, *Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student*, 81 U. Det. Mercy L. Rev. 1 (2003); M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 Seattle U. L. Rev. 139 (2001) (presenting research on common learning styles and exploring the impact of the typical law school learning cycle upon students with those learning styles); Clifford Zimmerman, *"Thinking Beyond My Own Interpretation": Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 Ariz. St. L.J. 957 (1999) (reviewing the history and theoretical bases of cooperative and collaborative learning, while critiquing the use of competitiveness, teacher control, authorship and individualism, and forms of evaluation). Professor Boyle teaches legal writing at St. John's University School of Law. Professor Jacobson teaches legal writing at Willamette University College of Law. Professor Zimmerman teaches legal writing at Northwestern University School of Law.

[106] Brooke Baker, *Beyond MacCrate: The Role of Context, Experience, Theory, and Reflection in Ecological Learning*, 36 Ariz. L. Rev. 287 (1994). Professor Baker teaches legal writing at Northeastern University School of Law.

8. An article might analyze the use of the Socratic method in law schools in general and in writing courses in particular.[108]
9. An article might review composition theory's analysis of the relationship between speech and writing and suggest ways in which that analysis informs the teaching of writing in law school.[109]
10. Another article might argue that certain principles of rhetoric and literary criticism might serve as the foundations for a coherent philosophy of law study;[110] or use principles of rhetorical criticism to argue that legal writing and first-year casebook courses should be viewed as one ongoing rhetorical activity;[111] or examine possible definitions of legal writing and their impact on the effectiveness of teaching and learning in the academy;[112] or identify the rhetorical roots of legal reasoning and advocate that law schools use classical rhetorical concepts and vocabulary to teach deductive and analogical reasoning.[113]
11. Another article might compare the historical development and the pedagogical and jurisprudential foundations of le-

[107] Elizabeth Fajans & Mary Falk, *Comments Worth Making: Supervising Scholarly Writing in Law School*, 46 J. Leg. Educ. 342 (1996). Professors Fajans and Falk teach legal writing at Brooklyn Law School.

[108] Mary Beth Beazley & Mary Kate Kearney, *Teaching Students How to "Think Like Lawyers": Integrating Socratic Method with the Writing Process*, 64 Temple L. Rev. 885 (1991). Professor Beazley teaches legal writing at Moritz College of Law at The Ohio State University. Professor Kearney taught legal writing at Vermont Law School until the two-year cap on her position expired. She now teaches at Widener University School of Law, Harrisburg.

[109] Susan DeJarnatt, *Law Talk: Speaking, Writing and Entering the Discourse of Law*, 40 Duq. L. Rev. 489 (2002). Professor DeJarnatt teaches legal writing at Temple University, James E. Beasley School of Law.

[110] Cornwell, *Languages, supra* n. 90. Professor Cornwell teaches legal writing at The John Marshall Law School in Chicago.

[111] Leigh Greenhaw, *To Say What the Law Is: Learning the Practice of Legal Rhetoric*, 29 Val. U. L. Rev. 861 (1995). Professor Greenhaw formerly taught legal writing and currently teaches Introduction to U.S. Law and Legal Methods to foreign students at Washington University School of Law.

[112] Rideout & Ramsfield, *supra.* n. 16. Professor Rideout teaches legal writing at Seattle University. Professor Ramsfield taught legal writing at Georgetown University Law Center for many years, and now teaches legal writing at University of Hawaii at Mānoa, William S. Richardson School of Law.

[113] Kristen K. Robbins, *Paradigm Lost: Recapturing Classical Rhetoric to Validate Legal Reasoning*, 27 Vt. L. Rev. 483 (2003). Professor Robbins teaches legal writing at Georgetown University Law Center.

gal writing courses and casebook courses, demonstrating how each kind of course complements the other.[114]

12. An article might use research in cognitive science, psychology, psychotherapy, composition theory, and critical discourse analysis to explore both the role of student conferences and the institutional and individual constraints that may impede learning.[115]

The value of scholarship about pedagogy is the subject of debate within the legal academy,[116] but a compelling case can be made for including pedagogical analysis as part of legal scholarship. Judge Harry Edwards begins his well-known critique of modern legal scholarship[117] with an epigram from Felix Frankfurter: "In the last analysis, the law is what the lawyers are. And the law and the lawyers are what the law schools make them."[118] He returns to Frankfurter again in the article's conclusion and argues for "practical scholarship and pedagogy."[119] He writes "I earnestly believe that much of the growing disarray that we now see in the profession is directly related to the growing incoherence in law teaching and scholarship."[120]

Judge Edwards is writing primarily to criticize highly theoretical scholarship not readily usable by the profession, but his criticism also says something important about taking seriously our role in "making lawyers." Tellingly, in this same article, Judge Edwards decries inadequate law school attention to legal writing and asserts that "far too few law professors recognize the gravity of the problem."[121] He notes problems with matters of style and presentation in the practitioner writing he sees, but observes that "[t]he

[114] David S. Romantz, *The Truth about Cats and Dogs: Legal Writing Courses and the Law School Curriculum*, 52 U. Kan. L. Rev. 105 (2003). Professor Romantz teaches legal writing at The University of Memphis, Cecil C. Humphreys School of Law.

[115] Robin Wellford, *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. Tex. L. Rev. 255 (2004). Professor Wellford teaches legal writing at Chapman University School of Law.

[116] *See e.g.* Larry Catá Backer, *Defining, Measuring, and Judging Scholarly Productivity: Working toward a Rigorous and Flexible Approach*, 52 J. Leg. Ed. 317 (2002); Jonathan L. Entin, *Scholarship about Teaching*, 73 Chi.-Kent L. Rev. 847 (1998); Joy, *supra*, n. 22.

[117] Edwards, *supra* n. 30.

[118] Ltr. from Felix Frankfurter, Prof., Harv. L. Sch., to Mr. Rosenwald 3 (May 13, 1927) (Felix Frankfurter papers, Harvard Law School library) (quoted in Rand Jack & Dana C. Jack, *Moral Vision and Professional Decisions: The Changing Values of Women and Men Lawyers* 156 (Cambridge U. Press 1989)).

[119] Edwards, *supra* n. 30, at 77.

[120] *Id.* at 75.

[121] *Id.* at 63–65.

more serious problem is . . . lack of depth and precision in legal analysis."[122]

If Felix Frankfurter and Judge Edwards are right that the lawyers we "make" define the future of the law, then surely pedagogy should not be excluded from our close, critical scholarly examination. Careful analysis of legal pedagogy serves all the identified values of scholarship.[123] It identifies and proposes solutions for a serious legal problem; the problem of bad legal writing with its attendant effects on clients and on the legal system.[124] It improves the performance of tomorrow's legal decision-makers far more directly than can a doctrinal article about a particular, often esoteric legal issue or a highly theoretical article addressed largely to other highly theoretical scholars writing in the same specialized field. It advances knowledge about one of our own professions, the profession of teaching.[125] And given the marginalized status of legal writing programs and faculty members at many schools, scholarship about legal writing pedagogy often must speak truth to power.

When we talk about scholarship, we should say what we mean, and we should keep our stories straight. The claim that scholarship enhances teaching is one of the primary justifications for devoting so many institutional and personal resources to the scholarship project.[126] It is difficult to square that claim with institutional policies declaring pedagogy categorically off limits as an area of scholarly inquiry.[127] If serious scholarly treatment of law

[122] *Id.* at 64–65.

[123] We do not claim that all publications about pedagogy should be considered scholarship. Rather, we claim that articles about pedagogy, like other kinds of articles, should be taken seriously enough to be evaluated according to their merit.

[124] Scholarship about better teaching to a broad group of students is especially important now that law schools no longer dismiss large percentages of their entering classes for academic reasons. *See* Beasley, *supra* n. 14, at 30 nn. 5–7.

[125] "The life of a law teacher . . . is dominated by two activities . . . : teaching and scholarship. . . . [T]eaching and scholarship are the principal activities of the academic lawyer, the activities that reflect his primary professional interest and capabilities, and the institution in which he lives his professional life is deliberately organized to promote these activities. Teaching and scholarship are the *raisons d'etre* of the university." Kronman, *supra* n. 42, at 957.

[126] *Supra* nn. 41–45 and accompany text; *see also* Mary Kay Kane, *Some Thoughts on Scholarship for Beginning Teachers*, 37 J. Leg. Educ. 14, 14 (1987); Polden, *supra* n. 46, at 1–5.

[127] Of course, one might argue that rigorous inquiry about pedagogy is valuable but different from "scholarship." The argument would go, "Professors should write 'real' scholarship, and if they write about pedagogy in their spare time, that's good." The problem with this argument should be obvious. In the press of other obligations, most professors struggle to find time to write at all. Writing requires stealing time–a lot of time–away from student advising, from sponsoring co-curricular activities, from alumni events, from speaking en-

teaching is outside the boundary of acceptable scholarship, we cannot claim truthfully that we write to improve our teaching.

D. Category Four: The Institutional Choices Affecting the Teaching of Legal Writing

The final category of scholarship we have identified includes articles critiquing the institutional choices affecting the teaching of legal writing. It would be a mistake, however, to assume that category four articles do not deal with the substance or theory of legal writing. Many of these articles take as their starting point a substantive or theoretical misunderstanding that causes a misguided institutional choice. Certainly, misguided institutional choices can severely impede pedagogy. For instance,

1. An article might explore Rousseau's speech/writing hierarchy as it is manifested within the structures of the legal academy and use a deconstructionist critique to show the artificiality of separating speech and writing.[128]
2. Another article, after comparing the pedagogical and jurisprudential foundations of legal writing and casebook courses, might identify and challenge some of the reasons for the anti-intellectual bias against writing courses.[129]
3. An article might apply principles of rationality, academic ethics, and the cardinal legal standards of the Equal Protection Clause to the disparate treatment and adverse employment conditions sometimes imposed on writing professors.[130]

---

gagements, from attending faculty development programs, from reading drafts of one's colleagues' work and offering feedback, from institutional and professional service, not to mention from family and some modicum of a life outside the law school. When a faculty member has managed to hoard time for writing, what projects are likely to justify that time? Certainly most faculty authors will choose projects that fulfill their obligation to produce scholarship. Even if a faculty member can manage two projects, the resulting article about pedagogy often does not meet the standards applicable to other scholarship because the author does not have time for a rigorous treatment of the subject. Hence, many articles about pedagogy merely describe an interesting teaching idea without exploring underlying learning theory or analyzing a significant empirical data base. *See* Entin, *supra* n. 116. While those articles are valuable contributions to law teaching, they do not provide an appropriate measure of the potential intellectual rigor of pedagogical topics as a whole.

[128] Lisa Eichhorn, *Writing in the Legal Academy: A "Dangerous Supplement"*, 40 Ariz. L. Rev. 105 (1998). Professor Eichhorn teaches legal writing at the University of South Carolina School of Law.

[129] Romantz, *supra* n. 114.

[130] Peter Brandon Bayer, *A Plea for Rationality and Decency: The Disparate Treatment*

4. Other articles might present empirical studies to show the disparate impact on women caused by institutional policies affecting legal writing faculty members,[131] or present and analyze survey results about staffing models, teaching loads, curriculum and course content, institutional status, and other aspects of legal writing programs.[132]
5. An article might argue for institutional support for scholarship by legal writing professors[133] or for teaching loads that include more than one area.[134]
6. Another article might explore the trend toward tenure-track legal writing positions and the tenure criteria relevant to them.[135]
7. Or after examining the uniquely writing-centered American common law system, an article might advocate for an enhanced role for writing programs in legal education.[136]

Articles about institutional choices serve all of the identified values of legal scholarship as well. They advance individual and institutional knowledge; they directly enhance teaching; and they often powerfully transform both people and law school programs. And

of Legal Writing Faculties as a Violation of Both Equal Protection and Professional Ethics, 39 Duquesne L. Rev. 329, 331 (2001). Professor Bayer teaches legal writing at the William S. Boyd School of Law at University of Nevada, Las Vegas.

[131] Jo Anne Durako, *Occupational Segregation: The Legal Writing Caste*, 73 UMKC L. Rev. 253 (2004); Jo Anne Durako, *Second-Class Citizens in the Pink Ghetto: Gender Bias in Legal Writing*, 50 J. Leg. Educ. 562 (2000); Levine & Stanchi, *supra* n. 4; Richard K. Neumann, Jr., *Women in Legal Education: What the Statistics Show*, 50 J. Leg. Educ. 313 (2000); Kathryn M. Stanchi, *Who Next, the Janitors? A Socio-Feminist Critique of the Status Hierarchy of Law Professors*, 73 UMKC L. Rev. 467 (2004). Professor Durako taught legal writing at Rutgers School of Law–Camden, and now teaches legal writing at Stetson University College of Law. Professors Levine and Stanchi teach legal writing at Temple University James E. Beasley School of Law. Professor Neumann taught legal writing at Hofstra University School of Law for many years.

[132] Jo Anne Durako, *2000 Survey Results*, 7 Leg. Writing 155 (2001); Jo Anne Durako, *A Snapshot of Legal Writing Programs at the Millennium*, 6 Leg. Writing 95 (2000); Kristin B. Gerdy, *Continuing Development: A Snapshot of Legal Research and Writing Programs through the Lens of the 2002 LWI and ALWD Survey*, 9 Leg. Writing 227 (2003). Professor Gerdy teaches legal writing at J. Reuben Clark Law School at Brigham Young University.

[133] Liemer, *supra* n. 5. Professor Liemer teaches legal writing at Southern Illinois University School of Law.

[134] Brian Glassman, *I Didn't Take the Road Less Traveled, and What a Long, Strange Trip It's Been*, 53 J. Leg. Educ. 295 (2003); Susan Liemer, *Many Birds, One Stone: Teaching the Law You Love, in Legal Writing Class*, 53 J. Leg. Educ. 284 (2003). Professor Glassman teaches legal writing at Cleveland State University, Cleveland-Marshall College of Law.

[135] Jan M. Levine, *Voices in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Research and Writing Programs*, 45 J. Leg. Educ. 530 (1995). Professor Levine teaches legal writing at Temple University James E. Beasley School of Law.

[136] Ehrenberg, *supra* n. 92, at 1195–1199.

more than any other kind of scholarship, articles about institution's choices serve the crucial function of speaking truth to power. In the final analysis, that function will have more cumulative impact on legal education, and therefore, on the future of the legal profession, than almost any other kind of scholarship.

Further, we in the academy claim that critiques of *other* institutions—courts, legislatures, agencies—fulfill a fundamentally important duty of the professoriate.[137] If we value our role as critics of *others*, we can hardly reject our role as critics of *ourselve*s. As Professor Rubin has observed, the very act of evaluating another's work is fundamentally *self*-critical. The evaluative process places the criteria, and therefore, the norms of the discipline itself, at issue.[138] This self-testing is even more important and even more effective when the subject of the evaluation is itself an institutional critique.[139] We should hesitate to banish prophetic voices within our own ranks. Whether the voices are "assimilated" or "rebellious,"[140] we need to hear what they have to say.

VI. RATIONALES USED TO DISCOUNT LEGAL WRITING TOPICS

Even a casual look at the bibliography shows that legal writing professors are writing substantive, theoretical, and pedagogical articles, as well as political articles critiquing institutional choices. In this Section, we examine and respond to claims used to discount topics in all of these areas.[141]

---

[137] *See e.g.* David A. Westbrook, *Pierre Schlag and the Temple of Boredom,* 57 U. Miami L. Rev. 649, 652 (2003). Westbrook notes, "In this way, law professors fulfill a very traditional notion of their duties as public intellectuals—the task of the professor is to improve the polity through criticism." *Id.* at 652–653. He goes on to say that Pierre Schlag has turned this criticism back onto the legal academy with great success. *Id.*

[138] Rubin, *supra* n. 32, at 889.

[139] "The evaluation of another's work involves a confrontation with it that provides one of the best opportunities to develop an awareness of one's own work and the beliefs that underlie it." *Id.* at 889.

[140] *See generally* Larry Catá Backer, *Pitied but Not Entitled: The Normative Limitations of Scholarship Advocating Change*, 19 W. New Eng. L. Rev. 59 (1997).

[141] We focus here on claims about the topics themselves, not claims about the quality of a particular article. To withstand logical challenge, claims discounting a particular *topic* must presume an article in which the author has achieved all the topic would permit. Otherwise, the claim is not addressed logically to the topic but rather to the sufficiency of a particular effort.

A. Myth #1: Legal Writing Topics Do Not Qualify as Scholarship

One rationale sometimes offered to support a policy discounting legal writing topics is the sweeping generalization that writing on legal writing topics does not constitute scholarship. Even assuming the possibility of a static and universal definition of "legal scholarship,"[142] this assertion cannot sustain reasoned analysis.

First and at the very least, the assertion is overbroad. Recall the topics in categories one and two described above, such as the roles and functioning of the judicial and legislative systems; the doctrine of stare decisis; precedential values and appropriate uses of legal authority; the forms of legal reasoning; the principles of statutory construction; relevant ethical duties of lawyers; the standards of appellate review; and other doctrines relating to appellate practice. One can hardly deny that these topics qualify as subjects of legal scholarship. Some of them have been well established as subjects of legal scholarship for many years. Consider, for example, such classics as Judge Benjamin Cardozo's *The Nature of the Judicial Process;*[143] Karl Llewellyn's *Bramble Bush*[144] or his famous "thrust and parry" article;[145] Edward Levi's classic book on legal reasoning;[146] David Mellinkoff's *The Language of the Law*;[147] or Robert Cover's famous Forward to the Supreme Court 1982 Term, *Nomos and Narrative.*[148]

Other kinds of legal writing topics are more recent threads of the legal conversation, but many have been received by the academy with fanfare.[149] Consider, for instance, Steven Winter's book on the role of metaphor in law;[150] Tony Amsterdam and Jerome

---

[142] Linda S. Greene, *Introduction: Scholarly Trends and Paradigms*, 10 St. Louis U. Pub. L. Rev. 181 (1991) (expressing skepticism about rigid definitions of scholarship in light of the legal academy's proliferating scholarship paradigms).

[143] Benjamin N. Cardozo, *The Nature of the Judicial Process* (Yale U. Press 1921).

[144] Karl N. Llewellyn, *Bramble Bush: On Our Law and Its Study* (Oceana Publ. 1930).

[145] Karl N. Llewellyn, *Remarks on the Theory of Appellate Decision and the Rules or Canons about How Statutes Are to Be Construed*, 3 Vand. L. Rev. 395 (1950).

[146] Edwards H. Levi, *An Introduction to Legal Reasoning* (U. Chi. Press 1949).

[147] David Mellinkoff, *The Language of the Law* (Little, Brown & Co. 1963).

[148] Robert M. Cover, *Nomos and Narrative*, 97 Harv. L. Rev. 4 (1983).

[149] "After several decades of interdisciplinary nourishment, one can hardly peruse a law journal without encountering references to what once seemed the obscure texts of divergent disciplines: Economics, sociology, philosophy, anthropology, literary criticism and beyond." David Kennedy, *Critical Theory, Structuralism and Contemporary Legal Scholarship*, 21 New Eng. L. Rev. 209, 210 (1985–1986).

[150] Steven L. Winter, *A Clearing in the Forest: Law, Life and Mind* (U. Chi. Press 2001). Professor Winter's book was the subject of the symposium "Cognitive Legal Studies:

Bruner's book, *Minding the Law*;[151] James Boyd White's book on law as translation;[152] Susan Bandes's anthology on the role of emotion in law;[153] Lash LaRue's book on the Constitution as narrative;[154] Fred Schauer's book on rule-based reasoning;[155] Peter Brooks and Paul Gewirtz's anthology on narrative and rhetoric in the law;[156] or Lawrence Solan's book applying generative linguistic theory to the issues of statutory construction.[157]

To exclude all legal writing topics from the category "legal scholarship" would require excluding the work of such renowned scholars as these and many more. Yet, unless the work of these well-known legal scholars is excluded from the category of legal scholarship, no reasoned justification can be advanced to discount *all* legal writing topics. The only other possible explanation would be that topics count as legal scholarship when Professors Cover, LaRue, Bandes, Schauer, Solan, White, and Winter write about them, but not when legal writing professors write about them.[158]

Categorization and Imagination in the Mind of Law." (The proceedings of that conference can be found in volume 67, issue 4, of the *Brooklyn Law Review*.)

[151] Anthony G. Amsterdam & Jerome Bruner, *Minding the Law* (Harv. U. Press 2000).

[152] James Boyd White, *Justice as Translation: An Essay in Cutural and Legal Criticism* (Univ. Chi. Press 1990) (cited 204 times, Westlaw search Aug. 19, 2004) (reviewed by Sanford Levinson, *Conversing about Justice*, 100 Yale L.J. 1855 (1991)). Professor White's other work in the area includes *When Words Lose Their Meaning: Constitutions and Reconstitutions of Language, Character, and Community* (U. Chi. Press 1984) (cited 270 times); *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* (Little Brown & Co. 1973) (cited 186 times); *Acts of Hope: Creating Authority in Literature, Law, and Politics* (1994); *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law* (U. Wis. Press 1985) (cited 243 times).

[153] Susan A. Bandes, *The Passions of Law* (N.Y.U. Press 1999).

[154] Lewis H. LaRue, *Constitutional Law as Fiction: Narrative in the Rhetoric of Authority* (Penn. St. U. Press 1995). Professor LaRue's book was the subject of the symposium *Writing across the Margins*, 53 Wash. & Lee L. Rev. 943 (1996).

[155] Fred Schauer, *Playing by the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life* (Clarendon Press 1991). Dean Schauer's book and other work was the subject of the symposium, *The Works of Frederick Schauer: Can Law Survive the Asymmetry of Authority?* 19 QLR 463 (2000).

[156] *Law Stories: Narrative and Rhetoric in the Law*, *supra* n. 1 (reviewed by Richard A. Posner, *Legal Narratology*, 64 U. Chi. L. Rev. 737 (1997)).

[157] Lawrence M. Solan, *The Language of Judges* (U. Chi. Press 1993).

[158] We cannot help but notice that virtually all of the well accepted, even nationally acclaimed publications about legal writing topics—that is, those whose place as part of legal scholarship is unquestioned even though they address topics covered primarily in the legal writing classroom—have been written by men. We also notice that the vast majority of the people who actually teach legal writing are women. Stanchi, *supra* n. 131, at 467 ("[An] institutionalized and illegitimate status hierarchy operat[es] in American law schools. Like any status hierarchy, its boundaries are well defined and well enforced. . . . [T]his hierarchy is gendered, with the lowest rank overwhelmingly composed of women and the highest rank overwhelmingly composed of men. The players in this status hierarchy are the faculties and

Certainly no one in the academy would advocate that we decide what is legal scholarship based on the identity of the author.[159] Clearly, substantive or theoretical legal writing topics (articles in categories one and two) are and long have been well within the scope of acceptable, even admirable, legal scholarship.

Second, the question of whether an article about pedagogy or institutional practice (categories three and four) constitutes "real" scholarship is unrelated to whether the topic pertains to legal writing. The value of articles on pedagogy is the subject of an ongoing debate in the academy.[160] Nothing in that debate, however, distinguishes whether the article addresses teaching methods for a casebook course,[161] a seminar,[162] or a legal writing course.[163] Law schools will have to decide how to value such articles as Todd Rakoff's *The Harvard First-Year Experiment;*[164] Philip Kissam's *Seminar Papers*;[165] Scott Burnham's *Teaching Legal Ethics in Contracts*;[166] Cass Sunstein's *Risk Assessment and Resource Allocation by Law Students*;[167] and Leonard Riskin's *Mindfulness: Founda-*

administrations of American law schools. At the top are the tenured 'doctrinal' professors, roughly 70 percent of whom are male; at the bottom are legal writing professors, roughly 70 percent of whom are female.").

We hope that the concept of "traditional" scholarship is not gender-related, but it may be. Professor Karin Mika observed a similar phenomenon in "traditional" constitutional scholarship. Karin Mika, *Self-Reflection within the Academy: The Absence of Women in Constitutional Jurisprudence*, 9 Hastings Women's L.J. 273, 305–306 (1998) ("However, the bulk of writings by female authors tend to appear in the context of a gender-related discussion. The majority of venerated constitutional law 'scholars' are overwhelmingly male. Although there were many prolific female authors in the Nineteenth century who wrote eloquently about contemporary issues, their work usually does not appear in our legal texts. This is, no doubt, because their work was not, and is still not, considered traditional legal scholarship that could be used in conjunction with the case method of study.").

[159] For an interesting related point, see Carter, *supra* n. 39, at 2066 ("[O]ne claim that seemed absolutely inadmissible is that either article might stand on its own. Evidently, there is no "on its own" any longer. Not only must one know the context, one must know the author. The more one knows about the author, the less work one has to do to evaluate the argument.").

[160] *See supra* sec. 5(C).

[161] *See e.g.* Kevin R. Johnson, *Integrating Racial Justice into the Civil Procedure Survey Course*, 54 J. Leg. Educ. 242 (2004).

[162] *See e.g.* Fajans & Falk, *supra* n. 107.

[163] *See e.g.* Linda L. Berger, *A Reflective Rhetorical Model: The Teacher as Reader and Writer*, 6 Leg. Writing 57 (2000).

[164] Todd Rakoff, *The Harvard First-Year Experiment*, 39 J. Leg. Educ. 491 (1989).

[165] Philip C. Kissam, *Seminar Papers*, 40 J. Leg. Educ. 339 (1990).

[166] Scott J. Burnham, *Teaching Legal Ethics in Contracts*, 41 J. Leg. Educ. 105 (1991).

[167] Christopher E. Houston & Cass Sunstein, *Risk Assessment Resource Allocation and Fairness: Evidence from Law Students,* 48 J. Leg. Educ. 496 (1998).

tional Training for Dispute Resolution.[168] Whatever a law school decides about the value of pedagogical articles, clear-sighted and fair-minded assessment requires that articles on torts pedagogy, civil procedure pedagogy, seminar pedagogy, or legal writing pedagogy be treated the same way.[169]

Similarly, debate over the value of articles critiquing the institutional practices of legal education is ongoing,[170] but nothing in that debate distinguishes among topics challenging institutional practices based on race, gender, jurisprudential school, skills courses in general, or legal writing courses in particular. Whatever a law school decides about the value of articles on institutional practices, all rigorous articles critiquing institutional practices should be treated alike.

At some law schools, pedagogical or political articles may be counted as legal scholarship, and the relevant question is the *quality* of a particular article. Other law schools may take the opposite view, refusing to consider *any* pedagogical or political article, no matter what its intellectual rigor. But there is no basis for counting a pedagogical or political article about another subject area and not counting a similar article about legal writing.

In fact, most law schools that discount pedagogical or political topics probably apply that policy across the board, to all subject areas. Consider two recent articles, *Teaching Civil Procedure through Its Top Ten Cases, Plus or Minus Two*[171] and *Making Contracts Relevant: Thirteen Lessons for the First-Year Contracts Course*.[172] Each article has something important to say. The civil

[168] Leonard Riskin, *Mindfulness: Foundational Training for Dispute Resolution*, 54 J. Leg. Educ. 79 (2004).

[169] Christopher D. Stone, *supra* n. 58, at 1165 ("[The law] involves continual explanation and justification. Justice requires that *like* cases be treated alike; analogies have to be sorted into those that fit and those that do not. Metaphors have to be kept within the bounds of judicious constraint.").

[170] *See e.g.* Keith Aoki, *The Scholarship of Reconstruction and the Politics of Backlash*, 81 Iowa L. Rev. 1467 (1996); Arthur Austin, *Race and Gender Exclusivity in Legal Scholarship*, 4 U. Chi. L. Sch. Roundtable 71 (1997); Milner S. Ball, *The Legal Academy and Minority Scholars*, 103 Harv. L. Rev. 1855 (1990) (response to Randall Kennedy, *Racial Critiques of Legal Academia*, 102 Harv. L. Rev. 1745 (1989)); Jerome McCristal Culp, Jr., *Autobiography and Legal Scholarship and Teaching: Finding the Me in the Legal Academy*, 77 Va. L. Rev. 539 (1991); Phoebe A. Haddon, *Keynote Address: Redefining Our Roles in the Battle for Inclusion of People of Color in Legal Education*, 31 New Eng. L. Rev. 709 (1997); Natsu Saito Jenga, *Finding Our Voices, Teaching Our Truth: Reflections on Legal Pedagogy and Asian American Identity*, 3 Asian Pac. Am. L.J. 81 (1995).

[171] Kevin M. Clermont, *Teaching Civil Procedure through Its Top Ten Cases, Plus or Minus Two*, 47 St. Louis U. L.J. 111 (2003).

[172] Robert M. Lloyd, *Making Contracts Relevant: Thirteen Lessons for the First-Year*

procedure article applies schema theory to argue that civil procedure professors should give more attention to the subject's landmark cases. The contracts article recommends a preventive law focus in the first-year contracts course.

Most law schools that would discount an article about legal writing pedagogy probably would discount these articles as well, at least for tenure and promotion purposes. At many schools, however, the articulation of those two decisions would differ. For the article about civil procedure pedagogy, faculty members would say that articles about pedagogy do not count as legal scholarship. They would not say that *civil procedure* articles do not count. For the article about legal writing pedagogy, however, faculty members are not likely to say that articles about pedagogy do not count. Instead, they are likely to say that *legal writing* articles do not count.

Similarly, consider an article on valuing diversity in hiring for doctrinal positions, such as Derrick Bell's *Diversity and Academic Freedom*.[173] If a law school has adopted a policy that discounts articles critiquing institutional practices, faculty members are likely to explain the problem with this racial critique of law school hiring and tenuring processes by saying that articles about law school politics do not count. They are not likely to say that articles about race do not count. If the article is about hiring practices affecting legal writing professors, however,[174] those same faculties may justify discounting the article by explaining that it is about legal writing.

These differences in description constitute errors in categorization,[175] perhaps prompted by a classic induction error—the erro-

Contracts Course, 36 Ariz. St. L.J. 257 (2004).

[173] Derrick A. Bell, *Diversity and Academic Freedom*, 43 J. Leg. Educ. 371 (1993). Other recent examples are Monte N. Stewart & H. Dennis Tolley, *Investigating Possible Bias: The American Legal Academy's View of Religiously Affiliated Law Schools*, 54 J. Leg. Educ. 136 (2004), and Deborah L. Rhode, *Midcourse Corrections: Women in Legal Education*, 53 J. Leg. Educ. 475 (2003).

[174] *See e.g.* Levine & Stanchi, *supra* n. 4; Neumann, *supra* n. 131. Professors Levine and Stanchi teach legal writing at Temple University. Professor Neumann taught legal writing at Hofstra University.

[175] "A category is a set of things . . . treated as if they were, for the purposes at hand, similar or equivalent or somehow substitutable for each other." Amsterdam & Bruner, *supra* n. 151, at 20. Professors Amsterdam and Bruner point out,

> Acquiring and negotiating our categories is part of . . . learning . . . a profession. . . . Whether the categories deal with nearly universal human experience . . . or are found only in . . . legal digest headings[,] . . . we need to get them

neous assumption that legal writing articles are pedagogical or political. And since induction and classification are steps in the construction of analogies,[176] these errors lead directly into errors of analogical reasoning. The article on civil procedure pedagogy is analogized to other articles on pedagogy, while the article on legal writing pedagogy is analogized to other (unknown but imagined) articles on legal writing topics. Essentially, the speaker is articulating the conclusion of an unspoken syllogism.[177] The induction error occurs in the minor premise, but since the premises are unarticulated, the error is "smuggled"[178] into the reasoning process. An examination of the actual categories of legal writing topics would expose the analogical error.

We in the academy have a special responsibility to take seriously our reasoning processes and to take care with our language. As Professor Cover explained, language is power.[179] Our language creates and constrains the intellectual world we inhabit,[180] and the world of legal scholarship is no different. The categorization error and the conclusion of the faulty syllogism produce a serious consequence—they exclude an entire subject area from academic exploration without offering a justification for the exclusion.

> *right* both to make sense of the world and to communicate with one another about it.
>
> That means we are always at risk that our categories may lead us astray. Indispensable instruments, they are also inevitable beguilers. To interrogate their uses and their dangers is a necessary part of legal studies, as it is of any preparation for considered thought and action.

Id. at 19.

[176] Dan Hunter, *No Wilderness of Single Instances: Inductive Inference in Law*, 48 J. Leg. Educ. 365, 374 (1998).

[177] Major premise: Articles about pedagogy or politics do not count. Minor premise: Legal writing articles are about pedagogy or politics. Conclusion: Legal writing articles do not count.

[178] Professor Rubin uses the term "smuggling" in discussing the evaluative criterion that legal scholarship should state its normative premises. He writes,

> The imagery of smuggling is quite precise here. One can smuggle contraband, such as narcotics, but one can also smuggle perfectly legitimate items, such as wristwatches. The defining characteristic of smuggling is that the material is brought in clandestinely, and not subject to established rules of inspection. Thus, there is no way to determine whether it is contraband or not, no way to gauge its quality, and no way to control its effect upon the market.

Rubin, *supra* n. 32, at 916 n. 88.

[179] *See generally* Robert M. Cover, *Violence and the Word*, 95 Yale L.J. 1601 (1986).

[180] "[L]anguage is no mere instrument which we can control at will; it controls us." Frederick Pollock & Frederic William Maitland, *The History of English Law* vol. 1, 87 (2d ed., Cambridge U. Press 1898).

When faculty members talk about legal scholarship, we should speak clearly, precisely, and candidly. We can say that legal writing topics will not count for promotion and tenure only if we intend also to exclude the work of many of today's best-known legal scholars. We can exclude legal writing topics as a category only if we intend also to exclude topics like appellate procedure, forms of legal reasoning, the functioning of the common law system, ethical duties pertaining to advocacy, and the philosophy of language. But if we do not mean to exclude the books and articles addressing those topics, we should not say that "legal writing articles" will not support promotion and tenure.

We can say that articles about pedagogy or politics will not count. But if we take that position, we should not articulate differently our reasons for discounting an article on legal writing pedagogy and an article on civil procedure pedagogy. We should not say that our decision in one case was based on the article's relationship to a particular course, such as legal writing, while our decision in the other case was based on the article's pedagogical or political nature.

Or we can say that pedagogical and political articles can serve important scholarly values by directly improving our ability to make good lawyers, thereby improving the law and the legal process.[181] We can say that these articles will be evaluated like any other kind of article[182]—that is, by looking at the intellectual rigor the article required, the comprehensiveness of the research on which it is based, its contribution to the scholarly conversation on its topic, and its potential to advance the study and practice of law.[183] Some pedagogical articles clearly meet these standards; some may not. Some authors may intend their pedagogical pieces as service to the academy and would not claim that they represent scholarship. But the evaluation process should be based on criteria related to the function of legal scholarship rather than on factual and logical errors.

And if we say that articles about pedagogy do not count, we should not say that one of the primary reasons for spending mas-

[181] *See supra* nn. 117–126 and accompanying text.

[182] "[A law] school should commit itself to avoiding prejudice against any particular methodology or perspective used in teaching or scholarship. When evaluating any work embodying innovative or less widely pursued methodologies or perspectives, the standard should be neither higher nor lower than the standard used for evaluating more traditional work." *AALS Tenure Report*, *supra* n. 20, at 505.

[183] *See infra* nn. 192–235 and accompanying text.

sive institutional and personal resources on scholarship is to enhance our teaching.

B. Myth #2: Non-Legal Writing Faculty Members Do Not Know How to Evaluate Legal Writing Articles

The other rationale sometimes offered for discounting legal writing topics is the concern that non-legal writing faculty members do not know how to evaluate legal writing topics. This rationale essentially says, "Your scholarship does not count for promotion and tenure because I do not know enough about your field." Or perhaps, as Judge Richard Posner put it, "what I do not know is not knowledge."[184]

One must question a rationale that, by its very definition, limits scholarly inquiry to existing fields. Such a rationale flies in the face of a fundamental purpose of scholarship in the academy: to generate and disseminate *new* knowledge.[185] If an evaluator feels inadequate to evaluate a publication, perhaps a more appropriate response is a combination of becoming more competent and seeking review by others already competent in the field. Indeed, law faculties have long evaluated legal scholarship outside their individual areas of expertise in just this fashion.[186]

We do not mean to make light of the difficulty of evaluating an article in an unfamiliar area. Evaluating works outside one's own area always requires some assessment of the place of that work in

---

[184] Richard A. Posner, *The Present Situation in Legal Scholarship*, 90 Yale L.J. 1113, 1129 (1981) ("[The difficulty] of fitting interdisciplinary research into the law-school mold . . . is compounded by the well-known hostility of scholars to types of scholarship different from their own, a hostility captured in the adage, 'what I do not know is not knowledge.'").

[185] Am. Assn. U. Profs., *General Report of the Committee on Academic Freedom and Academic* Tenure, 1 Am. Assn. U. Profs. Bull. 17 (1915) (reprinted in L. & Contemp. Probs. 393, 397 (Summer 1990)); *see also* Geoffrey R. Stone, *supra* n. 86, at 76 ("[L]aw schools should always be open to new ideas. Scholarship should never be dismissed as unworthy merely because it is unorthodox, controversial, or even deeply unsettling.").

[186] The American Association of Law Schools reported that

> Nearly two-thirds [of law schools] indicated that the school assigns responsibility for scholarship assessment within the law school to more than one category (e.g., faculty colleague with special knowledge, tenure committee, all tenured faculty). . . . Nearly 70 percent use outside evaluations on a regular basis and another 10 percent in "exceptional cases," but not regularly. This compares with 40 percent in 1979 using outside evaluations regularly, and another 20 percent using them in exceptional cases, meaning that in 1979 just under 60 percent used outside evaluation at all compared to 80 percent in 1989.

AALS Tenure Report, *supra* n. 20, at 485.

the existing literature, a literature with which the evaluator is unfamiliar. An evaluator whose own area is civil procedure, for instance, faces this difficulty whether the subject of evaluation is in the area of legal writing, sales, criminal law, or international law. Since this sort of difficulty has never stopped faculties from evaluating other scholarship, however, the concern must mean something else.

And in fact it does. Faculty members concerned about their ability to evaluate legal writing scholarship are seeing in some articles a methodological difference with their own work. In other articles, they sense an ideological difference. In still other articles, they find both methodological and ideological differences.[187] To evaluate such articles is "to cross the conceptual divide that separates one's own views from the views of the author."[188] The journey across that divide has enormous value, for to cross it is to see the world in new ways. As lawyers, teachers, and scholars, this is precisely the kind of journey we have a duty to make, for all three roles ask us to be ready to look at the world differently.[189] And in the case of tenure decisions, we have another kind of duty to make that journey. As Professor Rubin chides, "[I]t is surely irresponsible to reject the work categorically and deny the person tenure. In that situation, at least, legal academics are obligated to evaluate the works of those in different subdisciplines as fairly and conscientiously as possible."[190]

So how does a non-legal writing faculty member evaluate a legal writing article? Again, we find that stereotypical generalizations about legal writing topics simply do not work. The field includes topics of precisely the kind law faculties have been evaluating for years. It also includes less traditional scholarship such as interdisciplinary topics, skills topics, and highly theoretical topics. These different kinds of articles present an evaluator with significantly different situations.

For topics within the fold of traditional scholarship, evaluation should proceed as it would for any other traditional article. No

---

[187] Rubin, *supra* n. 32, at 940–941.

[188] *Id.* at 941.

[189] "Of course, importing foreign methods into the traditional categories of legal analysis and synthesis can be dismissed as mere 'academic stuff,' but this dismissal is inconsistent with our professional traditions of flexibility, and comprehensiveness, and our willingness to learn anything that will be necessary or helpful." Phillip C. Kissam, *The Evaluation of Legal Scholarship*, 63 Wash. L. Rev. 221, 241 (1988).

[190] Rubin, *supra* n. 32, at 941.

law faculty should have trouble evaluating a classic analytical article on some topic about precedent, procedure, or statutory construction. Most faculties agree on at least some norms,[191] such as the intellectual rigor the article required, the comprehensiveness of the research on which it is based, its contribution to the scholarly conversation on its topic, and its value to the advancement of the study of law. These norms apply easily to this variety of legal writing scholarship.

Many articles meet those criteria by using a relatively standard schema. They (1) pose a question that matters; (2) present the current scholarly thought on that question; (3) identify an inadequacy in that analysis; (4) and propose and support a new or supplemental answer.[192] Law faculties have been evaluating articles like these ever since scholarship has been evaluated in the academy. Non-legal writing professors can recognize good scholarship on these traditional legal writing topics, just as a contracts professor can recognize good scholarship in tax or intellectual property.

A more difficult question is whether less traditional legal writing scholarship can be evaluated fairly using such generally applicable criteria. But this same question arises in other nontraditional areas[193] and is debated there as well. Some argue that nontraditional scholarship should be evaluated by a distinct set of criteria.[194] Such an approach would seem to require a distinct set of criteria for each subdiscipline.[195] Others argue that scholarship in newer subdisciplines should be evaluated by the same criteria that apply to all other legal scholarship.[196] For instance, Stephen Carter has argued that scholarship about race should be evaluated

[191] *AALS Tenure Report*, *supra* n. 20, at 489–491.

[192] For a similar schema, see Rubin, *supra* n. 32, at 903–904.

[193] Other non-traditional areas include interdisciplinary and empirical scholarship, clinical scholarship, and scholarship providing political, racial, feminist, or cultural critique.

[194] Milner S. Ball, *The Legal Academy and Minority Scholars*, 103 Harv. L. Rev. 1855 (1990); Robin D. Barnes, *Race Consciousness: The Thematic Content of Racial Distinctiveness in Critical Race Scholarship*, 103 Harv. L. Rev. 1864 (1990); Leslie G. Espinoza, *Masks and Other Disguises: Exposing Legal Academia*, 103 Harv. L. Rev. 1878(1990); Alex M. Johnson, Jr., *The New Voice of Color*, 100 Yale L.J. 2007 (1991); Joy, *supra* n. 22, at 393–397; Duncan Kennedy, *A Cultural Pluralist Case for Affirmative Action in Legal Academia*, 1990 Duke L.J. 705.

[195] We adopt Rubin's definition of "subdiscipline" here. Rubin uses "subdiscipline" to refer to "[w]orks that do not display qualitative differences from one another in either ideology or methodology." Rubin, *supra* n. 32, at 909.

[196] *E.g.* Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 Harv. L. Rev. 1745 (1989).

using the same criteria as those more generally applicable. He wrote

> [T]he quality of a piece of scholarly work . . . turns on a demonstrated mastery of the relevant material and the ability to contribute to a dialogue, or to spark a new one. It turns on saying something that not only is not *in* the prior literature, but is not *obvious* in light of the prior literature. It turns, further, on making a logical argument—not a correct one, necessarily, or even a non-controversial one, but certainly one that is coherent. And it turns on setting out fairly the possible objections and dealing with them, or even noting, when appropriate, the extent to which they successfully limit one's own position.[197]

The difficulties of applying these criteria to nontraditional work are normal and even necessary for scholarly development of a healthy discipline. Professor Kissam points out that our evaluation always lags behind new developments in scholarship.[198] Indeed it must, for if mature work

> is to be of high quality, significant originality, and substantial importance or influence, the scholar, in most cases, will need to break away from the more conventional approaches and methods exhibited by the earlier stages or perspectives of legal scholarship.[199]

He writes that this break may "feature rich understandings of practical professional contexts"[200] or "may include knowledge of more effective teaching and communication techniques, the tacit knowledge of outstanding practitioners, or simply the knowledge and methods of other academic disciplines."[201] Therefore, he writes, our "formalist paradigm" is insufficient for evaluating scholarship. It limits our vision of "the richer possibilities that might accrue from pursuit of more innovative patterns in contemporary scholarship."[202]

Professor Geoffrey Stone, then Dean of the University of Chicago Law School, warned against three potential problems in evaluating newer forms of scholarship:

---

[197] Stephen L. Carter, *The Best Black, and Other Tales*, 1 Reconstruction 6, 29 (Winter 1990).

[198] Kissam, *supra* n. 189, at 223.

[199] *Id.* at 246.

[200] *Id.*

[201] *Id.* at 247.

[202] *Id.*

> First, we may undervalue "good" work because we do not understand it. Aficionados of law and literature may not appreciate the subtle elegance of a novel application of the Coase Theorem. They may not understand why the work is original or useful. Moreover, because they do not grasp the work's substance, they may tend to dismiss its significance. Even law professors fall victim to human nature.
>
> Second, we may undervalue "good" work because it suggests, implicitly or explicitly, that the work we do is not valuable. Practitioners of law and economics may feel that feminist theory rejects the basic premises of their work. An all-too-human response is to dismiss those ideas that do not "appropriately" value our own.
>
> Third, we may undervalue "good" work because it promotes a view of the legal system or society or human relations that is fundamentally inconsistent with our own world view. Such work may challenge not only the value of our work, but also our broader sense of the appropriate order of things socially, economically, politically, and personally. Work that casts doubt upon everything we cling to is not likely to be embraced enthusiastically.[203]

Perhaps the two most thorough and thoughtful treatments of evaluation of nontraditional scholarship are Professor Rubin's *On beyond Truth: A Theory for Evaluating Legal Scholarship*,[204] and Professor Kissam's *The Evaluation of Legal Scholarship*.[205] Professors Rubin and Kissam agree on many points. Both remind us that we should evaluate scholarship in light of its purposes, and each grounds his suggested evaluative approach expressly in those purposes.[206] Both support the value of nontraditional scholarship[207]

[203] Geoffrey R. Stone, *supra* n. 86, at 74. Appropriately, Dean Stone also cautions that scholarship is not necessarily good simply because it is new. *Id.*

[204] Rubin, *supra* n. 32.

[205] Kissam, *supra* n. 189.

[206] *Id.* at 222, 230; Rubin, *supra* n. 32, at 902–903.

[207] Kissam identifies six categories of legitimate legal scholarship. Kissam, *supra* n. 189, at 230–239. The first four categories he considers traditional: legal analysis, legal synthesis, the resolution of doctrinal issues, and teaching materials. Even these categories, he observes, "are developing a new complexity" of values, subcategories, and methods. *Id.* at 239. The other two categories, scholarship of understanding and scholarship of critique, are based on a perspective outside legal doctrine itself. Publications in these categories use a broad array of methods and reflect diverse perspectives on law, the legal system, and legal education. In the scholarship of understanding, Kissam includes scholarship such as clinical or skills scholarship, that is, scholarship that "analyzes, reflects upon, and interprets legal *practices* as opposed to legal *doctrine*." *Id.* at 237 (emphasis added). Many legal writing topics would fall within this category. Kissam observes that today's scholarly pluralism has

and deal with the difficulties of evaluating scholarship when the evaluator is outside the article's subdiscipline, and therefore, unfamiliar with its literature, its ideology, and its methodologies.[208] Both conclude that fair, effective evaluation of nontraditional scholarship is both important and achievable. Finally, both conclude that the key to effective evaluation is the evaluator's duty to notice, admit, and lay aside her own inherent perspectives and biases.[209]

Professor Kissam's approach is exhortatory. He urges faculties to remain open to valuing a variety of kinds of scholarship and to maintain a flexible approach to evaluation. An evaluator should apply relevant criteria in light of the specific intended audience for the piece,[210] as well as its values, purposes, methods, and perspectives.[211] Further, the evaluator should be watchful for and mindful of any social or political obstacles that might interfere with effective evaluation.[212] Criteria for value should include whether the work forges connections to larger projects; informs or inspires the work of others; illuminates a difficult problem; provides practically useful knowledge; disseminates knowledge to new audiences; wades into the deep waters of theory; or even delights and inspires its readers.[213]

Professor Kissam cautions that, despite the rhetoric we sometimes employ, we should not expect all scholarship to meet the highest absolute standard,[214] and this refreshingly honest state-

confused and disturbed us, but he writes, "My reason for noting the current welter of scholarly methods is not to damn them, however, but to praise them and to argue for a more careful evaluation of contemporary legal scholarship." *Id.* at 239–240.

Rubin is careful not to express his own view. This restraint is appropriate given his primary thesis, which argues for transcending one's own subjectivity. His unwavering insistence that all evaluation is phenomenological, however, and his careful, sustained efforts to provide a fair evaluative model for nontraditional scholarship provide strong evidence that he values nontraditional voices. *See generally* Rubin, *supra* n. 32.

[208] Kissam, *supra* n. 189, at 222; Rubin, *supra* n. 32, at 940–961.

[209] Kissam, *supra* n. 189, at 252–255; Rubin, *supra* n. 32, at 897–902.

[210] Kissam, *supra* n. 189, at 227.

[211] *Id.* at 223.

[212] *Id.* We would include here mindfulness of teaching loads and administrative duties that impair the author's ability to devote time to scholarship. We do *not* propose lowering qualitative standards. Rather, the institution should adjust the legal writing faculty member's load to be more equivalent to that of other faculty members or provide sufficient release time to even the field. A law school should not burden legal writing members with heavy teaching and administrative loads and then use the very loads they themselves imposed to argue that legal writing faculty members do not have the time to write, and therefore, should not be included as tenure-track faculty.

[213] *Id.* at 223–230.

[214] *Id.* at 229. Professor Rubin agrees; he writes that when law schools require that

ment applies to traditional and nontraditional scholarship alike. According to Professor Kissam, we should (and most of us do) require only "good" scholarship, which he defines as scholarship that is original and competent, measured by whether it is factually accurate, well written, and based on appropriate methods.[215] Whether a faculty agrees with Professors Kissam, Rubin, and Leff on this point, a faculty must take care to hold traditional and nontraditional scholarship to the same standard. If a faculty usually finds traditional scholarship sufficient when it is original, factually accurate, well written, and based on appropriate methods, the faculty should not apply a higher standard to nontraditional scholarship.[216]

Professor Rubin reaches the same conclusions about evaluation but takes a route quite different from Professor Kissam's broader generalizations and exhortations. Professor Rubin uses the work of Jürgen Habermas, Hans-Georg Gadamer, Martin Heidegger, and Edmund Husserl to build a full theory of evaluation. As a foundational matter, Professor Rubin reminds us that all evaluation grows out of the phenomenological experience of the evaluator[217] and that therefore, all scholarship is historically and subjectively contextualized.[218] He proposes a theory of evaluation that does not claim an objectivity it cannot achieve. Rather, his theory assumes and accounts for the effect of differences in indi-

every tenure piece have a noticeable impact, "they are either claiming a false standard for purposes of self-aggrandizement, or falling into the sort of misstatements that result from an intuitive approach to evaluation." Rubin, *supra* n. 32, at 937. As Arthur Leff has written, "Legal scholarship is what legal scholars do. Like all craftsmen, some are luckier than others. Some, I suppose, never attain the grace of doing anything particularly well. Most do sometimes; some do more frequently; none does very often." Arthur A. Leff, *Afterword*, 90 Yale L.J. 1296 (1981).

[215] Kissam, *supra* n. 189, at 227–228.

[216] Kissam defines other standards, in ascending order, as "important" scholarship (which may have the potential to impact the lives and work of others or to resolve a particularly difficult intellectual question) and "influential" or "outstanding" scholarship (which "substantially affects the behavior of others or causes others to change fundamentally how they think about difficult issues"). *Id.* at 228–229.

[217] Professor Rubin stated the following:

> Underlying the critique of methodology is an epistemology grounded in the personal experience of individual human beings. That experience is seen as the starting point for all intellectual inquiry, the ultimate ground-plane or referent for thought. Any claims about the world must be built upon the foundation of individual experience—the 'lifeworld' that the individual inhabits—for nothing else is real to that individual.

Rubin, *supra* n. 32, at 907.

[218] *Id.* at 908.

vidual experience, particularly with regard to differences both of methodology and of ideology.[219]

Professor Rubin proposes that all scholarship be evaluated by the same criteria but that certain "sensitivities" be applied to scholarship outside one's own subdiscipline. Specifically, all scholarship should be evaluated according to (1) the degree to which it identifies its foundational norms (its *normative clarity*); (2) the degree to which it presents a logical rationale for its claims (its *persuasiveness*); (3) its relationship to the historical development of its field (its *significance*); and (4) the degree to which it contains "an identifiable insight that the evaluator can grasp through application"[220] (its *applicability*).[221] To evaluate a work, Professor Rubin says, we must know "what scholars in the field are attempting to achieve."[222]

Evaluating work in a subdiscipline different from one's own requires the evaluator to transcend her own subdiscipline,[223] so Professor Rubin suggests employing the "sensitivities" of doubt and anxiety. Doubt is an act of will, an intellectual effort that allows us to bracket our *own* natural experience of the world and therefore recognize it as just that—our own phenomenological experience.[224] Anxiety is more emotion-based, arising against our will. Anxiety is a "sensation of uncertainty" about one's own beliefs.[225] Both doubt and anxiety "suggest an openness about one's own work, a willingness to stand apart from it and see it as merely one position among many."[226] Professor Rubin writes,

> If one finds oneself rehearsing one's prior arguments, or articulating refutations in one's mind, or searching assiduously for new ways to justify one's conclusions, then a work which generates such responses should be judged to be of value. Thus, the very process of formulating counter-arguments, which is a mechanism for outright rejection of the author's work when un-

[219] By "methodology," Rubin means a set of procedures generating research and resolving questions. By "ideology," he means "an interlinked set of normative beliefs that generate a comprehensive vision of a given subject." *Id.* at 899.

[220] *Id.* at 937.

[221] *Id.* at 912–940.

[222] *Id.* at 902.

[223] *Id.* at 943.

[224] *Id.* at 944–946.

[225] *Id.* at 946.

[226] *Id.*

> critically performed, becomes a datum for assessing that work's quality in the context of a more disciplined evaluative theory.[227]

Thus, if the evaluator is willing to be both honest and self-aware, the very distance between the evaluator and the article provides the opportunity to gauge the article's effectiveness.

According to Professor Rubin, the degree to which the work differs from one's own determines the degree of reliance on doubt and anxiety.[228] For work that differs in *both* methodology and ideology, the sensitivities of self-doubt and anxiety should guide judgments of all criteria except the degree to which the work identifies and remains consistently within its foundational norms.[229]

A word about the role of ideology is in order here. As we have seen, Professor Rubin defines an ideology as "an interlinked set of normative beliefs that generate a comprehensive vision *of a given subject*."[230] He cautions that

> those who subscribe to [an ideology] do not perceive it as an ideology at all, but simply as the proper way to view the world. When such an ideology is maintained by the majority of scholars in an academic field, it will define the boundaries of the field and regulate debate within it.[231]

Because Professor Rubin is writing primarily about scholarly camps such as law and economics, critical legal studies, or feminist legal theory, his examples of ideological differences all pertain to different views of the legal system. But ideological differences certainly exist with regard to legal education as well. In fact, because they place at issue the allocation of our own and our institutions' finite resources, ideological differences over legal education can be even more painfully divisive than jurisprudential differences. We include both in the category of ideological differences, therefore, and caution evaluators consciously to transcend their own ideologies of legal education as well.

If an evaluator has a negative attitude toward a legal writing *topic* (without regard to the quality of the article's analysis of that topic), the evaluator should recognize that reaction as strong evidence of an ideological difference. According to both Professors

---

[227] *Id.*

[228] *Id.* at 940–961.

[229] *Id.* at 947–953.

[230] *Id.* at 889 (emphasis added).

[231] *Id.* at 900.

Kissam and Rubin, an evaluator should take great care to remove from evaluation the effects of an ideological difference. Professor Kissam's approach reminds us generally to value broad, open discourse. Professor Rubin's postmodern and phenomenological approach proposes a decisional model specifically designed to foster a conscious skepticism about our own ideologies.

Under either approach, legal writing scholarship can be evaluated fairly and effectively by faculty members outside the field. As we have seen, some legal writing topics are examples of traditional scholarship, presenting no added evaluative challenge. Such articles can unearth assumptions, point out unnoticed or unexpected effects, or resolve troubling problems. Non-legal writing faculty members should have no trouble evaluating legal writing scholarship of this sort since, in Professor Rubin's terms, it does not differ from traditional scholarship in either methodology or ideology.

Other legal writing articles—such as articles about interdisciplinary topics, topics using empirical methods, topics relating to legal skills, pedagogical topics or topics about institutional choices—may differ from traditional scholarship in methodology, ideology, or both. Evaluating articles in these categories may require more of the evaluator, but the burden is no greater because the topic area is legal writing as compared to feminist legal theory, clinical scholarship, critical race theory, law and literature, rhetoric, or law and philosophy. Professor Rubin's theory of evaluation is particularly useful here, because it recognizes different evaluative stances depending on the combination of the particular evaluator and the nature of the article. The degree to which the article differs from one's own work determines the degree of reliance on Professor Rubin's proposed sensitivities.

While Professors Rubin's and Kissam's approaches are both theoretically sound, each has practical limitations. The usefulness of Professor Kissam's approach may be limited by its generality and over-reliance on exhortation. Professor Rubin's approach may be limited by its complexity and abstraction. We offer a supplemental model intended to be more concrete than exhortation and simpler, less abstract, and more broadly familiar to the legal academy than phenomenology and post-modern philosophy. We suggest that, when evaluating an article using nontraditional methodologies or written from a nontraditional ideological perspective, the evaluator adopt a role similar to that of an appellate court reviewing factual findings. The appellate court does not substitute its

own judgment for the findings of the trial court. An appellate judge, recognizing the distance between the trial court's vantage point and the cold appellate record, does not ask whether she would have come to the same conclusions as did the trial court. Rather, she *assumes the rhetorical stance of the trial court judge* and evaluates the reasoning process the trial judge used. If there is sufficient evidence to support the trial court's conclusions, the appellate judge affirms.[232]

The distance between the cold appellate record and the trial court's vantage point can mimic the distance between an evaluator and a work of scholarship significantly different from her own. The evaluator should begin by recognizing the distance between the subject text and her own work. She therefore approaches the text with the same kind of tolerance for other views as is inherent in the appellate review of facts. She is willing to admit the validity of multiple perspectives and the fallibility of her own. She is prepared to value conclusions with which she disagrees so long as those conclusions meet fundamental standards of rationality, consistency, and evidentiary sufficiency.

Professors Kissam and Rubin each make a compelling case justifying this need to transcend individual perspectives. We join them in urging faculty evaluators to focus on the quality of an article within its own field and according to its own methodological and ideological perspectives. Also, we join Professors Kissam, Rubin, and others who would apply standard criteria to evaluate legal writing topics, but with the caution that those criteria should be applied with the kind of openness, flexibility, curiosity, and self-awareness that Professors Kissam and Rubin both describe.

Professor and former Dean Geoffrey Stone of the University of Chicago offers some practical advice for achieving this kind of evaluative process. To evaluate scholarship, especially newer forms of scholarship, Dean Stone would first ask faculty members to talk with each other, defining exactly what they like or dislike about the article. Second, he would have them ask *both* what is wrong with the article *and* what they can learn from it. Third, he would ask those who understand and appreciate the article to translate its point and its value into terms more familiar to the doubters.[233] Finally, Dean Stone reminds us of two ideals every law school should strive to meet: openness to new ideas and insist-

[232] *See* Fed. R. Civ. P. 52; *see also Pullman-Stand. v. Swint*, 456 U.S. 273, 291 (1982).

[233] Stone, *supra* n. 86, at 75.

ence on excellence in scholarly research.[234] With this kind of good faith process, balancing concern for quality with desire for new ideas, legal writing topics can be evaluated fairly and effectively by those outside the field.

VII. THE TROUBLE WITH CATEGORIES

For the purposes of this Article, we have referred to a number of categories of scholarship, but we cannot end this discussion without recognizing the problems inherent in any attempt to categorize scholarly inquiry. Even a casual look at the literature reveals a confusing variety of taxonomies. Some discussions of legal scholarship use categories based on jurisprudential schools such as legal realism, critical legal studies, feminist legal theory, or law and economics. Others distinguish categories based on differences in the kinds of sources considered authoritative, such as traditional scholarship based on legal sources, interdisciplinary scholarship drawing on other disciplines, and empirical scholarship, which gathers and analyzes particular data bases. Other commentators categorize scholarship based on its primary audience, identifying theoretical scholarship intended primarily for an academic audience, practical scholarship intended to be useful to the practitioners, and teaching scholarship, whose primary intended audience is students. Still other categories are based on the purpose of the individual piece, for example, legal analysis, legal synthesis, resolution of doctrinal issues, teaching materials, understanding, and critique.[235] Clinicians use the category "clinical" scholarship.[236] Judge Posner distinguishes doctrinal analysis (which "involves the careful reading and comparison of appellate opinion with a view to identifying ambiguities, exposing inconsistencies among cases and lines of cases, developing distinctions, reconciling holdings, and otherwise exercising the characteristic skills of legal analysis") from positive analysis using social science methods and from normative analysis.[237]

We have referred to a number of these categories and have ourselves used the terms "legal writing topics" and "legal writing scholarship." But we do so provisionally, knowing that all classifi-

[234] *Id.* at 76–77.

[235] Kissam, *supra* n. 189, at 230–239.

[236] *E.g.* Joy, *supra* n. 22.

[237] Posner, *supra* n. 184, at 1113.

cations limit and distort, if only subtly. These categories are useful primarily for their value in facilitating one kind of discussion or another, but when the issue under discussion changes, a classification may well lose its usefulness. The terms "legal writing scholarship" or "legal writing topic" have helped us discuss the value of scholarship on topics arising in legal writing courses. But this classification misleads because, as we have seen, "legal writing" topics overlap with other curricular subject areas, with classifications based on authoritative sources, with classifications based on intended audiences and uses, and with ideological and jurisprudential categories. The same danger exists for the subcategories within the larger category. We have discussed four subcategories of legal writing scholarship—substance or doctrine; theory; pedagogy; and institutional choices—but we have seen that many articles span more than one. Indeed, the best articles almost always do.

We hope that soon the question whether legal writing topics can qualify as scholarship will be resolved so the need for a separate category will disappear. When that day comes, we hope that the relevant discussion will focus on the purpose and quality of a particular scholarly effort, regardless of its underlying course connection.

We join Dean Donald Polden in recommending the categories set out in Ernest Boyer's 1990 Carnegie Foundation report on academic scholarship. Boyer recommends four scholarly categories: (1) scholarship of discovery (searching for knowledge, primarily for its own sake); (2) scholarship of integration (connecting ideas across areas of thought); (3) scholarship of application (testing and amending theories by applying them to a practice); (4) scholarship of teaching (gathering and communicating the subject's material or studying pedagogical methods).[238] Categories such as these are grounded firmly in the values to be served by scholarship, and they focus evaluation directly on how well the publication accomplished its particular purpose. These categories admit the legitimacy of varying ideologies, authoritative sources, particular subject areas, and intended audiences. They focus the debate on the merits of the particular scholarly work rather than on contention between ideological camps. They accordingly advance the funda-

[238] Ernest L. Boyer, *Scholarship Reconsidered: Priorities of the Professoriate* (Carnegie Found. 1990) (cited and discussed in Polden, *supra* n. 46, at 3–5).

mental purposes of scholarly inquiry and set the stage for a more accurate evaluation of individual scholarly efforts.

VIII. WHERE DOES THIS LEAVE US?

As the bibliography demonstrates, many legal writing professors are publishing. The nearly 300 authors listed here have published more than 150 books, over 200 book chapters and supplements, over 650 law review articles, and at least that many articles in peer-reviewed academic journals, specialty journals designed primarily for practitioners, and many other kinds of publications. Placements include the most prestigious journals, and topics include most legal subjects. Clearly, legal writing professors have written much, often without the traditional kinds of institutional support such as research stipends, research assistants, faculty development funds, formalized scholarship development programs, or informal mentoring by faculty colleagues.[239] And of course, the traditional institutional support, important as it is, does not address the primary impediment to writing: heavy teaching loads and high student/faculty ratios. When more legal writing professors are given the same institutional support other faculty members receive, undoubtedly they will write even more.

Since legal writing professors are writing and writing well, the academy cannot postpone the question of what to do with legal writing scholarship. First, law schools should use all the standard formal and informal incentives to encourage their legal writing faculty members to write. Unlike many doctrinal areas, which have been mined for writing topics for many years, the young field of legal writing is bursting with important unexplored ideas.[240] We know that writing is important to the substantive development of all law faculty members because there is no better way to deepen one's understanding of an area than to write about it. But writing is even more important to the development of professors who *actually teach the writing process*. Not only does the professor develop her understanding of the substance of her field, but she develops her understanding of the nature of the very process she teaches. A law school should no more discourage a legal writing professor

[239] *Supra* n. 4.

[240] *See supra* n. 86 and accompanying text.

from writing than a tennis club should discourage its tennis coach from picking up a racket.

Second, there is no legitimate reason to discourage legal writing professors from writing in their own field. Many legal writing topics are solidly within the canon of legal scholarship, have been the subject of work by well-respected legal scholars for many years, and have been evaluated by law faculties with ease. Other legal writing topics are more interdisciplinary, empirical, or otherwise innovative. Those topics may be new to the imagination of the legal academy, but their relationship to law and to the advancement of legal knowledge is clear. Still other legal writing topics fall within the larger categories of pedagogical or political articles. The viability of those topics as legal scholarship depends not on their relationship to legal writing but on a particular faculty's assessment of pedagogical or political scholarship in general. Whatever a faculty decides about pedagogy or politics, the decision should not be articulated with reference to any particular course.

As Judge Posner[241] and others[242] have observed, human nature may cause some faculty members to resist new ways of thinking and new approaches to the law or to legal scholarship. Professor Rubin refers to a particular kind of conceptual bias—ideological bias[243]—as one of the problems with evaluation of scholarship. As Professor Rubin explains, "those who subscribe to [an ideology] do not perceive it as an ideology at all, but simply as the proper way to view the world."[244] Outdated attitudes toward legal writing courses and professors function the same way. Without updating their knowledge and reassessing their attitudes in light of that information, well-meaning faculty members simply may not be able to see the world in any way other than the way it looked when and where they studied law.[245] We need to remind ourselves, in Aviam Soifer's words, to "[r]isk [t]oleration,"[246] so we can continue to learn, and to teach what we learn to tomorrow's lawyers.

---

[241] Posner, *supra* n. 184, at 1129.

[242] *E.g.* Rubin, *supra* n. 32, at 895**.**

[243] Professor Rubin defines an ideology as "an interlinked set of normative beliefs that generate a comprehensive vision of a given subject." *Id.* at 899.

[244] *Id.* at 900.

[245] *See supra* nn. 185–191 and accompanying text.

[246] Aviam Soifer, *MuSings*, 37 J. Leg. Educ. 20, 24 (1987); *id.* at 23 ("Many of us seem so determined to impose our own particular values on an indeterminate world" that we never recognize "the abyss of uncertainty" right in front of us.).

Speaking about legal scholarship, Frederick Schauer has written,

> [A]ll disciplines . . . should find it useful to engage in serious self-reflection and self-criticism. Without it, the contingent methods and perspectives of the discipline begin to seem inevitable, making the exploration of alternatives less possible, and the understanding of the discipline itself less rich. When a discipline challenges its own understandings, it takes a step towards deeper appreciation of those understandings themselves. [Without such self-reflection], there is a risk of forgetting that . . . normativity is contingent and not inevitable.[247]

This Article calls for just such self-reflection.

Legal writing faculty members are beginning to find their own voices. Many have begun the long, exciting process in which, as Julius Getman writes,

> [C]olleagues, cohorts in a movement, teachers, fellow law review editors, and judges are largely replaced by one's self. It occurs when the writer becomes more concerned with expressing his or her own vision of justice than with the reaction of others. Developing one's own voice is an important step toward scholarly distinction.[248]

When legal writing faculty members have found their voices, every part of the academy will be enriched by their contributions. But if the academy does not allow these voices to develop—if, instead, we tell them what they may and may not say—we will lose a vital thread in the conversation about law, the legal profession, and legal education. We will never know what we would have learned had we been willing to listen.

[247] Frederick Schauer, *The Authority of Legal Scholarship*, 139 U. Pa. L. Rev. 1003, 1003 (1991).

[248] Getman, *supra* n. 21, at 340.

SELECTED BIBLIOGRAPHY

SCHOLARSHIP BY LEGAL WRITING PROFESSORS

Aamot, Kari

Scared Silly: How to Push Past Students' Fear and Grade Pressure to Real Learning, 18 Second Draft (newsltr. of Leg. Writing Inst.) 10 (Dec. 2003).

Putting Teeth into Minnesota's Employment Discrimination Law: A Legislative Proposal Defining Gender Stereotyping, 79 Minn. L. Rev. 211 (1994).

Abate, Randall S.

The Third Time Is the Charm: The Structure and Benefits of a Three-Semester Legal Writing Program, 16 Second Draft (newsltr. of Leg. Writing Inst.) 7 (May 2002).

It's All About What You Know: The Specific Intent Standard Should Govern Knowing Violations of the Clean Water Act, 9 N.Y.U. Envtl. L.J. 304 (2001) (co-author Dayna E. Mancuso).

The Biosafety Protocol and the World Trade Organization: Can the Two Coexist? 12 Pace Intl. L. Rev. 107 (2000) (co-author Gretchen L. Gaston).

Rethinking Citizen Suits for Past Violations of Federal Environmental Laws: Recommendations for the Next Decade of Applying the Gwaltney Standard, 16 Temp. Envtl. L. & Tech. J. 1 (1997).

Constitutional Limitations on Anticompetitive State and Local Solid Waste Management Schemes: A New Frontier in Environmental Regulation, 14 Yale J. on Reg. 165 (1997) (co-author Mark E. Bennett).

Regulations' Aim: Get the Lead Out, Natl. L.J. B15 (June 24, 1996).

Paige v. Town Plan and Zoning Commission*: The Connecticut Supreme Court Breathes New Life into the Protection of Natural Resources under State Environmental Laws*, 69 Conn. B.J. 436 (Oct. 1995).

Sovereign Immunity and Citizen Enforcement of Federal Environmental Laws: A Proposal for a New Synthesis, 15 Va. Envtl. L.J. 1 (1995) (co-author Carolyn H. Cogswell).

Broadening the Scope of Environmental Standing: Procedural and Informational Injury-in-Fact after Lujan v. Defenders of Wildlife, 12 UCLA J. Envtl. L. & Policy 345 (1994) (co-author Michael J. Myers).

New York State's Implementation of EPA's Regulatory Strategy for Municipal Waste Combustion Ash, 5 Envtl. L. N.Y. 177 (1994).

Environmental Regulation in Pacific Rim Nations (ABA 1993) (co-author Elissa C. Lichtensten).

DEC Proposes Amendments to Pollution Regulations, 4 Envtl. L. 17 (1993).

DEC Proposes Amendments to Solid Waste Regulations, 4 Envtl. L. 33 (1993).

The Role of Law in the United Nations' 1992 Conference on Environment and Development (ABA 1992) (co-authored).

Aderson, Francois

For the Founders, Partisan (1992).

Algero, Mary Garvey

A Step in the Right Direction: Reducing Intercircuit Conflicts by Strengthening the Value of Federal Appellate Court Decisions, 70 Tenn. L. Rev. 605 (2003).

In Defense of Forum Shopping: A Realistic Look at Selecting a Venue, 78 Neb. L. Rev. 79 (1999).

Ebb and Flow of the Tide: A Viable Doctrine for Determining Admiralty Jurisdiction or a Relic of the Past? 27 Seton Hall L. Rev. 138 (1996).

IRAC—A Desirable Tool If Used with Care, 10 Second Draft (newsltr. of Leg. Writing Inst.) 3 (Nov. 1995).

The Active Runway vol. 4 (1991) (recent developments publication of Def. Research Inst. Aerospace Comm.).

Agency Holding Corp. v. Malley-Duff & Associates*: Some "Body" Had to Legislate a Limitations Period for Federal Civil RICO*, 34 Loy. L. Rev. 395 (1988).

Allen, Terrell

Ten Years After: A Report on the Status of the Residual Exceptions to the Hearsay Rule, 20 Intl. Socy. of Barristers Q. 336 (1985).

Anderson, Helen

Generation X Goes to Law School: Are We Too Nice to Our Students? 10 Persps. 73 (Winter 2002).

Are Citations on the Way Down? The Case against Footnotes, Wash. B. News (Dec. 2001).

Bach, Tracy

Necessity Is the Mother of Re-Invention, 18 Second Draft (newsltr. of Leg. Writing Inst.) 1 (June 2004).

To Expediency and Beyond: Vermont's Rocket Docket, 4 J. App. Prac. & Process 277 (2002).

Building on the Basics, 16 Second Draft (newsltr. of Leg. Writing Inst.) 4 (May 2002).

Medicine and Law, in *The Oxford Companion to American Law* 554–557 (Kermit L. Hall et al. eds., Oxford U. Press 2002).

Collaboration in Legal Writing and Beyond, 15 Second Draft (newsltr. of Leg. Writing Inst.) 9 (June 2001).

Teaching the Poetry of Question Presented, 9 Persps. 142 (Spring 2001).

Joining the Club Without Paying Its Dues: Newcomers View Their First LWI Conference, 15 Second Draft (newsltr. of Leg. Writing Inst.) 1 (Jan. 2001).

Sharpening the File: Teaching Case Synthesis in the Classroom, 14 Second Draft (newsltr. of Leg. Writing Inst.) 7 (May 2000).

Gender Stereotyping in Employment Discrimination: Finding a Balance of Evidence and Causation under Title VII, 77 Minn. L. Rev. 1251 (1993).

Baker, Angela Passalacqua

Using Visual Techniques to Teach Legal Analysis and Synthesis, 3 Leg. Writing 203 (1997).

Baker, Brook K.

Dissemination of Research to Reform Practice: Fishing (and Lawyering) to Learn, in *Handbook for Research in Cooperative Education and Internships* (Patrica L. Linn, Adam Howard & Eric Miller eds., Lawrence Erlbaum & Assocs. 2003).

Responding to the African AIDS Pandemic: Introduction, 25:4 Mass Dissent (newsltr. of the Natl. Law. Guild) 5 (2002).

Incorporating Diversity and Social Justice Issues in Legal Writing Programs, 9 Persps. 51 (Winter 2001).

Language Acculturation Processes and Resistance to in "Doctrine"ation in the Legal Skills Curriculum and Beyond: A Commentary on Mertz's Critical Anthropology of the Socratic, Doctrinal Classroom, 34 John Marshall L. Rev. 131 (2000).

Traditional Issues of Professional Responsibility and a Transformative Ethic of Client Empowerment for Legal Discourse, 34 New Eng. L. Rev. 809 (2000).

Learning to Fish, Fishing to Learn: Guided Participation in the Interpersonal Ecology of Practice, 6 Clin. L. Rev. 1 (1999).

Back to the Future: Co-op and Northeastern's Twice Born Law School, in *Tradition and Innovation: Reflections on Northeastern University's First Century* 41 (Linda Smith Rhoads ed., Northeastern Press 1998).

Transcending Legacies of Literacy and Transforming the Traditional Repertoire: Critical Discourse Strategies for Practice, 23 Wm. Mitchell L. Rev. 491 (1997).

Learning Through Work: An Empirical Study of Legal Internship, 45 J. Leg. Educ. 1 (1995) (co-authors Daniel J. Givelber, John McDevitt, and Robyn Miliano).

Beyond MacCrate: The Role of Context, Experience, Theory, and Reflection in Ecological Learning, 36 Ariz. L. Rev. 287 (1994).

A Theory of Contextualized Learning and Its Implications in Research, Analysis, and Writing Programs, 9 Second Draft (newsltr. of Leg. Writing Inst.) 2 (Nov. 1994).

Bannai, Lorraine

Sailing Through Designing Memo Assignments, 5 Leg. Writing 193 (1999) (co-authors Anne Enquist, Judith Maier, and Susan McClellan).

Fostering Diversity in the Legal Profession: A Model for Preparing Minority and Other Non-Traditional Students for Law School, 31 U.S.F. L. Rev. 821 (1997) (co-author Marie Eaton).

Internment during World War II and Litigations, in *Asian Americans and the Supreme Court: A Documentary History* 755–788 (Hyungchan Kim ed., Greenwood Press 1992) (co-author Dale Minami).

Barger, Coleen M.

Book Review, L. Teacher (Spring 2004) (reviewing Robert M. Jarvis, Thomas E. Baker & Andrew J. McClurg, *Amicus Humoriae: Anthology of Legal Humor* (Carolina Academic Press 2003)).

On the Internet, Nobody Knows You're a Judge: Appellate Courts' Use of Internet Materials, 4 J. App. Prac. & Process 417 (2002).

The Uncertain Status of Citation Reform: An Update for the Undecided, 1 J. App. Prac. & Process 59 (1999).

Arkansas' Putative Father Registry and Related Adoption Code Provisions: Inadequate Protection for Thwarted Putative Fathers, 1997 Ark. L. Notes 49 (co-authors Kathryn A. Sampson and Kim Flanery Coats).

How to Write a Losing Brief, 30 Ark. Law. 10 (Spring 1996).

Probate Law, Ark. Law. 16 (Jan. 1989) (co-author Jean D. Stockburger).

Debtor-Creditor Relations—Arkansas Fraudulent Transfer Act, 10 UALR L.J. 497 (1987).

Bast, Carol M.

Legal Citation for the 21st Century, 19 J. Paralegal Educ. & Prac. 15 (2003) (co-author Susan W. Harrell).

The Renewed Controversy over Nonpublication and Noncitation Rules, 18 J. Paralegal Educ. & Prac. 1 (2002) (co-author Susan W. Harrell).

E-mail in the Workplace: Use at Your Own Risk, 9 J. Leg. Stud. in Bus. 65 (2002).

A New Look at Juvenile Curfews: Are They Effective? 39 Crim. L. Bull. 353 (2003) (co-author K. Michael Reynolds).

Bartnicki v. Vopper*: A First Amendment "Clean Hands" Exception to Electronic Interception Law*, 38 Crim. L. Bull. 736 (2002) (co-author Jonathan A. Kessinger).

Foundations of Legal Research and Writing (West Leg. Studs. 2002) (with Instructor's Manual) (co-author Margie Hawkins).

Wiretapping and Electronic Eavesdropping, in *The Oxford Companion to American Law* 840–841 (Kermit L. Hall et al. eds., Oxford U. Press 2002).

Bush v. Gore*: Understanding the American Legal System* (Pearson Publications Co. 2001) (co-authors Ransford C. Pyle and Heather Slusher).

Florida Courts (3d ed., Pearson Publications Co. 2001).

Legal Research in the Computer Age: A Paradigm Shift? 93 L. Lib. J. 285 (2001) (co-author Ransford C. Pyle).

Contraband Forfeiture: Our Generation's Inquisition? 37 Crim. L. Bull. 227 (2001) (co-author Ransford C. Pyle).

Treatment of Statutes Requiring All-Party Consent to Tape Recording: Judicial Interpretation or Nullification? 36 Crim. L. Bull. 453 (2000).

Has The Bluebook *Met Its Match? The* ALWD Citation Manual, 92 L. Lib. J. 337 (2000) (co-author Susan Harrell).

At What Price Silence: Are Confidentiality Agreements Enforceable? 25 Wm. Mitchell L. Rev. 627 (1999).

Pagers: Has Technology Eroded Privacy? 6 J. Leg. Stud. Bus. 27 (1999).

Citation Wars and the Erosion of Traditional Citation Forms, 15 J. Paralegal Educ. & Prac. 19 (1999).

"Clean Hands," the First Amendment, and Publication of the Fruits of an Illegal Wiretap, 35 Crim. L. Bull. 557 (1999).

What's in a Name? Shepard's Citators, 14 J. Paralegal Educ. & Prac. 41 (1998).

Active Learning Strategy: Legal Research, 13 Paralegal Educ. 14 (1998).

What's Bugging You? Inconsistencies and Irrationalities of the Law of Eavesdropping, 47 DePaul L. Rev. 837 (1998).

Appendix on Researching Constitutional Law, in *Constitutional Law: Governmental Powers and Limitations* (Daniel Hall ed., Law. Coop. Publg. & Delmar Publishers 1997).

Driving While Black: You May Stop Motorists on a Subterfuge, 33 Crim. L. Bull. 457 (1997).

Eavesdropping in Florida: Beware a Time-Honored but Dangerous Pastime, 21 Nova L. Rev. 431 (1996).

Shepardizing: An Indispensable Legal Research Tool, 14 Research Strategies (J. Lib. Concepts & Instr.) 112 (1996).

Sample Complaint and Answer, in *Foundations of Law: Cases, Commentary, and Ethics* ch. 8 (Ransford C. Pyle ed., 2d ed., Law. Coop. Publg. & Delmar Publishers 1996).

Not Just Any Sightseeing Tour: Surreptitious Taping in a Patrol Car, 32 Crim. L. Bull. 123 (1996) (co-author Joseph B. Sandborn, Jr.).

Florida Courts (Pearson Publications Co. 1996 & 2d ed., Pearson Publications Co. 1998).

Rainmaking, Publishing, and the Legal Educator, 12 J. Paralegal Educ. & Prac. 71 (1996) (co-author Margaret T. Stopp).

A Short History of Boilerplate, 5 Scribes J. Leg. Writing 155 (1994–1995).

A Solution to the Evaluation Dilemma, 11 J. Paralegal Educ. & Prac. 41 (1995).

Book Review, 13 Research Strategies (J. Lib. Concepts & Instr.) 60 (Winter 1995) (reviewing Vivian Catherine Jones, *Legal Research for Non-Lawyers: A Self Study Manual* (Spec. Libr. Assn. 1994)).

Publication of the Name of a Sexual Assault Victim: The Collision between Privacy and the Press, 31 Crim. L. Bull. 379 (1995).

Legal Research and Writing (Lawyers Coop. Publg. & Delmar Publishers 1995) (with Instructor's Manual).

Lawyers Should Use Plain Language, 69 Fla. B.J. 30 (Oct. 1995).

Active Learning Strategy: Student-Organized Businesses, 10 J. Paralegal Educ. & Prac. 23 (1994).

Judicial Decision Making and the Legal System: Implications for Conducting Research, 12 Research Strategies (J. Lib. Concepts & Instr.) 238 (1994).

The Plight of the Minority Motorist, 39 N.Y.L. Sch. L. Rev. 49 (1994).

Write Your Contracts in Plain English, 81 Ill. B.J. 431 (1993).

Critique of Legal Research and Writing Textbooks, 10 J. Paralegal Educ. & Prac. 83 (1993).

Bateman, Paul

Toward Diversity in Teaching Methods in Law Schools: Five Suggestions from the Back Row, 17 QLR 397 (1997).

Bauer, Mark D.

Small Liberal Arts Colleges, Fraternities, and Antitrust: Rethinking Hamilton College, 53 Cath. U. L. Rev 347 (2004).

Bayer, Peter Brandon

Is Including "Under God" in the Pledge of Allegiance Lawful? An Impeccably Correct Ruling, 11 Nev. Law. 8 (May 2003).

Not Interaction but Melding—The "Russian Dressing" Theory of Emotions: An Explanation of the Phenomenology of Emotions and Rationality with Suggested Related Maxims for Judges and Other Legal Decision Makers, 52 Mercer L. Rev. 1033 (2001).

A Plea for Rationality and Decency: The Disparate Treatment of Legal Writing Faculties as a Violation of Both Equal Protection and Professional Ethics, 39 Duq. L. Rev. 329 (2001).

Patterson *and Civil Rights: What Rough Beast Slouches towards Bethlehem to be Born?* 21 Colum. Hum. Rights L. Rev. 401 (1990).

Rationality—And the Irrational Underinclusiveness of the Civil Rights Laws, 45 Wash. & Lee L. Rev. 1 (1988).

Mutable Characteristics and the Definition of Discrimination under Title VII, 20 U. Cal. Davis L. Rev. 769 (1987).

Bean, Kathleen S.

Changing the Rules: Public Access to Dependency Court, 79 Den. U.L. Rev. 1 (2001).

The Changing Face of the Legal Profession: Past Progress and Future Challenges, Bench & B. 26 (Ky. B. Assn.) (May 1999) (co-author Linda Sorenson Ewald).

A Place at the Bar, 1998 Ky. Humanities 11.

Connecting with Our Legacy: Kentucky's Early Women Lawyers, a Multimedia Tribute (1998) (included photography exhibit and "virtual" exhibit on the web) (curator: Robin R. Harris; research by Kathleen S. Bean).

Women Teaching in Law School Classes, Louisville Law. (Fall 1989).

The Gender Gap in the Law School Classroom—Beyond Survival, 14 Vt. L. Rev. 23 (1989).

Writing Assignments in Law School Classes, 37 J. Leg. Educ. 276 (1987).

A Proposal for the Moral Practice of Law, 12 J. Leg. Prof. 49 (1987).

A Radical Feminist View of Pornography, 1 J. Contemp. Leg. Issues 19 (1987).

Grandparent Visitation: Can the Parent Refuse? 24 J. Fam. L. 393 (1985).

Beazley, Mary Beth

Better Writing, Better Thinking: Using Legal Writing Pedagogy in the "Casebook" Classroom (Without Grading Papers), 10 Leg. Writing 23 (2004).

A Practical Guide to Appellate Advocacy (Aspen L. & Bus. 2002).

"Riddikulus!": Tenure-Track Legal-Writing Faculty and the Boggart in the Wardrobe, 7 Scribes J. Leg. Writing 79 (2000).

How to Read a Writing Sample, 87 Ill. B.J. 615 (1999).

How to Get the Writing Sample You Need, 87 Ill. B.J. 557 (1999).

Toward a Capless Society, 13 Second Draft (newsltr. of Leg. Writing Inst.) 1 (May 1999).

The President's Corner, 13 Second Draft (newsltr. of Leg. Writing Inst.) 1 (Nov. 1998).

The Process and the Product: A Bibliography of Scholarship about Legal Scholarship, 49 Mercer L. Rev. 741 (1998) (co-author Linda H. Edwards).

The Self-Graded Draft: Teaching Students to Revise Using Guided Self-Critique, 3 Leg. Writing 175 (1997).

Fire, Flood, Famine & IRAC? 10 Second Draft (newsltr. of Leg. Writing Inst.) 1 (Nov. 1995).

Time Is a Resource Students Must Learn to Use, 9 Second Draft (newsltr. of Leg. Writing Inst.) 9 (Mar. 1994).

Teaching Students How to "Think Like Lawyers": Integrating Socratic Method with the Writing Process, 64 Temp. L. Rev. 885 (1991) (co-author Mary Kate Kearney).

Beck, Karen S.

One Step at a Time: The Research Value of Law Student Notebooks, 91 L. Lib. J. 29 (1999).

Oregon Practice Materials: A Selective Annotated Bibliography, 88 L. Lib. J. 288 (1996).

Advertising, Women and Censorship, 11 L. & Inequal. J. 209 (1992).

Rule 11 and Its Effect on Attorney/Client Relations, 65 S. Cal. L. Rev. 875 (1992).

Beh, Hazel Glenn

Reassessing the Sophisticated Insured Exception, 39 Tort Tr. & Ins. Prac. L.J. 85 (2004).

Beneke, Candyce T.

The Separation of Personal Religious Faith and Professional Identity—Is This Really Possible? Is It Truly Desirable? 41 S. Tex. L. Rev. 1423 (2000).

Experts and Summary Judgment: How Should No Evidence Challenges to Expert Testimony Be Handled in State Court? 4:3 App. Law. (Houston B. Assn. App. Prac. Sec.) (Spring 1999).

The Constitutionality of Computer Generated Child Pornography: Brief for Respondent, 13 John Marshall J. Computer & Info. L. 537 (1995).

Berger, Linda

What Is the Sound of a Corporation Speaking? How the Cognitive Theory of Metaphor Can Help Lawyers Shape the Law, 2 J. ALWD 169 (2004).

Shielding the Unmedia: Using the Process of Journalism to Protect the Journalist's Privilege in an Infinite Universe of Publication, 39 Hous. L. Rev. 1371 (2003).

Do Best Practices in Legal Education Include Emphasis on Compositional Modes of Studying Law as a Liberal Art? 1 J. ALWD 158 (2002).

Lies between Mommy and Daddy: The Case for Recognizing Spousal Emotional Distress Claims Based on Domestic Deceit That Interferes with Parent-Child Relationships, 33 Loy. L.A. L. Rev. 449 (2000).

A Reflective Rhetorical Model: The Teacher as Reader and Writer, 6 Leg. Writing 57 (2000).

Applying New Rhetoric to Legal Discourse: The Ebb and Flow of Reader and Writer, Text and Context, 49 J. Leg. Educ. 155 (1999).

Government-Owned Media: The Government as Speaker and Censor, 35 Case W. Res. L. Rev. 707 (1985).

Berres-Paul, Toni

Making Schedules Work: Flexibility Is the Key to Balancing the Competing Elements of Life, 55 Or. St. B. Bull. 39 (Oct. 1994).

An Encouraging Note: Recruiters Are Still Offering Such Work Options as Alternative Schedules, 54 Or. St. B. Bull. 26 (June 1994).

Berry, Carole C.

Taxation of U.S. Athletes Playing in Foreign Countries, 13 Marq. Sports L. Rev. 1 (2002).

Teaching Materials: International Legal Issues in Sports, Entertainment and the Arts (2000) (co-author Robert Berry).

Effective Appellate Advocacy: Brief Writing and Oral Argument (2d ed., West Group 1999) (with revised Teacher's Manual).

Effective Appellate Advocacy: Brief Writing and Oral Argument (West Group 1998) (with Teacher's Manual).

Berry, Gregory Alan

Ideological Orientations, in *Democracy: A Political Reader* ch. 5 (R.C. Gettel & W.A. Dunning eds., Cosmos 2004).

Blackwell, Thomas F.

Finally Adding Method to Madness: Applying Principles of Object-Oriented Analysis and Design to Legislative Drafting, 3 N.Y.U. J. Legis. & Pub. Policy 227 (2000).

The Revolution Is Here: The Promise of a Unified Business Entity Code, 24 J. Corp. L. 333 (1999).

Texas Business Organizations Forms/FAST (West 1994) (legal forms on disk).

Blevins, Timothy

Using Technology in the Classroom, Syllabus (publication of ABA Sec. of Leg. Educ. & Admiss. to B.) 4 (1st Qtr. 2004).

Using Technology to Fill the Gap: Neither Paper nor Live Clients, 12 Persps. 171 (Spring 2004).

Hallmarks in Professional Writing, Brief (newsltr. of Orange City B.).

Blum, E. Joan

Writing Labs: Commenting on Student Work-in-Progress, 14 Second Draft (newsltr. of Leg. Writing Inst.) 11 (Nov. 1999).

Teaching Case Synthesis in Living Color, 12 Second Draft (newsltr. of Leg. Writing Inst.) 7 (Nov. 1997).

Blumenfeld, Barbara

Integrating Indian Law into a First Year Writing Course, 37 Tulsa L. Rev. 503 (2001).

A Photographer's Guide to Legal Writing, 4 Persps. 41 (Winter 1996).

Write On! A Column on Legal Writing for the Practitioner, N.M. Verdict (1995–1996) (monthly column).

Why IRAC Should be IGPAC, 10 Second Draft (newsltr. of Leg. Writing Inst.) 3 (Nov. 1995).

Constitutional Law: Freedom of the Press and a Reporter's Ability to Gather News, 26 Wayne L. Rev. 75 (1979).

Workers' Compensation Insurance Carrier as Third Party Tortfeasor, 25 Wayne L. Rev. 1165 (1979).

Selecting the Best Authority to Cite (available at http://lawschool.mtcigs.com/writing/select/select.htm) (Lexis Online Teaching Materials).

Bohl, Joan Catherine

Mom, Dad and Me: Court Ordered Grandparent Visits Invade Family Privacy, Leg. Times 58 (Jan. 10, 2000).

Grandparent Visitation Law Grows Up: The Trend Toward Awarding Visitation Only When the Child Would Otherwise Suffer Harm, 48 Drake L. Rev. 279 (2000).

Grandparent Visitation: Over the River and into the Courts, 35 Tr. 28 (Dec. 1999).

Family Autonomy vs. Grandparent Visitation: How Precedent Fell Prey to Sentiment in Herndon v. Tuhey, 62 Mo. L. Rev. 756 (1997).

Extrajudicial Attorney Speech and Pending Criminal Prosecutions: The Investigatory Commission Meets A.B.A. Model Rule 3.6, 44 U. Kan. L. Rev. 951 (1996).

The "Unprecedented Intrusion": A Survey and Analysis of Selected Grandparent Visitation Cases, 49 Okla. L. Rev. 29 (1996).

Hawk v. Hawk*: An Important Step in the Reform of Grandparent Visitation Law*, 33 U. Louisville J. Fam. L. 55 (1995).

"Those Privileges Long Recognized": Termination of Parental Rights Statutes, the Family Integrity Right and the Private Culture of the Family, 1 Cardozo Women's L.J. 323 (1994).

Brave New Statutes: Grandparent Visitation Statutes as Unconstitutional Invasions of Family Life and Invalid Exercises of State Power, 3 Geo. Mason U. Civ. Rights L.J. 271 (1993).

Ethics Panel Perjury Opinion Revisited, 39 R.I. B.J. 13 (Nov. 1989); 10 RILW 680 (Nov. 13, 1989).

Bowman, Brooke J.

Quick Tip: Keep Proper Attribution SIMPLE: A Mnemonic for Placing Citations in Proper Citation Format, 20 Second Draft (newsltr. of Leg. Writing Inst.) 6 (Dec. 2005).

Our Extended Family, 17 Second Draft (newsltr. of Leg. Writing Inst.) 16 (July 2003).

Boylan, Jean M.

The Total Cost Method: A Creative Approach to Calculating Damages in Complex Construction Cases, 25 Whittier L. Rev. 769 (2004).

Crossing the Divide: Why Law Schools Should Offer Summer Programs for Non-Traditional Law Students, 5 Scholar (St. Mary's L. Rev. on Minority Issues) 21 (Fall 2002).

Boyle, Robin A.

Applying Learning-Styles Theory in the Workplace: How to Maximize Learning-Styles Strengths to Improve Work Performance in Law Practice, 79 St. John's L. Rev. 97 (2005).

Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student, 81 U. Det. Mercy L. Rev. 1 (2003).

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) (co-authors Karen Russo and Rose Frances Leftkowitz).

Learning Style and Law Teaching, in *Synthesis of the Dunn and Dunn Learning-Style Model Research: Who, What, When, Where, and So What?* (Rita Dunn & Shirley A. Griggs eds., St. John's U. Ctr. for Study of Learning & Teaching Styles 2003).

Research on Learning Style and Legal Writing, in *Synthesis of the Dunn and Dunn Learning-Style Model Research: Who, What, When, Where, and So What?* (Rita Dunn & Shirley A. Griggs eds., St. John's U. Ctr. for Study of Learning & Teaching Styles 2003).

Current Status of Federal Law Concerning Violent Crimes against Women and Children: Implications for Cult Victims, 19 Cultic Studs. Rev. 65 (2002) (peer-reviewed).

Providing Structure to Law Students—Introducing the Programmed Learning Sequence as an Instructional Tool, 8 Leg. Writing 59 (2002) (co-author Lynne Dolle).

Bringing Learning Styles Instructional Strategies to Law School, in *Practical Approaches to Using Learning Styles in Higher Education* (Rita Dunn & Shirley A. Griggs eds., Greenwood Publg. Group 2000).

How Children in Cults May Use Emancipation Laws to Free Themselves, 16 Cultic Studs. J. 1 (1999) (peer-reviewed).

Women, the Law, and Cults: Three Avenues of Legal Recourse—New Rape Laws, VAWA, and Anti-Stalking Laws, 15 Cultic Studs. J. 1 (1998) (peer-reviewed).

Teaching Law Students through Individual Learning Styles, 62 Alb. L. Rev. 213 (1998) (co-author Rita Dunn).

Bratman, Ben E.

Legal Knowledge: What's Relevant, What's Not? Why the Pennsylvania Bar Exam Should Focus on Federal Law, "Fundamental Legal Principles" and Legal Analysis—And Why It Should Stop Testing on Pennsylvania Law, Penn. Law. 24 (Mar./Apr. 2005).

"Reality Legal Writing": Using a Client Interview for Establishing the Facts in a Memo Assignment, 12 Persps. 87 (Winter 2004).

Why I Teach, L. Teacher (Fall 2003).

Brandeis and Warren's The Right to Privacy *and the Birth of the Right to Privacy*, 69 Tenn. L. Rev. 623 (2002).

Brill, Ralph L.

ABA Adopts New Standards Relating to Legal Research and Writing, 5 Persps. 71 (Winter 1997).

ABA Sourcebook on Legal Writing Programs (LexisNexis 1997) (co-authors Susan L. Brody, Christina L. Kunz, Richard K. Neumann, Jr., and Marilyn R. Walter).

Accreditation Standards and Site Evaluations, in *The Politics of Legal Writing* (1995) (co-author Richard K. Neumann Jr.).

A Tribute to Professor Warren Heindl upon His Retirement, 69 Chi.-Kent L. Rev. 843 (1994).

Kobylanski v. Chicago Bd. of Education*: Wrongly Decided, Unevenly Applied*, 1 Shepard's Ill. Tort Rep. 238 (1991).

Employer's Liability for an Employee's Intentional Torts, 1 Shepard's Ill. Tort Rep. 66 (1990).

Needed: A New Theory Allowing Recovery for Loss of a Chance, 1 Shepard's Ill. Tort Rep. 5 (1990).

Brody, Susan L.

Taking Standards of Appellate Review Seriously: A Proposal to Amend Rule 34, 183 Ill. B.J. 512 (1995) (co-author Timothy P. O'Neill).

Legal Drafting (Aspen L. & Bus. 1994) (co-authors Jane Rutherford, Laurel A. Vietzan, and John C. Dernbach).

Brostoff, Teresa

Legal English: An Introduction to the Legal Language and Culture of the United States (2d ed., Oceana Publications 2003).

English for Lawyers: A Preparatory Course for International Lawyers, 7 Leg. Writing 137 (2001) (co-authors Ann Sinsheimer and Megan Ford).

Using a Negotiation Simulation to Improve Analysis, 12 Second Draft (newsltr. of Leg. Writing Inst.) 12 (Nov. 1997) (co-author Ann Sinsheimer).

Busharis, Barbara J.

The Gordian Knot: Uniting Skills and Substance in Employment Discrimination and Federal Taxation Courses, 33 John Marshall L. Rev. 303 (2000) (co-author Suzanne E. Rowe).

Florida Legal Research: Sources, Process, and Analysis (Carolina Academic Press 1998) (co-authors Suzanne E. Rowe and Lisa Kuhlman Tietig).

Buske, Sheryl

Book Review, 51 DePaul L. Rev. 963 (2002) (reviewing Kristin Luker, *Dubious Conceptions: The Politics of Teenage Pregnancy* (Harv. U. Press 1997)).

Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, 6 J. Art & Ent. L. 125 (1995).

Byers, Ellen

Corporations, Contracts, and the Misguiding Contradictions of Conservatism, 34 Seton Hall L. Rev. 921 (2004).

Addressing the Consumer's Worst Nightmare: Toward a More Expansive Development of the Law of Tortious Fraud and Deceptive Practices in Kansas, 38 Washburn L.J. 455 (1999).

Calleros, Charles R.

Teaching the Law School Curriculum (Gerry Hess & Steven Friedland eds., Carolina Academic Press 2004) (regarding teaching Contract Law) (contributor).

Using Both Nonlegal Contexts and Assigned Doctrinal Course Material to Improve Students' Outlining and Exam-Taking Skills, 12 Persps. 91 (Winter 2004).

Effective Use of Simulation in CD-Rom or DVD Format in Teaching Difficult Law Concepts, Proceedings of Winter Intl. Symposium on Info. & Comm. Tech. (2004).

Demonstrations and Bilingual Teaching Techniques at the University of Paris: Introducing Civil Law Students to Common Law Legal Method, 12 Persps. 6 (Fall 2003).

Introducing Students to Legislative Process and Statutory Analysis through Experiential Learning in a Familiar Context, 38 Gonzaga L. Rev. 33 (2003).

Legal Method and Writing (4th ed., Aspen L. & Bus. 2002).

Using Classroom Demonstrations in Familiar Nonlegal Contexts to Introduce New Students to Unfamiliar Concepts of Legal Method and Analysis, 7 Leg. Writing 37 (2001).

In the Spirit of Regina Austin's Contextual Analysis: Exploring Racial Context in Legal Method, Writing Assignments and Scholarship, 34 John Marshall L. Rev. 281 (2000).

Aguilar v. Avis Rent a Car System, Inc.*: The California Supreme Court Takes a Divided Freeway to Content-Oriented Regulation of Workplace Speech*, 34 U.S.F. L. Rev. 237 (2000).

Reading, Writing, and Rhythm: A Whimsical, Musical Way of Thinking about Teaching Legal Method and Writing, 5 Leg. Writing 1 (1999).

Same-Sex Harassment, Textualism, Free Speech and Oncale*: Laying the Groundwork for a Coherent and Constitutional Theory of Sexual Harassment Liability*, 7 Geo. Mason L. Rev. 1 (Fall 1998).

Preparing for the Worst—And Striving for the Best: Training University Employees to Respond Clearly, Constructively, and Constitutionally to Hateful Speech on Campus, 26 J.L. & Educ. 41 (1997).

Title VII and the First Amendment: Content-Neutral Regulation, Disparate Impact, and the "Reasonable Person", 58 Ohio St. L.J. 1217 (1997).

Conflict, Apology, and Reconciliation at Arizona State University: A Second Case Study in Hateful Speech, 27 Cumb. L. Rev. 91 (1996–1997).

Title VII and Free Speech: The First Amendment Is Not Hostile to a Content-Neutral Hostile-Environment Theory, 1996 Utah L. Rev. 227.

The Meaning of "Sex": Homosexual and Bisexual Harassment under Title VII, 20 Vt. L. Rev. 55 (1995).

Training a Diverse Student Body for a Multicultural Society, 8 La Raza L.J. 140 (1995).

Paternalism, Counterspeech, and Campus Hate-Speech Codes: A Reply to Delgado and Yun, 27 Ariz. St. L.J. 1249 (1995).

Reconciliation of Civil Rights and Civil Liberties after R.A.V. v. City of St. Paul*: Free Speech, Antiharassment Policies, Multicultural Education, and Political Correctness at Arizona State University*, 1992 Utah L. Rev. 1205.

Variations on the Problem Method in First-Year and Upper-Division Courses, 20 U.S.F. L. Rev. 455 (1986).

Reconciling the Goals of Federalism with the Policy of Title VII: Subject-Matter Jurisdiction in Judicial Enforcement of EEOC Conciliation Agreements, 13 Hofstra L. Rev. 257 (1985).

Title VII and Rule 52(a): Standards of Appellate Review in Disparate Treatment Cases—Limiting the Reach of Pullman-Standard v. Swint, 58 Tul. L. Rev. 403 (1983).

Canavan, Marcia

Colorado Juvenile Law: Cases and Materials (4th ed., Kendall Hunt Publg. Co. 2001).

Woman's Law (William S. Hein & Co. 2000).

Bringing the Jail to the Forefront, 3 Corrections Mgt. Q. (June 1997) (written as Marcia Minuck).

Cary, Eve

Appellate Advocacy: Principles and Practice (4th ed., LexisNexis 2004) (co-author Ursula Bentele).

New York Criminal Law (rev. ed., Thomson West 2002) (co-authors Martin Marcus, Lynn W.L. Fahey, and Richard A. Greenberg).

Road Blocks to Justice: Congressional Stripping of Federal Court Jurisdiction—Introduction, 67 Brook. L. Rev. 405 (2001) (Introduction to the Edward V. Sparer Public Interest Law Fellowship Symposium).

Police Violence: Causes and Cures (Brooklyn, N.Y., Apr. 15, 1998) 7 J.L. & Policy 81 (1998) (remarks at Brooklyn L. Sch.).

The Rights of Students: The Basic ACLU Guide to a Student's Rights (Alan H. Levine & Janet R. Price eds., 3d ed., S. Ill. U. Press 1997).

New York Criminal Law (Richard A. Greenberg ed., West Publg. Co. 1996 & annual Supps.) (contributed to the following chapters: Sex Offenses, Kidnapping, Offenses against Public Order, Offenses against the Right to Privacy, Megan's Law, Escape, Obscenity, Prostitution, Fireworks, and Unauthorized Recording).

Rights and Freedoms under the State Constitution, 13 Touro L. Rev. 59 (1996).

Death-Defying Feats: State Constitutional Challenges to New York's Death Penalty, 4 J.L. & Policy 161 (1995) (co-author Mary R. Falk).

People v. Scott *and* People v. Keta*: "Democracy Begins in Conversation"*, 58 Brook. L. Rev. 1279 (1993) (co-author Mary R. Falk).

The NYCLU Guide to Women's Rights in New York State (Pantheon Bks. 1978).

Woman and the Law (Natl. Textbook Co. 1977) (co-author Kathleen Willert Peratis).

Caudill, David S.

Property: Cases, Documents, and Lawyering Strategies (LexisNexis 2004) (co-authors David Crump and David Charles Hricik).

Advocacy, Witnesses, and the Limits of Scientific Knowledge: Is There an Ethical Duty to Evaluate Your Expert's Testimony? 39 Idaho L. Rev. 341 (2003).

Ibsen's An Enemy of the People *and the Public Understanding of Science in Law*, 16 Geo. Intl. Envtl. L. Rev. 1 (2003).

Lacan and the Discourse of Science in Law, 24 Cardozo L. Rev. 2331 (2003).

Lacan, Science, and Law: Is the Ethnography of Scientism Psychoanalytic? 14 L. & Critique 123 (2003).

Law-and-Literature, Literature-and-Science, and Enhancing the Discourse of Law/Science Relations, 27 J. Leg. Prof. 1 (2003).

Post-Trilogy Science in the Courtroom, Part II: What Are the Judges Still Doing? 15 J. Civ. Litig. 1 (2003) (co-author Lewis H. LaRue).

Professional De*regulation of Prosecutors: Defense Contact with Victims, Survivors, and Witnesses in the Era of Victims' Rights*, 17 Geo. J. Leg. Ethics 103 (2003).

Race[,] Science, History, and Law, 9 Wash. & Lee Race & Ethnic Ancestry L.J. 1 (2003).

Revisiting the Ethics of Representing Professional Athletes: Agents, "Attorney-Agents," Full-Service Agencies, and the Dream Team Model, 3 Va. Sports & Ent. L.J. 31 (2003).

Take It to the Limit, 12 Metascience 238 (2003) (reviewing Arkady Plotnitsky, *The Knowable and the Unknowable: Modern Science, Nonclassical Thought, and the "Two Cultures"* (U. Mich. Press 2002)).

Why Judges Applying the Daubert *Trilogy Need to Know about the Social, Institutional, and Rhetorical—and Not Just the Methodological—Aspects of Science*, 45 B.C. L. Rev. 1 (2003) (co-author Lewis H. LaRue).

Barely Opening, Then Slamming Shut, Science's "Black Box" in Law: A Response to Beecher-Monas's Heuristics, 23 Cardozo L. Rev. 1795 (2002).

Book Review, 37 Australian J. Pol. Sci. 204 (2002) (reviewing Peter Fitzpatrick, *Modernism and the Grounds of Law* (Cambridge U. Press 2001)).

Ethnography and the Idealized Accounts of Science in Law, 39 San Diego L. Rev. 269 (2002).

Foreword to the *Survey: From Blueprints to Bricks: A Survey of Current Baseball Stadium Financing Projects*, 34 Urb. Law. 331 (2002).

Give Me a Line in a U.S. Supreme Court Opinion or in Official Commentary to the Rules of Evidence for Admissibility of Experts in Court, and I Will Move the [Legal] World, 39 Hous. L. Rev. 437 (2002).

Law, Science, and Science Studies: Contrasting the Deposition of a Scientific Expert with Ethnographic Studies of Scientific Practice, 12 S. Cal. Interdisc. L.J. 85 (2002).

Scientific Narratives in Law: An Introduction, 14 L. & Literature 253 (2002).

Book Review, 16 J.L. & Religion 713 (2001) (reviewing Harold J. Berman, *Faith and Order: The Reconciliation of Law and Religion* (William B. Eerdmans Publg. Co. 1993)).

A Calvinist Perspective on the Place of Faith in Legal Scholarship, in *Christian Perspectives on Legal Thought* 307 (Michael W. McConnell et al. eds., Yale U. Press 2001).

Law and Belief: Critical Legal Studies and Philosophy of the Law-Idea, in *Christian Perspectives on Legal Thought* 109 (Michael W. McConnell et al. eds., Yale U. Press 2001).

Law and Science: An Essay on Links and Socio-Natural Hybrids, 51 Syracuse L. Rev. 841 (2001).

Post-Trilogy Science in the Courtroom: What Are the Judges Doing? 13 J. Civ. Litig. 341 (2001) (co-author Lewis H. LaRue).

Junk Philosophy of Science: The Paradox of Expertise and Interdisciplinary in Federal Courts, 57 Wash. & Lee L. Rev. 685 (2000) (co-author Richard E. Redding).

"Law Does Not Ignore the Bed" and Other Aphorisms: The Encore of Lacan's Encore in English, 13 Intl. J. Semiotics L. 243 (2000) (reviewing Jacques Lacan, *On Feminine Sexuality, The Limits of Love and Knowledge: Encore, 1972–1973* (Bruce Fink trans., Jacques-Alain Miller ed., W.W. Norton & Co. 1998))).

The Anatomy in Property Law: "It's Not about Sex," or Is It? 20 Cardozo L. Rev. 1695 (1999) (reviewing Jeanne Lorraine Schroeder, *The Vestal and the Fasces: Hegel, Lacan, Property, and the Feminine* (U. Cal. Press 1998)).

Book Review, 4 J. Psychoanalysis Culture & Socy. 344 (1999) (reviewing Anthony Elliott, *The Mourning of John Lennon* (U. Cal. Press 1999)).

Fabricating Authenticity: Law Students as Country Music Stars, 20 Cardozo L. Rev. 1573 (1999).

Law and the Science Wars: Introduction to the Forum, 23 S. Ill. U. L.J. 545 (1999).

Modes of Law: Music and Legal Theory—An Interdisciplinary Workshop Introduction, 20 Cardozo L. Rev. 1325 (1999) (co-author Desmond Manderson).

On the Object of Arrigo's Critique, 12 Intl. J. Semiotics L. 91 (1999).

The Sports Law Course as Advanced Legal Skills Training, 1 Va. J. Sports & L. 246 (1999).

The Future of Freud in Law, in *Freud 2000*, at 262 (Anthony Elliott ed., Polity Press 1998).

A Calvinist Perspective on Faith in Legal Scholarship, 47 J. Leg. Educ. 19 (1997).

Identifying Law's Unconscious: Disciplinary and Rhetorical Contexts, 54 Wash. & Lee L. Rev. 1075 (1997).

Lacan and the Subject of Law: Toward a Psychoanalytic Critical Legal Theory (Humanities Press Intl. 1997).

Law as Literature: The Second Half of the Law and Literature Movement, 6 Educ. & Prac. 1 (Fall 1997).

Law's Own Repressed Memory Syndrome, 3 L./Text/Culture 269 (1997) (reviewing Peter Goodrich, *Oedipus Lex: Psychoanalysis, History, Law* (U. Cal. Press 1995), and Peter Goodrich, *Law in the Courts of Love: Literature and Other Minor Jurisprudences* (Routledge 1996)).

When You're a Semiotician, in *States, Citizens, and Questions of Significance: Tenth Round Table on Law and Semiotics* vol. 11, 7 (Semiotics & Human Sci. Series, John Brigham & Roberta Kevelson eds., Peter Lang Publg. 1997).

Book Review, 31 Australian J. Pol. Sci. 442 (1996) (reviewing Anthony Elliott, *Subject to Ourselves: Social Theory, Psychoanalysis, and Postmodernity* (Polity Press 1996)).

Book Review, 1 J. Psychoanalysis Culture & Socy. 194 (1996) (reviewing Anthony Elliot, *Psychoanalytic Theory: An Introduction* (Blackwell Publishers 1994)).

In the Wake, or at the Wake, of Psychoanalytic Jurisprudence? 20 Leg. Stud. Forum 188 (1996).

Law's Appropriations of Psychoanalysis, 1 J. Psychoanalysis Culture & Socy. 127 (1996).

On the Naming of Paranoia in Legal Scholarship, 33 Hous. L. Rev. 215 (1996).

Why Would a Lacanian Socio-Legal Analyst Care About Scientific Validity? A Response to Redding, 75 Or. L. Rev. 811 (1996).

Introduction: Philosophy with a Focus, in Radical Philosophy of Law: Contemporary Challenges to Mainstream Legal Theory and Practice ix (David S. Caudill & Steven Jay Gold eds., Humanities Press Intl. 1995).

Lacan and the Critique of Legal Ideology: Reason and Religion in Law and Politics, 82 Psychoanalytic Rev. 683 (1995).

Lacan's Social Psychoanalysis: Religion and Community in a Pluralistic Society, 26 Cumb. L. Rev. 125 (1995) (reprinted in *The Subject of Lacan: A Lacanian Reader for Psychologists* 297 (Kareen R. Malone & Stephen R. Freidlander eds., SUNY Press 2000)).

Lacanian Ethics and the Desire for Law, 16 Cardozo L. Rev. 793 (1995).

Radical Philosophy of Law: Contemporary Challenges to Mainstream Legal Theory and Practice (David S. Caudill & Steven Jay Gold eds., Humanities Press Intl. 1995).

Re-Returning to Freud: Critical Legal Studies as Cultural Psychoanalysis, in *Radical Philosophy of Law: Contemporary Challenges to Mainstream Legal Theory and Practice* 45 (David S. Caudill & Steven Jay Gold eds., Humanities Press Intl. 1995).

Two Ideological Monsters: The Subject of the Bar and the Object of Desire in Bleak House, in *Legality and Illegality: Semiotics, Postmodernism, and Law* vol. 3, 79 (W. Richard Janikowski & Dragan Milovanovic eds., Peter Lang Publg. 1995).

Pluralism and the Quality of Religious Discourse in Law and Politics, 6 U. Fla. J.L. & Pub. Policy 135 (1994).

Social Hysteria and Social Psychoanalysis: A Response to Brion's The Hidden Persistence of Witchcraft, 5 L. & Critique 31 (1994).

Two Critiques of Legal Ideology, in Political Theory and Christian Vision 213 (J. Chaplin & P. Marshall eds., U. Press Am. 1994).

Coming to Terms with Lacan*: Legal Discourse as Analysand*, 6 Intl. J. Semiotics L. 203 (1993) (reviewing Dragan Milovanovic, *Postmodern Law Disorder: Psychoanalytic Semiotics, Chaos and Juridic Exegeses* (Deborah Charles Publications 1992)).

Judge John R. Brown: Enjoyment of Law as Enjoyment of Life, 14 Miss. C. L. Rev. 19 (1993).

"Name-of-the-Father" and the Logic of Psychosis: Lacan's Law and Ours, 16 Leg. Stud. Forum 421 (1993) (reprinted in *Flux, Complexity, and Illusion: Sixth Round Table on Law and Semiotics* vol. 6, 123 (Semiotics & Human Sci. Series, Roberta Kevelson ed., Peter Lang Publg. 1993)).

Pierre Schlag's "The Problem of the Subject": Law's Need for an Analyst, 15 Cardozo L. Rev. 707 (1993).

Post-Postmodern Redemptions of Self, Text, and Event, 5 Cardozo Stud. L. & Literature 137 (1993) (reviewing Norman N. Holland, *The Critical I* (Columbia U. Press 1992); Richard H. Weisberg, *Poethics: And Other Strategies of Law and Literature* (Colum. U. Press 1992); and *Probing the Limits of Representation: Nazism and the "Final Solution"* (Saul Friedlander ed., Harv. U. Press 1992)).

Sympathy for the Devil? Reflections on the Crime-Fraud Exception to Client Confidentiality, 8 St. John's J. Leg. Commentary 369 (1993).

Sympathy for the Devil? The Crime Fraud Exception to Client Confidentiality, 19 Soc. Resp. (Bus. Journalism L. Med.) 40 (1993).

Environmental Permits: Land Use Regulation and Policy Implementation in Texas, 23 St. Mary's L.J. 841 (1992) (co-author William Terry Bray et al.).

Jacques Lacan and Our State of Affairs: Preliminary Remarks on Law as Other, in *Law and the Human Sciences: Fifth Round Table on Law and Semiotics* 95 (Semiotics & Human Sci., vol. 3, Roberta Kevelson ed., Peter Lang Publg. 1992).

Lacan and Law: Networking with the Big [O]ther, 1 Stud. Psychoanalytic Theory 25 (1992).

Lacan and Legal Language: Meanings in the Gaps, Gaps in the Meanings, 3 L. & Critique 169 (1992).

The Politics of Legal Doctrine: A Case Study of Texas Land-Use Planning under the Shadow of Lucas, 5 Hofstra Prop. L.J. 11 (1992) (co-authors William Terry Bray and Jack E. Owen, Jr.).

Psyche as Legal Text: Lacan's Return to Freud the Semiotician, in *Law & Aesthetics* vol. 11, 117 (New Stud. in Aesthetics Series, Roberta Kevelson ed., Peter Lang Publg. 1992).

Contracts: Flash Cards (Spectra Publg. Co. 1991).

The French Revolution as Phantom of the Opera, 9 J.L. & Religion 243 (1991) (reviewing Harry Van Dyke, *Groen van Prinsterer's Lectures on Unbelief and Revolution* (Wedge Publg. Found. 1989)).

Freud and Critical Legal Studies: Contours of a Radical Socio-Legal Psychoanalysis, 66 Ind. L.J. 651 (1991) (reprinted in *Legal Studies as Cultural Studies: A Reader in (Post) Modern Critical Theory* 21 (Jerry Leonard ed., SUNY Press 1995)).

Once More, the Trilogy, in Retrospect: An Essay on the Virtues of Development Agreements in Texas, 32 S. Tex. L. Rev. 1 (1990) (co-authors William Terry Bray and Jack E. Owen, Jr.).

Disclosing Tilt: Law, Belief and Criticism (Free U. Press 1989).

Disclosing Tilt: A Partial Defense of Critical Legal Studies and a Comparative Introduction to the Philosophy of the Law-Idea, 72 Iowa L. Rev. 287 (1987).

New Wave Land Use Regulation: The Impact of Impact Fees on Texas Lenders, 19 St. Mary's L.J. 319 (1987) (co-authors William Terry Bray and Jack E. Owen, Jr.).

The Town Lake Manifesto: Zoning on the Ragged Edge of Law and of Texas Cities, 29 S. Tex. L. Rev. 83 (1987) (co-author R. James George).

A Spectator's Guide to Aguillard v. Edwards*: Part I—Will the Clock Strike Thirteen?* 17 Cumb. L. Rev. 87 (1986).

Law and Worldview: Problems in the Creation-Science Controversy, 3 J.L. & Religion 1 (1985).

A Reconnaissance of Public Policy Restrictions upon Enforcement Contracts between Cohabitants, 18 Fam. L.Q. 93 (1984) (co-author J. Thomas Oldham).

Legal Recognition of Unmarried Cohabitation: A Proposal to Update and Reconsider Common-Law Marriage, 49 Tenn. L. Rev. 537 (1982).

The Rechtsstaat: Magic Wall or Material Necessity? 4 Hous. J. Intl. L. 169 (1982).

Chestek, Kenneth D.

Reality Programming Meets LRW: The Moot Case Approach to Teaching in the First Year, 38 Gonzaga L. Rev. 57 (2003).

Are Hospitals Truly Institutions of Charity? 73 Pa. B. Assn. Q. 4 (2002).

Are Hospitals Purely Public Charities? 7 Assessment J. 24 (2000).

WordPerfect for Windows 6 in the Law Office (Que Corp. 1996).

WordPerfect for Windows Power Macros (Que Corp. 1992).

Farmland Preservation Techniques: Some Food for Thought, 40 U. Pitt. L. Rev. 258 (1979).

Chin, William W.

Implausible Denial: The Government's Denial of the Role of Race in Its Prosecution of Wen Ho Lee, 5 Rutgers Race & L. Rev. 1 (2003).

Meeting the Needs of Asian Law Students, 18 Second Draft (newsltr. of Leg. Writing Inst.) 18 (Dec. 2003).

Basketball Fever, Portland C.A.C.A. Times (Chinese Am. Citizens Alliance, Portland, Or.) (Sept./Oct. 2002).

Life in America As Told by Asian American Authors, Portland C.A.C.A. Times (July/Aug. 2002).

Appellate Practice—The Lawyer; the Law Student, Connections 4 (Spring/Summer 2002).

Living Spaces for Asian Americans in Portland's Chinatown, Portland C.A.C.A. Times (May/June 2002).

Wen Ho Lee: A Case of Racial Profiling, Portland C.A.C.A. Times (Mar./Apr. 2002).

Portland Chinatown: Change and Renewal, Portland C.A.C.A. Times (Jan./Feb. 2002).

Serving the Link between International Tension and Discrimination against Asian and Arab Americans, 13 Intl. Leg. Persps. 8 (2002).

Lending a Helping Hand, Portland C.A.C.A. Times (Nov./Dec. 2001).

September 11, Portland C.A.C.A. Times (Sept./Oct. 2001).

An Emerging Awareness of the Chinese Experience, Portland C.A.C.A. Times (July/Aug. 2001).

Affirmative Action and Chinese American Students, Portland C.A.C.A. Times (May/June 2001).

The Performers of Asian/Pacific Islander Students in Oregon High Schools, Portland C.A.C.A. Times (Mar./Apr. 2001).

Why Does the OLCC Want to Put a Bar Near the Chinese Language School? Portland C.A.C.A. Times (Jan./Feb. 2001).

They Served with Pride, Portland C.A.C.A. Times (Nov./Dec. 2000).

Oregon Must Reacquire Control over Its Economy, Resources, Oregonian (Portland, Or.) B9 (Oct. 2, 2000).

The Portland INS: A Bureaucracy Disconnected from the Community, Portland C.A.C.A. Times (Sept./Oct. 2000).

Oregon History: Chinese Gold Miners, Connections 16 (Summer/Fall 2000).

The Chinese Boy Who Was a Marine, Portland C.A.C.A. Times (July/Aug. 2000).

The Rise in the Number of Americans Adopting Chinese Babies, Portland C.A.C.A. Times (May/June 2000).

The Case of Wen Ho Lee: Due Process or Abuse of Process? Portland C.A.C.A. Times (Mar./Apr. 2000).

The INS and a Jailed Chinese Girl, Portland C.A.C.A. Times (Jan./Feb. 2000).

Oregon's David Wu: Challenging China and Other Tasks, Portland C.A.C.A. Times (Dec. 1999).

Cialkowski, Amanda Buttress

Engaging Students in Improving Technical Writing Skills, 14 Second Draft (newsltr. of Leg. Writing Inst.) 12 (Nov. 1999).

Clary, Bradley G.

Advocacy on Appeal (2d ed., West 2004) (co-authors Sharon Reich Paulsen and Michael Vanselow).

Thinking About Law School: The Big Picture, 80 U. Det. Mercy L. Rev. 467 (2003).

Successful Legal Analysis and Writing: The Fundamentals (Thomson/West 2003) (co-author Pamela Lysaght).

"To Note or Not to Note", 10 Persps. 84 (Winter 2002).

Successful First Depositions (West 2001) (co-authors Sharon Reich Paulsen and Michael Vanselow).

Roadmapping and Legal Writing, 8 Persps. 134 (Spring 2000) (co-author Deborah N. Behles).

Relevant Market Analysis: Developments in Health Care Settings, Hennepin Law. 4 (Sept.–Oct. 1995).

Physician Collective Bargaining: Antitrust Prospects and Pitfalls, Minn. Med. 41 (Aug. 1995).

The Minnesotacare Antitrust Exceptions: A Policy Proposal Regarding the State Action Doctrine As Applied to Healthcare Reform, 18 Hamline L. Rev. 131 (1994).

Primer on the Analysis and Presentation of Legal Argument (West 1992).

Cochran, Rebecca A.

Federal Court Certification of Questions of State Law to State Courts: A Theoretical and Empirical Study, 29 J. Legis. 157 (2003).

Criminal Discovery for the Civil Litigator, in *The Litigation Manual* (John Koetl & John Kiernan eds., 3d ed., ABA Sec. of Litig. 1999) (co-author Candace Fabri).

Legal Research and Writing Programs as Vehicles for Law Student Pro Bono Service, 8 B.U. Pub. Int. L.J. 429 (1999).

Conference Paper, *"I Had Some Things That I Called Mine": Dickinson and the Perils of Property Ownership* (Emily Dickinson Socy. Conf. 1999) (co-author James Guthrie).

Judicial Externships: The Clinic inside the Courthouse (2d ed., Anderson 1998).

Gaining Appellate Review By "Manufacturing" a Final Judgment through Voluntary Dismissal of Peripheral Claims, 48 Mercer L. Rev. 979 (1997).

Using Closed Universe Assignments to Teach Legal Analysis, Legal Writing and Lawyering Skills, 1996 WL 403350, 1996 WL 403357, 1996 WL 403351 (co-author Maria Crist).

Evaluating Federal Rule of Civil Procedure 26(b)(5) as a Response to Silent and Functionally Silent Privilege Claims, 13 Rev. Litig. 219 (1994).

Cohen, Beth D.

Instilling an Appreciation of Legal Ethics and Professional Responsibility in First-Year Legal Research and Writing Courses, 4 Persps. 5 (Fall 1995).

Collins-McShane, Maureen

Don't Just Say It—Present It, 89 Ill. B.J. 99 (2001).

The Lost Art of Drawing a Conclusion, 89 Ill. B.J. 45 (2001).

Bluebook *Blues: Changes in the Seventeenth Edition*, 88 Ill. B.J. 663 (2000).

A Civil Action, 88 Ill. B.J. 601 (2000).

Email and Attorney-Client Communications, 88 Ill. B.J. 541 (2000).

An Editing Checklist, 88 Ill. B.J. 415 (2000).

A Legal Writer's Bookshelf, 88 Ill. B.J. 359 (2000).

Lawyer as Storyteller, 88 Ill. B.J. 289 (2000).

Recommendations for Rookie Writers, 88 Ill. B.J. 237 (2000).

Drafting with Style, 88 Ill. B.J. 173 (2000).

Drafting Transaction Documents: The Pieces of the Puzzle, 88 Ill. B.J. 110 (2000).

Politically Correct Speech: Readers Respond, 87 Ill. B.J. 335 (1999).

Writing with Your Audience in Mind, 87 Ill. B.J. 285 (1999).

Politically Correct Speech: A Call for Common Sense, 87 Ill. B.J. 223 (1999).

Saying What You Mean: The Sequel, 87 Ill. B.J. 171 (1999).

Much Ado About Nothing, 86 Ill. B.J. 395 (1998).

Read a Good Book Lately? 86 Ill. B.J. 283 (1998).

Reflections from the Jury Pool, 86 Ill. B.J. 167 (1998).

Communication as an Art Form, 86 Ill. B.J. 95 (1998).

Talking to Clients about Money, 86 Ill. B.J. 45 (1998).

The Fine Art of Drafting (Shhh) Bills, 85 Ill. B.J. 617 (1997).

Bearing Bad News, 85 Ill. B.J. 499 (1997).

Tips for a Successful Client Interview, 85 Ill. B.J. 441 (1997).

Cooney, Leslie Larkin

Lawyer, Heal Thyself: Bringing Rational Expectations to the Law Firm Environment, 22 Whittier L. Rev. 967 (2001).

Classroom Associates: Creating a Skills Incubation Process for Tomorrow's Lawyer, 29 Cap. U. L. Rev. 361 (2001) (co-author Lynn A. Epstein).

Beyond Core Skills and Values: Integrating Therapeutic Jurisprudence and Preventive Law into the Law School Curriculum, 5 Psych. Pub. Policy & L. 1123 (Dec. 1999) (co-author Pearl Goldman).

Ten Magic Tricks for an Interactive Classroom, 8 Persps. 1 (Fall 1999) (co-author Judith Karp).

A Perfect World, 11 Second Draft (newsltr. of Leg. Writing Inst.) 16 (Nov. 1997).

Discussion Boards and Legal Writing, 11 Second Draft (newsltr. of Leg. Writing Inst.) 7 (May 1997).

Florida's Revised Uniform Partnership Act, Tr. Advoc. Q. 6 (Oct. 1995).

1992 Survey of Florida Law Business Associations: 1992 Survey of Florida Law, 17 Nova L. Rev. 7 (1992).

Agricultural Financing, in *Secured Transactions in Florida* ch. 12C (Fla. B. 1996).

Equipment Financing in *Secured Transactions in Florida* ch. 12D (Fla. B. 1996).

Scope of Article 9, in *Secured Transactions in Florida* ch. 2 (Fla. B. 1996).

Cooper, Davalene

The Ethical Rules Lack Ethics: Tort Liability When a Lawyer Fails to Warn a Third Party of a Client's Threat to Cause Serious Physical Harm or Death, 36 Idaho L. Rev. 479 (2000).

Book Review, 29 Suffolk U. L. Rev. 669 (1996) (reviewing Philip K. Howard, *The Death of Common Sense: How Law Is Suffocating America* (Random House 1994)).

Evidence, in *Mottla's Proof of Cases in Massachusetts* vol. 3 (1995 & Annual Supps.) (co-author Marc Perlin).

Reverse Mortgages: Mandatory Counseling and Other Protections for the Elderly Homeowner, 27 Clearinghouse Rev. 622 (1993).

Book Review, Bimonthly Rev. of Bks. (Jan.–Feb. 1992) (reviewing Henry J. Sommer, *Collier Family Law and the Bankruptcy Code* (Matthew Bender 1991)).

Adopting the "Stepchild" into the Legal Academic Community: Creating a Program for Legal Research Skills, in *Expert Views on Improving the Quality of Legal Research Education in the United States* (West 1992).

Promised Land or Land of Broken Promises? Political Asylum in the United States, 76 Ky. L.J. 923 (1988).

Cornwell, Joel R.

Languages of a Divided Kingdom: Logic and Literacy in the Writing Curriculum, 34 John Marshall L. Rev. 49 (2000).

The Confusion of Causes and Reasons in Forensic Psychology: Deconstructing Mens Rea and Other Mental Events, 33 U. Rich. L. Rev. 107 (1999).

Legal Writing as a Kind of Philosophy, 48 Mercer L. Rev. 1091 (1997).

Smoking Canons: A Guide to Some Favorite Rules of Construction, 10 Chi. B. Assn. Rec. 43 (May 1996).

From Hedonism to Human Rights: Felix Cohen's Alternative to Nihilism, 68 Temp. L. Rev. 197 (1995).

The Alienability of Contingent Reversionary Interests, 49 J. Mo. B. 373 (1993).

Totem and the God of the Philosophers: How a Freudian Vocabulary Might Clarify Constitutional Discourse, 35 J. Church & St. 521 (1993).

Wrongful Life and the Problem of Euthanasia, 23 Gonz. L. Rev. 573 (1988).

The Concept of Brain Life: Shifting the Abortion Standard Without Imposing Religious Values, 25 Duq. L. Rev. 471 (1987).

Book Review, 21 John Marshall L. Rev. 233 (1987) (reviewing *The University of Chicago Manual of Legal Citation* (U. Chi. Press 1986)).

Cotorceanu, Peter

Estate Tax Apportionment in Kansas: Out with the Old, In with the New, 70:9 J. Kan. B. Assn. 28 (Oct. 2001).

Initiating the Probate Process (Natl. Bus. Inst. 1994) (CLE materials).

Issues in Funding Trusts (Va. CLE 1993) (CLE materials).

Those Pesky Crummey Powers—How Now? 9 Trusts & Ests. Newsltr. (newsltr. Trusts & Ests. Sec., Va. St. B.) (Fall/Winter 1991).

Craig, Alison

Failing My ESL Students: My Plagiarism Epiphany, 12 Persps. 102 (Winter 2004).

Crist, Maria Perez

Courtroom Technology and the 21st Century Juror (OSBA, Jt. Bench/B. Conf. of U.S. Dist. Cts., N. & S. Dists. of Ohio Oct. 3, 2003).

The Internet (OSBA CLE Inst. June 11, 2003).

The E-Brief: Legal Writing for an Online World, 33 N.M. L. Rev. 49 (2003).

The Internet (OSBA CLE Inst. June 19, 2002).

The Internet (OSBA CLE Inst. June 27, 2001).

The Internet: Research Skills for the Legal Services Advocate (Ohio St. Leg. Servs. Assn. 2001).

Flying Solo: Internet Skills for the Solo Practitioner (OSBA CLE Inst. Nov. 15, 2000).

The Internet (OSBA CLE Inst. June 8, 2000).

Internet Resources for Corporate Counsel (Cincinnati B. Assn., Corp. Counsel Seminar, Nov. 30, 1999).

Daily Use of the Internet in Law Practice: Beyond the Basics (OSBA CLE Inst. July 7, 1999).

Techniques for Teaching Law 210–211 (Gerald F. Hess & Steven Friedland eds., Carolina Academic Press 1999) (contributor).

Technology in the LRW Curriculum—High Tech, Low Tech, or No Tech, 5 Leg. Writing 93 (1999).

An Ohio Lawyer's Beginning Guide to the Internet (Ohio CLE Inst. Mar. 27, 1998).

The Internet: Strategies for Effective Use in Law Practice (Ohio CLE Inst. 1998).

Using Closed Universe Assignments to Teach Legal Analysis, Legal Writing and Lawyering Skills, 1996 WL 403350, 1996 WL 403357, 1996 WL 403351 (co-author Rebecca Cochran).

Curtis, Debra Moss

Marketing for Minders, ABA L. Prac. Today (April 2004).

Wills and Trusts (BarCharts, Inc. Feb. 2004).

A Public View of Attorney Discipline in Florida: Statistics, Commentary and Analysis of Disciplinary Actions against Licensed Attorneys in the State of Florida, 1988–2002, 28 Nova L. Rev. 669 (2004) (co-author Billie Jo Kaufman).

Venturing into the On-Line Wilderness: Some Lessons Learned, Jurist Website (Feb. 2003) (co-authors Johnny Burris, Steve Friedland, and Billie Jo Kaufman).

Supervise Your Lawyers and Staff, 16 Fla. B.J. 74 (Dec. 2002).

Trust Accounting: What Works? 16 Fla. B. News 18 (Oct. 2002).

Secured Transactions: Revised Article 9 of the Uniform Commercial Code (BarCharts, Inc. June 2002).

Bringing the Internet to the Classroom, Jurist Website (April 2002).

When Should You Bill? 15 Fla. B. News 16 (Mar. 2002).

Client Confidences: Is Your Workspace Telling Tales? 15 Fla. B. News 24 (Dec. 2001).

Tune In, Turn On (So They Won't) Drop Out, 15 Fla. B. News 8 (Aug. 2001).

Bringing Your New Hires in on Your Marketing Plans, 15 Fla. B. News 23 (Mar. 2001).

Teach New Associates Your Billing Practices, 15 Fla. B. News 23 (Feb. 2001).

Counseling Students in Public Service, in *Public Service Guide to Public Interest Law* (Natl. Assn. of L. Placement 1998).

The Pro Bono Clinic Connection, Bull. (Natl. Assn. of L. Placement) 7 (Aug. 1997).

Pro Bono Students Practice What They Teach, Fam. L. Commentary 30 (June 1996).

Pro Bono Students America, 5 Pub. Interest L. Sec. Newsltr. 6 (1996).

Dailey, Susan R.

Integrating Theory and Practice through Teacher Portfolios, 4 Leg. Writing 149 (1998).

View from the Bench: Crosscurrents in American Law and Literature, 18 Quinnipiac L. Rev. 155 (1998) (reviewing Barry R. Schaller, *A Vi-*

sion of American Law: Judging Law, Literature, and the Stories We Tell (Praeger 1997)).

Portfolios in Law School: Creating a Community of Writers, in *Situating Portfolios: Four Perspectives* 214 (Kathleen Blake Yancey & Irwin Weiser eds., Utah St. U. Press 1997).

In the Margins: Effective Responses to Student Writing, 9 Second Draft (newsltr. of Leg. Writing Inst.) 8 (May 1995).

Writing Specialist as Pariah: Reflections on My First Year, 9 Second Draft (newsltr. of Leg. Writing Inst.) 8 (May 1995).

Explorations in Law and Literature, 95 Leaflet (J. New Eng. Assn. of Teachers of English) 5 (1995).

Daily, Melody Richardson

Damages: Using a Case Study to Teach Law, Dispute Resolution and Lawyering, 2004 J. Disp. Res. 1.

The Shattered Mirror, in *Instructor's Manual to Dispute Resolution and Lawyers* (Leonard Riskin & James Westbrook eds., 2d ed., West 1997).

Liberty and Justice: The Story of the Kansas City Metropolitan Bar Association (CCA Publications, Inc. 1994).

Legal Research and Writing, 14 Tr. 12 (1991).

Instructor's Resource Manual to the Dolphin Reader (2d ed., Houghton Mifflin Co. 1990) (co-author Doug Hunt).

Instructor's Guide to the Riverside Anthology of Literature (Houghton Mifflin Co. 1988) (co-authors Doug Hunt and Raymond Smith).

Instructor's Guide to the Dolphin Reader (Houghton Mifflin Co. 1986 & 2d ed., Houghton Mifflin Co. 1990) (co-author Doug Hunt).

Davis, Kirsten K.

The ALWD Citation Manual*: A Practice-Driven Improvement*, Ariz. Atty. 24 (June 2004) (co-author Tamara Herrera).

Three Key Plays for the Writing Coach, Ariz. Atty. 12 (Mar. 2004).

Designing and Using Peer Review in a First-Year Legal Research and Writing Course, 9 Leg. Writing 1 (2003).

Equal Protection for Women in India and Canada: An Examination of Sex Equality Provisions in the Indian and Canadian Constitutions, 13 Ariz. J. Intl. & Comp. L. 31 (1996).

Ohio's New Administrative License Suspension for Drunk Driving: Essential Statute Has Unconstitutional Effect, 55 Ohio St. L.J. 697 (1994).

Davis, Peggy Cooper

Performing Interpretation: A Legacy of Civil Rights Lawyering in Brown v. Board of Education, in *Race, Law and Culture* (Sutin Sarat ed., Oxford U. Press 1997).

Davis, Wendy B.

Aviation Law: Cases and Problems (William S. Hein & Co. 2004).

Diffused Surface Water; Reasonable Use Has Become the Common Enemy: An Overview of the Standards Applied to Diffused Surface Water and the Resulting Depletion of Aquifers, 9 Albany L. Envtl. Outlook J. 1 (2004).

Rhode Island Needs a Bottle Recycling Bill, 24 R.I. L. Wkly. 390 (Nov. 24, 2003).

Coalbed Methane: Degasification, Not Ventilation, Should Be Required, 2 Appalachian J.L. 25 (Spring 2003).

Elimination of the Depletion Deduction for Fossil Fuels, 26 Seattle U. L. Rev. 197 (2002).

The Appalachian School of Law: Tried but Still True, 32 Stetson L. Rev. 159 (2002).

You May Still Be Liable, Bristol Herald Courier 7A (Oct. 27, 2002).

Out of the Black Hole; Reclaiming the Crown of King Coal, 51 Am. U. L. Rev. 905 (Spring 2002).

The Failure of the Federal Courts to Support Virginia's Reluctance to Pierce the Corporate Veil, 5 J. Small & Emerging Bus. L. 203 (2001).

Piercing the Corporate Veil: Investors Beware, 45 Boston B.J. 10 (Sept./Oct. 2001).

Ethical Billing Practices, 16 Paralegal Rev. (Middle Tenn. Paralegal Assn.) 14 (Aug. 2001).

Unauthorized Practice of Law, 16:6 Paralegal Rev. 11 (June 2001).

Insider Trading, 26 Facts & Findings, J. Leg. Assts. (Natl. Assn. of Leg. Assistants, Inc.) 23 (May 2000) (reprinted in 16:5 Paralegal Rev. 12 (May 2001)).

When Ethical Conduct Seems Unfair, 26 Facts & Findings, J. Leg. Assts. 34 (Nov. 1999) (reprinted in 16:4 Paralegal Rev. 13 (Apr. 2001)).

Investors Should Be Aware of Extent of Shareholder Liability, Boston Bus. J. 52 (Dec. 17, 2000).

Synthesis of Case Analogies, 14 Second Draft (newsltr. of Leg. Writing Inst.) 8 (May 2000).

An Attorney's Ethical Obligations Include Clear Writing, 72 N.Y. St. B.J. 1 (2000).

No Physical Harm, No Asylum: Denying a Safe Haven for Refugees, 5 Tex. Forum Civ. Liberties & Civ. Rights 81 (2000) (co-author Angela D. Atchue).

Consequences of Ineffective Writing, 8 Persps. 97 (Winter 2000).

Confidentiality for the New Millennium, 10 N.H. B. News 17 (Dec. 1, 1999) (reprinted in 2:1 Sec. Rev. (Mass. B. Assn.) 45 (Dec. 1999) (co-author Philip Kaplan).

When Ethical Conduct Is Unfair, 27 Mass. Law. Wkly. 2897 (Aug. 30, 1999).

Negotiations for Paralegals, 26 Facts & Findings, J. Leg. Assistants 44 (Aug. 1999).

Protecting Intellectual Property Rights, 26 Facts & Findings, J. Leg. Assistants 12 (Feb. 1999).

The Art and Ethics of Negotiation, 27 Mass. Law. Wkly. 711 (Dec. 7, 1998).

Corporations and Other Business Organizations, in *Massachusetts Paralegal Practice Manual* (MCLE 1997) (reprinted in *The Best of MCLE* (MCLE 1997) (co-author Joan Flores).

Intellectual Property, in *Massachusetts Paralegal Practice Manual* (MCLE 1997) (co-author Joan Flores) (reprinted in *The Best of MCLE* (MCLE 1997)).

New Hampshire's Business Profits Tax: The Retreat from Worldwide to Water's Edge Unitary, 6:2 Interstate Tax Rpt. (1986); 29:2 N.H. B.J. (Winter 1988).

DeJarnatt, Susan L.

The Philadelphia Story: The Rhetoric of School Reform, 72 UMKC L. Rev. 949 (2004).

Law Talk: Speaking, Writing, and Entering the Discourse of Law, 40 Duq. L. Rev. 489 (2002).

Teaching Analysis, 14 Second Draft (newsltr. of Leg. Writing Inst.) 9 (May 2000).

In Re MacCrate: Using Consumer Bankruptcy as a Context for Learning in Advanced Legal Writing, 50 J. Leg. Educ. 50 (2000).

Once Is Not Enough: Preserving Consumers' Rights to Bankruptcy Protection, 74 Ind. L.J. 455 (1999).

Dernbach, John C.

Achieving Sustainable Development: The Centrality and Multiple Facets of Integrated Decisionmaking, 10 Ind. J. Global Leg. Stud. 247 (2003).

Toward a National Sustainable Development Strategy, 10 Buff. Envtl. L.J. 69 (2003).

Sustainable Versus Unsustainable Propositions, 53 Case W. Res. L. Rev. 449 (2002).

Moving the Climate Change Debate from Models to Proposed Legislation: Lessons from State Experience, 30 Envtl. L. Rep. 10933 (Nov. 2000).

A Practical Guide to Legal Writing and Legal Method (2d ed., William S. Hein & Co. 1998) (co-authors Richard V. Singleton II, Cathleen S. Wharton, and J. Ruhtenberg).

U.S. Adherence to Its Agenda, 21 Commitments: A Five-Year Review, 27 Envtl. L. Rep. 10504 (Oct. 1997).

Dickerson, A. Darby

Brown v. Board of Education: *The Legacy Continues, the Struggle Continues*, 34 Stetson L. Rev. 283 (2005) (co-author Robert D. Bickel).

Cyberbullies on Campus, 37 U. Tol. L. Rev. 51 (2005).

Deflating the Risks of Inflatables, NASPA Leadership Exch. 22 (Dec. 2005) (co-author Peter F. Lake).

Advancing Environmental Education through Moot Court, 1 Indian J. Envtl. & Consumerism 63 (July–Dec. 2005) (co-author Royal C. Gardner).

Motion Potion: Tips for Magical Briefs, 16 Prac. Law. 7 (May 2005).

The Dean of Hurricanes: Lessons in Crisis Management, NNLSO (Natl. Network of L. Sch. Officers) J. 1 (Oct. 2004).

Too Busy to Vote? AAA Going Places 44 (Sept.–Oct. 2004).

Lessons in Leadership, 33 Stetson L. Rev. 29 (2003) (tribute to Dean W. Gary Vause).

Staff Matter(s), 35 U. Tol. L. Rev. 199 (2003).

Essential ALWD Materials for Law Journal Editors (Aspen 2003 (CD-ROM) & 2006 (web-based)).

Host Transition Guide (Natl. Conf. of L. Revs. 2001).

Speed Cite for the ALWD Citation Manual (Aspen L. & Bus. 2001).

ALWD Citation Manual: A Professional System of Citation (Aspen 2000, 2d ed. 2003, 3d ed. 2006) (with Teacher's Manual).

Citation Frustrations—And Solutions, 30 Stetson L. Rev. 477 (2000).

In re Moot Court, 29 Stetson L. Rev. 1217 (2000).

Professionalizing Legal Citation: The ALWD Citation Manual, 47 Fed. Law. 20 (Dec. 2000).

CALI Lesson for the ALWD Citation Manual, www.cali.org (Sept. 2000) (online and CD-Rom) (revised in 2003 for the second edition).

Scheduling Depositions: What Is Reasonable Notice? ABA Sec. of Litig. (Pretrial Discovery Newsltr.) (Fall 1999).

It's Time for a New Citation System, Scrivener 2 (Summer 1999).

Make Your Points with Power, 13 Second Draft (newsltr. of Leg. Writing Inst.) 9 (May 1999).

Book Review, 26 Fla. St. U. L. Rev. 1177 (1999) (reviewing Suzanne E. Rowe et al., *Florida Legal Research: Sources, Process, and Analysis* (Carolina Academic Press 1998)).

Credibility Is Key: Ethics and Appellate Briefwriting, in *Stetson Appellate Advocacy CLE* (1998).

Deposition Dilemmas: Vexatious Scheduling and Errata Sheet Changes, 12 Geo. J. Leg. Ethics 1 (1998).

Ethics on the Web: An Annotated Bibliography of Legal Ethics Material on the Internet, 28 Stetson L. Rev. 369 (1998).

The Law and Ethics of Civil Depositions, 58 Md. L. Rev. 273 (1998).

It's Time for a New Citation System, Scrivener (publication of Scribes) 2 (Summer 1998).

Less Is More: Using the Delete Key to Streamline Legal Writing, 85 Ill. B.J. 185 (1997).

Oral Reports to Supervisors, 12 Second Draft (newsltr. of Leg. Writing Inst.) 13 (Nov. 1997).

Context Is Key, 11 Second Draft (newsltr. of Leg. Writing Inst.) 6 (May 1997).

See*ing Blue: Ten Notable Changes in the New* Bluebook, 6 Scribes J. Leg. Writing 75 (1996–1997).

Writing Opposing Counsel, 84 Ill. B.J. 527 (1996).

Curtailing Civil RICO's Long Reach: Establishing New Boundaries for Venue and Personal Jurisdiction under 18 U.S.C. 1965, 75 Neb. L. Rev. 476 (1996).

An Un-Uniform System of Citation: Surviving with the New Bluebook, 26 Stetson L. Rev. 53 (1996).

The Deposition Difference: A Question and Answer Session on the Effects of the 1993 Amendments, ABA/YLD Litig. Comm. Newsltr. 1 (Winter 1995).

Preparing for Your Deposition: A Guide for Witnesses (ABA/YLD Litig. Comm. 1994).

Service Game: Step-by-Step Guide to Amended Rule 4(d), ABA/YLD Litig. Comm. Newsltr. 4 (Fall 1994).

Public Image of Lawyers, 57 Tex. B.J. 712 (1994) (co-author David Starnes).

Standing Issues Related to Franchise Associations, 12 Franchise L.J. 99 (Spring 1993) (co-author William B. Steele III).

A Gallery of Cartoons on Lawyers and Their Language, 3 Scribes J. Leg. Writing 123 (1992).

Contractual Jury Waivers: A Striking Idea, 39 Fed. B. News & J. 206 (Mar./Apr. 1992).

Literary Lottery, 3 Scribes J. Leg. Writing 152 (1992).

Local Affiliates Fight Illiteracy, 54 Tex. B.J. 365 (1991).

Mandatory Venue under Section 15.011 of the Texas Civil Practice and Remedies Code: Boundaries and Procedures, 54 Tex. B.J. 162 (1991) (co-author Stacey E. Jordan).

How Long Does It Take?: Making Partner in Texas, 53 Tex. B.J. 938 (1990) (co-author Cynthia L. Spanhel).

Wage Watch II: A Survey of Associate Salaries in Texas, 53 Tex. B.J. 466 (1990) (co-author Cynthia L. Spanhel).

Read These Words . . . Because Many Cannot, 53 Tex. B.J. 262 (1990).

Free Work Yields Priceless Results: Young Attorneys' Involvement in Pro Bono Activities, 52 Tex. B.J. 1277 (1989).

What's Special about Specialization? 52 Tex. B.J. 951 (1989).

Wage Watch: A Survey of Starting Salaries in Texas, 52 Tex. B.J. 579 (1989).

Best Interest on the Move: Standards for Custodial Removal of Children from Tennessee, 18 Memphis St. U. L. Rev. 399 (1988) (co-author W. David Stalnaker).

Remedies for Wrongful Removal of Child from the Jurisdiction by the Custodian, 2 Tenn. Fam. L. Ltr. 9 (July 1988) (co-author W. David Stalnaker).

Student Author, *Bailor Beware: Limitations and Exclusions of Liability in Commercial Bailments*, 41 Vand. L. Rev. 129 (1988).

Dickhute, Nancy Lawler

Jury Duty for the Blind in the Time of Reasonable Accommodations: The ADA's Interface with a Litigant's Right to a Fair Trial, 32 Creighton L. Rev. 849 (1999).

Dimitri, James D.

Reusing Writing Assignments, 12 Persps. 27 (Fall 2003).

Donahoe. Diana R.

Analyzing the Writer's Analysis: Will It Be Clear to the Reader? 72 N.Y. B.J. (Mar./Apr. 2000).

Teachinglaw.com: Bridging the Digital Divide between Law Professor and Law Student, 5 Va. J.L. & Tech. 13 (2000).

"Could Have," "Would Have:" What the Supreme Court Should Have Decided in Whren v. United States, 34 Am. Crim. L. Rev. 1193 (1997).

Fair Cross-Section Challenges in Maryland: An Analysis and Proposal, 25 U. Balt. L. Rev. 127 (1996) (co-authors John M. Copacino and Richard Seltzer).

Drew, Melinda

The Nurse's Role in Supporting Patients' Treatment Decisions, 2:4 J. Nursing L. (1996) (co-author Virginia Fleming).

Basic Law for the Allied Health Professions (Jones & Bartlett 1994) (co-author Michael Cowdrey).

So You Think Your Job Is Secure? Maybe, Maybe Not, 1:4 J. Nursing L. (1994) (co-author Virginia Fleming).

Dunnewold, Mary

Legal Writing Status Issues at Hamline University, AAUP News (newsltr. of Hamline Ch. of Am. Assn. of U. Prof.) (Apr. 2004).

Teaching Atypical Students, 18 Second Draft (newsltr. of Leg. Writing Inst.) 1 (Dec. 2003).

A Tale of Two Issues: "Applying Law to Facts" Versus "Deciding What the Rule Should Be", 11 Persps. 12 (Fall 2002).

How Many Cases Do I Need? 10 Persps. 10 (Fall 2001).

Common First-Year Student Writing Errors, 9 Persps. 14 (Fall 2000).

Why Lawyers Write Like Lawyers, Hamline Mag. (Winter 1999).

Establishing and Maintaining Good Working Relationships with 1L Writing Students, 8 Persps. 4 (Fall 1999).

Special Issue, Legal Research and Writing: A HUSL Specialty, Hamline U. Sch. of L. Advoc. 10 (1998).

"Feed-Forward" Tutorials, Not "Feedback" Reviews, 6 Persps. 105 (Fall 1998).

Reminding First-Year Law Students Not to Abandon Creativity, 12 Second Draft (newsltr. of Leg. Writing Inst.) 19 (Nov. 1997).

Durako, Jo Anne

Syllabus Bank, in *Teaching the Law School Curriculum* 262 (Steven Friedland & Gerald F. Hess eds., Carolina Academic Press 2004).

Dismantling Hierarchies: Occupational Segregation of Legal Writing Faculty in Law Schools: Separate and Equal, 73 UMKC L. Rev. 253 (2004).

Better Writing, Better Thinking: Introduction, 10 Leg. Writing 3 (2004).

A Critical Look at the Ivory Tower Panel: A Woman's Place: Employment Patterns in Legal Writing, 6 Employee Rights & Empl. Policy J. 129 (2002).

2000 Survey Results, Association of Legal Writing Directors/Legal Writing Institute, 7 Leg. Writing 155 (2001).

1999 Survey Results, Association of Legal Writing Directors/Legal Writing Institute, 6 Leg. Writing 123 (2000).

Second-Class Citizens in the Pink Ghetto: Gender Bias in Legal Writing, 50 J. Leg. Educ. 562 (2000).

A Snapshot of Legal Writing Programs at the Millennium, 6 Leg. Writing 95 (2000).

Stop the Presses: Gender-Based Differences Discovered in Legal Writing Programs, 7 Scribes J. Leg. Writing 85 (2000).

Stop the Presses: Gender Differences Discovered, 2000 Vill. Women's L.F. 090802 (available at http://vls.villanova.edu/publications/ womenslawforum/articles.htm).

Peer Editing: It's Worth the Effort, 7 Persps. 73 (Winter 1999) (reprinted in Best of Persps. 52 (West Group 2001)).

Survey Results of ALWD/LWI National Survey of Legal Writing Programs, www.alwd.org/alwdResources/surveys/surveyNDX.htm (for years 1999–2001).

High Tech, Low Tech, Right Tech, 13 Second Draft (newsltr. of Leg. Writing Inst.) 3 (May 1999).

Ending with a Bang: How to Get the Most Out of Oral Argument Debriefing, 12 Second Draft (newsltr. of Leg. Writing Inst.) 14 (Nov. 1997).

Building Confidence and Competence in Legal Research: Step By Step, 5 Persps. 87 (Spring 1997) (reprinted in Best of Persps. (West Group 2001)).

From Product to Process: Evolution of a Legal Writing Program, 58 U. Pitt. L. Rev. 719 (1997) (co-authors Kathryn M. Stanchi et al.).

Evolution of IRAC: A Useful First Step, 10 Second Draft (newsltr. of Leg. Writing Inst.) 6 (Nov. 1995).

DuVivier, K.K.

State Ballot Initiatives in the Federal Preemption Equation: A Medical Marijuana Case Study, 40 Wake Forest L. Rev. 221 (2005).

Lawmanac—Another Tool for the Shed or Your Computer Desktop, 32 Colo. Law. 69 (July 2003).

Nothing New under the Sun—Plagiarism in Practice, 32 Colo. Law. 53 (May 2003).

White Space—The Sequel, 32 Colo. Law. 51 (Mar. 2003).

Questions from Readers: Redbook Responses—Part II, 32 Colo. Law. 35 (Jan. 2003).

Questions from Readers: Redbook Responses—Part I, 31 Colo. Law. 53 (Nov. 2002).

You Can Judge a Book by Its Cover: The Redbook, 31 Colo. Law. 51 (Sept. 2002).

Nit-Picking or Significant Contract Choices?—Part III, 31 Colo. Law. 95 (July 2002).

Nit-Picking or Significant Contract Choices?—Part II, 31 Colo. Law. 57 (June 2002).

Nit-Picking or Significant Contract Choices?—Part I, 31 Colo. Law. 43 (Mar. 2002).

The Aikido Technique for Rebutting Opposing Authority, 31 Colo. Law. 65 (Jan. 2002).

Play It Again, Sam: Repetition—Part II, 30 Colo. Law. 49 (Nov. 2001).

Play It Again, Sam: Repetition—Part I, 30 Colo. Law. 65 (Sept. 2001).

Cross-References, as Stated Above, 30 Colo. Law. 87 (July 2001).

Footnote Citations? 30 Colo. Law. 47 (May 2001).

Writing Help at Your Fingertips—Readability Scale, 30 Colo. Law. 39 (Mar. 2001).

Are Some Words Better Left Unpublished?: Precedent and the Role of Unpublished Decisions, 3 J. App. Prac. & Process 397 (2001).

Parallel Citations—Past and Present, 30 Colo. Law. 25 (Jan. 2001).

A New Bluebook, 29 Colo. Law. 51 (Nov. 2000).

String Citations—Part II, 29 Colo. Law. 67 (Sept. 2000).

String Citations—Part I, 29 Colo. Law. 83 (July 2000).

Think Globally, Act Locally: The Role of State and Local Ballot Initiatives in International Environmental Law, 2000 Colo. J. Intl. Envtl. L. & Policy 25.

Legal Citations for the Twenty-First Century, 29 Colo. Law. 45 (May 2000).

Pesky Citations, 29 Colo. Law. 33 (Mar. 2000).

Details, Details: Questions from Readers, 29 Colo. Law. 29 (Jan. 2000).

Neuro-Linguistic Programming and Writing: A New Era of Communication—Part II, 28 Colo. Law. 28 (Nov. 1999).

Neuro-Linguistic Programming and Writing: A New Era of Communication—Part I, 28 Colo. Law. 45 (Sept. 1999).

Mooring Modifiers, 28 Colo. Law. 63 (Jul. 1999).

Further Saith Naught, 28 Colo. Law. 41 (May 1999).

Common Words with Uncommon Meanings, 28 Colo. Law. 47 (Mar. 1999).

Colorado Appellate Handbook (Janice B. Davidson, Jr. ed., 3d ed., CLE Colo., Inc. 1999) (participated as an author in the revisions).

The Blackletter Law of Form, 28 Colo. Law. 31 (Jan. 1999).

Plain English Part VI: Negatives or the Power of Positives, 27 Colo. Law. 35 (Nov. 1998).

Plain English Part V: Go Aggro over Argot, 27 Colo. Law. 61 (Sept. 1998).

Plain English Part IV: Keep It Straight, Tabulate, 27 Colo. Law. 67 (July 1998).

Plain English Part III: Choosing the Right Words, 27 Colo. Law. 31 (May 1998).

Plain English Part II: Shorter Sentences and Lighter Luggage, 27 Colo. Law. 27 (Mar. 1998).

Plain English Part I: Secrets from the SEC, 27 Colo. Law. 35 (Jan. 1998).

Right Writing or Rite Riting? 26 Colo. Law. 61 (Nov. 1997).

The Volley of Canons, 26 Colo. Law. 59 (Sept. 1997).

Not Selected for Official Publication, 26 Colo. Law. 79 (July 1997).

The Footnote: An Interruption, 26 Colo. Law. 47 (May 1997).

Readers Speak Out, 26 Colo. Law. 45 (Mar. 1997).

Nothing So Destructive as Habit, 26 Colo. Law. 41 (Jan. 1997).

Professional Courtesy, 25 Colo. Law. 55 (Nov. 1996).

Pronoun References: Part II—A Case for Pronouns, 25 Colo. Law. 29 (Sept. 1996).

Pronoun References: Part I—When No Substitute Will Do, 25 Colo. Law. 29 (July 1996).

Grammar and Style Check Programs: Machine v. Man, 25 Colo. Law. 27 (May 1996).

The Dash—"A Hasty Stroke of the Pen", 25 Colo. Law. 31 (Mar. 1996).

The Apostrophe: Reports of Its Death Are Greatly Exaggerated, 25 Colo. Law. 17 (Jan. 1996).

The Common Comma: Part II, 24 Colo. Law. 2545 (Nov. 1995).

The Common Comma: Part I, 24 Colo. Law. 2151 (Sept. 1995).

The Period and Its Pals, 24 Colo. Law. 1737 (July 1995).

A Wise Passiveness, 24 Colo. Law. 1027 (May 1995).

Problems with the Passive Voice, 24 Colo. Law. 545 (Mar. 1995).

By Going Wrong All Things Come Right: Using Alternative Initiatives to Improve Citizen Lawmaking, 63 U. Cin. L. Rev. 1185 (1995).

Proper Words in Proper Places, 24 Colo. Law. 27 (Jan. 1995).

Gratifying Rules of Grammar, 23 Colo. Law. 2516 (Nov. 1994).

A Thousand Probabilities, 23 Colo. Law. 2082 (Sept. 1994).

The Lady Doth Protest Too Much, Methinks! 23 Colo. Law. 1511 (July 1994).

A False Economy, 23 Colo. Law. 1061 (May 1994).

Cease and Desist, 23 Colo. Law. 555 (Mar. 1994).

Are You Practicing an Uninformed System of Citation? 23 Colo. Law. 27 (Jan. 1994).

Power Verbs, 22 Colo. Law. 2369 (Nov. 1993).

Quotations Part II: Block Quotes, 22 Colo. Law. 1887 (Sept. 1993).

Quotations Part I: Fundamentals, 22 Colo. Law. 1439 (July 1993).

Letters from Readers, 22 Colo. Law. 947 (May 1993).

We All Lose with Constitutional Amendment by Initiative, Advoc. 3 (May 1993).

Misguided Metaphors, 22 Colo. Law. 507 (Mar. 1993).

Road Maps, 22 Colo. Law. 25 (Jan. 1993).

Gender Neutral II, 21 Colo. Law. 2373 (Nov. 1992).

Gender Neutral, 21 Colo. Law. 1873 (Sept. 1992).

Procrastination, 21 Colo. Law. 1391 (July 1992).

Be Plain, 21 Colo. Law. 909 (May 1992).

White Space, 21 Colo. Law. 441 (Mar. 1992).

Judges' Pet Peeves II, 21 Colo. Law. 27 (Jan. 1992).

Judges' Pet Peeves I, 20 Colo. Law. 2257 (Nov. 1991).

Getting Organized: Part II, 20 Colo. Law. 1809 (Sept. 1991).

Getting Organized: Part I, 20 Colo. Law. 1399 (July 1991).

Attorney Fees as Superfund Response Costs, Nat. Resources & Env. 34 (Summer 1991) (co-author Carolyn L. Buchholz).

Bold Beginnings, 20 Colo. Law. 919 (May 1991).

Slide Rules, Telegrams and Legal Writing, 20 Colo. Law. 485 (Mar. 1991).

Easton, Eric B.

Who Owns the "First, Rough Draft of History"? Reconsidering Copyright in News, 27 Colum. J.L. & Arts 521 (2004).

Public Importance: Balancing Proprietary Interests and the Right to Know, 21 Cardozo Arts & Ent. L.J. 139 (2003).

The Right to Know in American Jurisprudence, 1 Const. & Admin. L.J. 140 (2002) (publication of Shandong University Law School, Jinan, China).

Annotating the News: Mitigating the Effects of Media Convergence and Consolidation, 23 UALR 143 (2000).

Incorporating Law Practice Experience in a Chinese-American Academic Exchange, in *International Law School Dean's Conference on Legal Education for the 21st Century* 387 (English), 396 (Chinese) (1999) (book chapter).

The First Amendment in Cyberspace, in *Learning Cyberlaw, in Cyberspace* (Lydia Loren ed. 1999) (online).

Values, Borders and the Internet—A Case Study (English), in Communication and Culture: China and the World Entering the 21st Century 225 (D. Ray Heisey & Wenxiang Gong eds. 1998) (book chapter).

Sovereign Indignity? Values, Borders and the Internet: A Case Study, 21 Seattle U. L. Rev. 441 (1998).

Journalism Ethics and the Internet: Ethical Implications of Online Defiance of a Canadian Publication Ban, 7:3 Elec. J. of Commun./La Revue Electronique de Communication (1997) (online).

Values, Borders and the Internet—A Case Study (Chinese), 4 Journalism & Commun. (Chinese Acad. of Soc. Sci., Inst. of Journalism) 16 (1997).

Introduction to Protecting Intellectual Property Rights through Civil Litigation: A Symposium, 5 U. Balt. Intell. Prop. L.J. 1 (1997).

Two Wrongs Mock a Right: Overcoming the Cohen *Maledicta That Bar First Amendment Protection for Newsgathering*, 58 Ohio St. L.J. 1135 (1997).

Closing the Barn Door After the Genie Is Out of the Bag: Recognizing a "Futility Principle" in First Amendment Jurisprudence, 45 DePaul L. Rev. 1 (1995).

Survey of Developments in Maryland Law, 1986–1987: Constitutional Law, 47 Md. L. Rev. 758 (1988) (collaborative).

United States v. Harvey*: Are Criminal Defense Fees More Vulnerable Than Necessary?* 47 Md. L. Rev. 322 (1987).

Edelman, Diane Penneys

It Began in Brooklyn: Expanding Boundaries for First-Year Law Students by Internationalizing the Legal Writing Curriculum, 27 Brook. J. Intl. L. 415 (2002).

Book Review, 44 Clarity 34 (Dec. 1999) (reviewing Mark E. Wojcik, *Introduction to Legal English: An Introduction to Legal Terminology, Reasoning, and Writing in Plain English* (Intl. L. Inst. 1998)).

Book Review, 13 Second Draft (newsltr. of Leg. Writing Inst.) 10 (Nov. 1998) (reviewing Robin S. Wellford, *Legal Analysis and Writing* (LexisNexis 1997)).

How They Write: Our Students' Reflections on Writing, 6 Persps. 24 (Fall 1997).

From Product to Process: Evolution of Legal Writing Program, 58 U. Pitt. L. Rev. 719 (1997) (co-authors Kathryn M. Stanchi, Jo Anne Durako, Brett M. Amdur, Lorray S.C. Brown, and Rebecca L. Connelly).

Opening Our Doors to the World: Introducing International Law in Legal Writing and Legal Research Courses, 5 Persps. 1 (Fall 1996).

Edwards, John D.

Iowa Legal Research Guide (John D. Edwards ed., William S. Hein & Co. 2003).

Emerging Solutions in Reference Services: Implications for Libraries in the New Millennium (John D. Edwards ed., Haworth Press 2001).

Planning and Constructing Law School Buildings: Ten Basic Guidelines, 90 L. Lib. J. 423 (1998).

Teaching Legal Research: Evaluating Options, in *Expert Views on Improving the Quality of Legal Research Education in the United States* (West 1992).

Elder Law, 3 Bowker's Leg. Publg. Rev. 297 (1991).

LEXIS and WESTLAW Training Centers: Law School Opportunities, 80 L. Lib. J. 457 (1988).

Book Losses and Mutilation in Law School Libraries, 78 L. Lib. J. 443 (1986).

A Staff Exchange Program: Mid-America's Experience, 76 L. Lib. J. 402 (1983).

LEXIS and WESTLAW Instruction in the Law School, 76 L. Lib. J. 605 (1983).

Affirmative Action in Special Libraries and Information Centers, in *Librarians' Affirmative Action Handbook* (Scarecrow 1982) (co-author Laura Gasaway).

Edwards, Linda H.

Legal Writing and Analysis (Aspen L. & Bus. 2003).

Suggestions for New Scholars, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 3 (Fall 2002).

A Chance to Teach Analytical Skills Intentionally and Systematically, 16 Second Draft (newsltr. of Leg. Writing Inst.) 1 (May 2002).

Joining the Club: Strategies for Inclusion, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 1 (Spring 2002).

Estates in Land and Future Interests: A Step-by-Step Guide (Aspen L. & Bus. 2002).

Tribute to Mary Lawrence, 7 Leg. Writing xiii (2001).

Certificate Program in Advanced Legal Writing: Mercer's Advanced Writing Curriculum, 9 Persps. 116 (Spring 2001).

The Process and the Product: A Bibliography of Scholarship about Legal Scholarship, 49 Mercer L. Rev. 741 (1998) (co-author Mary Beth Beazley).

Message from the Chair, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 1 (Fall 1996).

Message from the Chair, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 1 (Spring 1996).

Legal Writing: Process, Analysis and Investigation (Little, Brown & Co. 1996; 2d ed. 1999; 3d ed. 2002).

The Convergence of Analogical and Dialectic Imagination in Legal Discourse, 20 Leg. Stud. Forum 7 (1996).

IRAC Format Accomplishes the Limited Purpose It Is Designed to Achieve, 10 Second Draft (newsltr. of Leg. Writing Inst.) 7 (Nov. 1995).

Teaching Legal Analysis, 2 Persps. 52 (Winter 1994) (co-author Paula Lustbader).

1993 Section Program: Teaching Legal Analysis, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 2 (Spring 1993) (co-author Paula Lustbader).

Honoring the Law in Communities of Force: Terrell and Wildman's Teleology of Practice, 41 Emory L.J. 489 (1992) (co-author Jack Lee Sammons, Jr.).

Civil Rights in Employment: The New Generation, 67 Den. U. L. Rev. 1 (1990).

Book Review, 1 Bowker's Leg. Publg. Preview 14 (Mar. 1989) (reviewing Lee Modjeska, *Employment Discrimination Law* (Clark Boardman Callaghan 1993)).

Atonio v. Wards Cove Packing Co.*, Preview of U.S. Sup. Ct. Cases* (Feb. 9, 1989).

The Use of Statistics to Prove Discrimination under Title VII, ABA Preview 250 (1989).

Watson v. Ft. Worth Bank and Trust*: The Changing Face of Disparate Impact*, 66 Den. U. L. Rev. 179 (1989).

A Comparison of Recent Publications in the Area of Wrongful Discharge, 29 Advoc. 19 (May 1986) (co-author Candace Dale).

Disciplinary Summary, 24 Advoc. 2 (Feb. 1981).

A Profile of the Grieved Lawyer, 23 Advoc. 2 (Nov. 1980).

When and How to Call in a Specialist, 23 Advoc. 2 (Oct. 1980).

Interest on Late Accounts, 23 Advoc. 2 (Sept. 1980).

Startling Lawyer Malpractice Verdict Upheld in Minnesota, 23 Advoc. 2 (Aug 1980).

Lawyer's Ethics: Far Reaching Changes Proposed, 23 Advoc. 3 (July 1980).

Take This Job and Shove It: or How to Ethically Withdraw from a Case, 23 Advoc. 3 (June 1980).

Advertising Pitfalls—How to Avoid Them, 23 Advoc. 3 (May 1980).

Disciplinary Summary for 1979, 23 Advoc. 2 (Apr. 1980).

Confirming Letters—Cheap Insurance, 23 Advoc. 9 (Mar. 1980).

More CLE Tidbits, 23 Advoc. 2 (Jan. 1980).

Procedure for Ethics Inquiries, 22 Advoc. 2 (Nov. 1979).

Fee Agreements Prevent Disputes, 22 Advoc. 1 (Oct. 1979).

Bar Encourages Use of Fee Dispute Arbitration, 22 Advoc. 1 (Sept. 1979).

Ehrenberg, Suzanne

Embracing the Writing-Centered Legal Process, 89 Iowa L. Rev. 1159 (2004).

Legal Writing Unplugged: Evaluating the Role of Computer Technology in Legal Writing Pedagogy, 4 Leg. Writing 1 (1998).

Eichhorn, Lisa

The Chevron *Two-Step and the* Toyota *Sidestep: Dancing around the EEOC's "Disability" Regulations under the ADA*, 39 Wake Forest L. Rev. 177 (2004).

Hostile Environment Actions, Title VII, and the ADA: The Limits of the Copy-and-Paste Function, 77 Wash. L. Rev. 575 (2002).

The Legal Writing Relay: Preparing Supervising Attorneys to Pick Up the Pedagogical Baton, 5 Leg. Writing 143 (1999).

Major Litigation Activities Regarding Major Life Activities: The Failure of the "Disability" Definition in the Americans with Disabilities Act of 1990, 77 N.C. L. Rev. 1405 (1999).

Applying the ADA to Mitigating Measures Cases: A Choice of Statutory Evils, 31 Ariz. St. L.J. 1071 (1999).

Writing in the Legal Academy: A Dangerous Supplement? 40 Ariz. L. Rev. 105 (1998).

Reasonable Accommodations and Awkward Compromises: Issues Concerning Learning Disabled Students and Professionals Schools in the Law School Context, 26 J.L. & Educ. 31 (1997).

Student Author, *Social Science Findings and the Jury's Ability to Disregard Evidence under the Federal Rules of Evidence*, 52 L. & Contemp. Probs. 341 (1989).

Enquist, Anne

Teaching Students to Make Explicit Factual Comparisons, 12 Persps. 147 (Spring 2004).

The Semicolon's Undeserved Mystique, 12 Persps. 105 (Winter 2004).

Should I Teach My Students Not to Write in Passive Voice? 12 Persps. 35 (Fall 2003).

(Un)Examined Assumptions and (Un)Intended Messages: Teaching Students to Recognize Bias in Legal Analysis and Language, 27 Seattle U. L. Rev. 1 (2003) (co-author Lorraine Bannai).

Just Briefs (Aspen Publishers 2003) (co-author Laurel Currie Oates).

Just Memos (Aspen Publishers 2003) (co-author Laurel Currie Oates).

The Legal Writing Handbook: Research, Analysis, and Writing (3d ed., Aspen L. & Bus. 2002) (co-authors Laurel Currie Oates and Kelly Kunsch).

Substantive v. Technical Editing: How Law Review Editors Do Their Job, 30 Stetson L. Rev. 451 (2001).

Just Writing: Grammar, Punctuation, and Style for the Legal Writer (Aspen L. & Bus. 2001) (co-author Laurel Currie Oates).

Sailing through Designing Memo Assignments, 5 Leg. Writing 193 (1999) (co-authors Lorraine Bannai, Judith Maier, and Susan McClellan).

A History of Writing Advisors at Law Schools: Looking at Our Past, Looking at Our Future, 5 Leg. Writing 55 (1999) (co-author Jessie Grearson).

Critiquing and Evaluating Law Students' Writing: Advice from Thirty-Five Experts, 22 Seattle U. L. Rev. 1119 (1999).

Critiquing Law Students' Writing: What the Students Say Is Effective, 2 Leg. Writing 145 (1996).

Does It Pay to Teach Part-Time? Wash. English J. (Spring 1984) (co-author Gloria Campbell).

After-the-Fact Outlines: An Old Idea Put to a New Use, Wash. English J. (Winter 1984).

Teaching Composition: A Bibliographical Essay, Wash. English J. (Fall 1978).

Epstein, David M.

New York Evidence: 2004 Courtroom Manual (Anderson Publg. Co. 2004) (co-author Glen Weissenberger).

Eckstrom's Licensing in Foreign and Domestic Operations (West 2003).

Fairman, Christopher M.

Ethics and Collaborative Lawyering: Why Put Old Hats on New Heads? 18 Ohio St. J. on Disp. Res. 505 (2003).

Fajans, Elizabeth

Writing for Law Practice (Found. Press 2004) (co-authors Mary R. Falk and Helene S. Shapo).

Shooting from the Lip: United States v. Dickerson*, Role [Im]morality, and the Ethics of Legal Rhetoric*, 23 U. Haw. L. Rev. 1 (2000) (co-author Mary R. Falk).

Scholarly Writing for Law Students: Seminar Papers, Law Review Notes, and Law Review Competition Papers (2d ed., West 2000) (co-author Mary R. Falk).

Writing and Analysis in the Law (4th ed., Found. Press 1999) (co-authors Helene Shapo and Marilyn Walter).

Linguistics and the Composition of Legal Documents: Border Crossings, 22 Leg. Stud. Forum 697 (1998) (co-author Mary R. Falk).

Double Talk and Twisted Thought: Reflections on Incoherence, 11 Second Draft (newsltr. of Leg. Writing Inst.) 9 (May 1997).

Comments Worth Making: Supervising Scholarly Writing in Law School, 46 J. Leg. Educ. 342 (1996) (co-author Mary R. Falk).

Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers (West 1995) (co-author Mary R. Falk).

Writing and Analysis in the Law (3d ed., Found. Press 1995) (co-authors Helene Shapo and Marilyn R. Walter).

Against the Tyranny of Paraphrase: Talking Back to Texts, 78 Cornell L. Rev. 163 (1993) (co-author Mary R. Falk).

Writing and Analysis in the Law (2d ed., Found. Press 1991) (co-authors Helene Shapo and Marilyn R. Walter).

Writing and Analysis in the Law (Found. Press 1989) (co-authors Helene Shapo and Marilyn R. Walter).

Falk, Mary

Writing for Law Practice (Found. 2004) (co-authors Elizabeth Fajans and Helene Shapo).

Shooting from the Lip: United States v. Dickerson*, Role [Im]morality, and the Ethics of Legal Rhetoric*, 23 U. Haw. L. Rev. 1 (2000) (co-author Elizabeth Fajans).

Scholarly Writing for Law Students: Seminar Papers, Law Review Notes, and Law Review Competition Papers (2d ed., West 2000) (co-author Elizabeth Fajans).

Linguistics and the Composition of Legal Documents: Border Crossings, 22 Leg. Stud. Forum 697 (1998) (co-author Elizabeth Fajans).

Comments Worth Making: Supervising Scholarly Writing in Law School, 46 J. Leg. Educ. 342 (1996) (co-author Elizabeth Fajans).

Rights and Freedoms under the State Constitution, 13 Touro L. Rev. 59 (1996) (co-author Eve Cary).

Death-Defying Feats: State Constitutional Challenges to New York's Death Penalty, 4 J.L. & Policy 161 (1995) (co-author Eve Cary).

Scholarly Writing in Law School: Seminar Papers, Law Review Articles, Law Review Competition Papers (West 1995) (co-author Elizabeth Fajans).

People v. Scott *and* People v. Keta*: "Democracy Begins in Conversation"*, 58 Brook. L. Rev. 1279 (1993) (co-author Eve Cary).

Against the Tyranny of Paraphrase: Talking Back to Texts, 78 Cornell L. Rev. 163 (1993) (co-author Elizabeth Fajans).

Feak, Christine

An ESP Program for Students of Law, in *English for Specific Purposes* (Thomas Orr ed., TESOL 2002) (co-author Susan Reinhart).

Challenges and Issues in Developing an EAP Video Listening Placement Assessment: A View from One Program (2001) (co-author Julia Salehzadeh).

A Cognitive Modeling Approach to the Teaching of Critiques, in *Linking Literacies* (Diane Belcher & Alan Hirvela eds., U. Mich. Press 2001) (co-author Barbara Dobson).

Academic Communications and the Graduate Student, 1:1 Pedagogy 176 (2001) (co-author John Swales).

Reflections on Collaborative Practice in EAP Materials Production, in *Academic Writing in Context: Implications and Applications* (Martin Hewings ed., U. Birmingham Press 2001) (co-author John Swales).

A Preliminary Analysis of Law Review Notes, 19:3 English for Specific Purposes 197 (2000) (co-authors Susan Reinhart and Ann Sinsheimer).

English in Today's Research World: A Writing Guide (U. Mich. Press 2000) (co-author John Swales).

Japanese Version of Academic Writing for Graduate Students (Taishokan Shoten 1998) (co-author John Swales).

Academic Writing for Graduate Students: Commentary (U. Mich. Press 1998) (co-author John Swales).

Academic Writing for Graduate Student (6th ed., U. Mich. Press 1998).

Teaching Legal English, Am. Lang. Rev. 4 (May 1997).

Trouble with the Law? 6 ESP Newsltr. 1 (1997).

Building on the Impromptu: A Source-Based Academic Writing Assessment, 6 College ESL 73 (1996) (co-author Barbara Dobson).

From Information Transfer to Data Commentary, in *Discourse in the Classroom* 118–142 (Thomas Miller ed., USIA 1995) (co-author John M. Swales).

Academic Writing for Graduate Students: Commentary 117 (U. Mich. Press 1994).

Feeley, Kelly M.

Yes, You Will Really Use Algebra When You Grow Up: Providing Law Students with Proof That Legal Research and Writing Is Essential in the Real World, 10 Persps. 105 (Spring 2002) (co-author Stephanie A. Vaughan).

Fischer, Judith D.

Pleasing the Court: Writing Ethical and Effective Briefs (Carolina Academic Press 2005).

The Role of Ethics in Legal Writing: The Forensic Embroiderer, the Minimalist Wizard, and Other Stories, 9 Scribes J. Leg. Writing 77 (2004).

The Use and Effects of Student Ratings in Legal Writing Courses: A Plea for Holistic Evaluation of Teaching, 10 Leg. Writing 111 (2004).

Do the Write Thing (materials for Fam. Ct. Conf., Louisville, Ky. 2002) (co-authored).

Family Law Judges' Writing Seminar (materials for CLE presentation, Louisville, Ky. 2002) (co-authored).

Public Policy and the Tyranny of the Bottom Line in the Termination of Older Workers, 53 S.C. L. Rev. 211 (2002).

Commenting on Student Papers, 14 Second Draft (newsltr. of Leg. Writing Inst.) 13 (Nov. 1999).

Walling Claims In or Out: Misappropriation of Human Gametic Material and the Tort of Conversion, 8 Tex. J. Women & L. 143 (1999).

Misappropriation of Human Eggs and Embryos and the Tort of Conversion: A Relational View, 32 Loy. L.A. L. Rev. 381 (1999).

A Century in the Life of a Lawyer: Reflections, 36 Cal. W. L. Rev. 77 (1999) (co-author Joseph A. Ball).

Bias in the Profession (Dec. 1997) (materials for Continuing Educ. of B. presentation in Orange County, Cal. D.A.'s Off.).

Getting beyond Race in Assessing the O.J. Case, Orange Co. Reg. 6 (Feb. 11, 1997).

Bareheaded and Barefaced Counsel: Courts React to Unprofessionalism in Lawyers' Papers, 31 Suffolk U. L. Rev. 1 (1997).

Law School Is Often an Inhospitable Place for Women and Minority Students, 38 Orange Co. L. 6 (Oct. 1996).

Book Review, *Legal Ethics for Management and Their Counsel*, 38 Orange Co. L. 43 (June 1996).

Portia Unbound: The Effects of a Supportive Law School Environment on Women and Minority Students, 7 UCLA Women's L.J. 81 (1996).

Foul Is Fair: What Shakespeare Really Thought about Lawyers, 5 Scribes J. Leg. Writing 157 (1994–1995).

Dispelling the Dichotomy: The Practical Versus the Theoretical in the Law School Classroom, Cin. B. Assn. Bull. 10 (Sept. 1993).

Materials for Legal Writing Workshop (May 1993) (CLE presentation sponsored by the Cin. B. Assn.).

Hereby and Pursuant Are Not Terms of Art: The Law Schools and the Plain English Movement (Feb. 1993) (materials for CLE presentation to the Lawyers' Club of Cincinnati, Ohio).

Clear Legal Writing in Pleadings and Memoranda (Feb. 1992) (materials for CLE presentation to meeting of U.S. Bankr. Trustees for the Sixth Cir., Cincinnati, Ohio).

Sharp Practices Tarnish Reputation of the Bar, 24 Long Beach B. Assn. Bull. 2 (Apr. 1991).

Summary Judgment in Federal Court: Recent Ninth Circuit Developments after Celotex, 6 L.A. Co. B. Assn. Litig. Newsltr. 1 (Fall 1989).

Future Profits Damages: California Does Set Limits, 12 L.A. L. 34 (July–Aug. 1989) (co-author Joseph A. Ball).

Persuasive Writing: Wherefore the Hereinafters? 71 ABA. J. 118 (Dec. 1985).

Criminal Law in the Ninth Circuit, 13 Loy. L.A. L. Rev. 591 (1980) (co-authors Patricia Whelan Beaman et al.).

Flannery, Michael T.

Is Bird Nesting in the Best Interest of Children? 57 S.M.U. L. Rev. 101 (2004).

Affairs of the Heart, in *Courting the Yankees: Legal Essays on the Bronx Bombers* (Ettie Ward ed., Carolina Academic Press 2004) (reprinted in 10 Vill. Sports & Ent. L.J. 211 (2003)).

Philadelphia, in *From Blueprint to Bricks: A Survey of Current Baseball Stadium Financing Projects*, 34 Urban Law. 381 (2002).

First, Do No Harm: The Use of Covert Video Surveillance to Detect Munchausen Syndrome by Proxy—An Unethical Means of "Preventing" Child Abuse, 32 U. Mich. J.L. Reform 105 (1999).

Mandatory HIV Testing of Professional Boxers: An Unconstitutional Effort to Regulate a Sport That Needs to Be Regulated, 31 U. Cal. Davis L. Rev. 409 (1998) (co-author Raymond O'Brien).

Long-Term Care: Federal, State, and Private Options for the Future (Haworth Press, Inc. 1997) (co-author Raymond C. O'Brien).

The Pennsylvania Bar Institute Custody Law Update (1995–1996) (CLE materials).

Against All Odds: Representing Fathers in Custody Disputes, 31 Tr. 44 (Aug. 1995) (reprinted in 9 Minn. Fam. L.J. 49 (1995)).

Munchausen's Syndrome by Proxy: Broadening the Scope of Child Abuse, 28 U. Rich. L. Rev. 1175 (1994).

Norplant: The New Scarlet Letter? 8 J. Contemp. Health L. & Policy 201 (1992).

Court-Ordered Prenatal Intervention: The Final Means to the End of Gestational Substance Abuse, 30 J. Fam. L. 519 (1991–1992).

The Pending Gauntlet to Free Exercise: Mandating That Clergy Report Child Abuse, 25 Loy. L.A. L. Rev. 1 (1991) (co-author Raymond C. O'Brien).

Fowler, Linda

Legislative Survey: Family, 21 Campbell L. Rev. 377 (1999) (co-author Carey A. McAlister).

Friedman, Peter B.

The Class Listserv: Professor's Podium or Students' Forum? 8 Persps. 75 (Winter 2000).

Book Review, 2 J. App. Prac. & Process 219 (2000) (reviewing Bryan A. Garner, *The Winning Brief: 100 Tips for Persuasive Briefing in Trial and Appellate Courts* (Oxford U. Press 1999)).

Writing Effectively, in *Skills for Effective Management of Non-Profit Organizations* (Richard L. Edward, John A. Yankey & Mary A. Altpeter eds., NASW Press 1998) (co-author Mary Kay Kantz and Kathryn Mercer).

Frost, Michael

Rhetorical Question: What Would Aristotle Make of Scalia? 2 Leg. Affairs (Mag. of Yale L. Sch.) 26 (Nov./Dec. 2003).

Justice Scalia's Rhetoric of Dissent: A Greco-Roman Analysis of Scalia's Advocacy in the VMI Case, 91 Ky. L.J. 167 (2002–2003).

Introduction to Classical Legal Rhetoric: A Lost Heritage, 8 S. Cal. Interdisciplinary L.J. 613 (1999).

The Unseen Hand in Administrative Law Decisions: Organizing Principles for Findings of Fact and Conclusions of Law, 17 J. Natl. Assn. of Admin. L. Judges 151 (1997).

Greco-Roman Analysis of Metaphoric Reasoning, 2 Leg. Writing 113 (1996).

Ethos, Pathos & Legal Audience, 99 Dick. L. Rev. 85 (1994).

Greco-Roman Legal Analysis: The Topics of Invention, 66 St. John's L. Rev. 107 (1992).

Brief Rhetoric—A Note on Classical and Modern Theories of Forensic Discourse, 38 U. Kan. L. Rev. 411 (1990).

Issues of Audience in Legal Writing, 31 Proc. Am. Bus. Comm. Assn. 315 (1984).

Fruehwald, Scott

The Rehnquist Court and Horizontal Federalism: An Evaluation and a Proposal for Moderate Constitutional Constraints on Horizontal Federalism, 81 Den. U. L. Rev. 289 (2004).

Judge Weinstein on Personal Jurisdiction in Mass Tort Cases: A Critique, 70 Tenn. L. Rev. 1047 (2003).

The Principled and Unprincipled Grounds of the New Federalism: A Call for Detachment in the Constitutional Adjudication of Federalism, 53 Mercer L. Rev. 811 (2002).

Individual Justice in Mass Tort Litigation: Judge Jack B. Weinstein on Choice of Law in Mass Tort Cases, 31 Hofstra L. Rev 323 (2002).

Choice of Law for American Courts: A Multilateralist Method (Greenwood Press 2001).

Pragmatic Textualism and the Limits of Statutory Interpretation: Dale v. Boy Scouts of America, 35 Wake Forest L. Rev. 973 (2000).

If Men Were Angels: The New Judicial Activism in Theory and Practice, 83 Marq. L. Rev. 435 (1999).

Choice of Law and Same-Sex Marriage, 51 Fla. L. Rev. 799 (1999).

Choice of Law in Federal Courts: A Reevaluation, 37 Brandeis L.J. 21 (1998–1999).

Constitutional Constraints on State Choice of Law, 24 U. Dayton L. Rev. 39 (1998).

A Multilateralist Method of Choice of Law, 85 Ky. L.J. 347 (1997).

The Related to Subject Matter Jurisdiction of Bankruptcy Courts, 44 Drake L. Rev. 1 (1995).

The Parody Fair Use Defense after Campbell, 18 Colum.-VLA J.L. & Arts 103 (1993).

Jury Trials in Bankruptcy Court after Granfinanciera, 24 Cumb. L. Rev. 79 (1993).

Copyright Infringement of Musical Compositions: A Systematic Approach, 26 Akron L. Rev. 15 (1992).

Gallacher, Ian

Medical Monitoring in Drug and Medical Device Cases: Taking the Temperature of a New Theory, 68 Def. Counsel J. 163 (2001) (co-author Donald L. DeVries).

Representative Litigation in Maryland: The Past, Present and Future of the Class Action in Maryland State Courts, 58 Md. L. Rev. 1510 (1999).

The Medical Monitoring of Medical Devices: An Industry-Based Solution Is Best, 10 Loy. Consumer L. Rev. 239 (1998).

Hazardous Substance Litigation in Maryland: Theories of Recovery and Proof of Causation, 13 J. Contemp. Health L. & Policy 423 (1997).

Back to the Future? Product Liability Class Actions and Proposed Rule 23 Changes, 64 Def. Counsel J. 195 (1997) (co-authors Bruce R. Parker and Donald L. DeVries).

Is the Tide Turning on Medical Device Claims? Wash. Leg. Found. Newsltr. (reprinted in the following: Andrews Tobacco Indus. Litig.

Rptr., Andrews Diet Drug Litig. Rptr., Andrews Asbestos Litig. Rptr., Andrews Medical Devices Litig. Rptr., and Andrews Toxic Chemical Litig. Rptr.).

The Future of Civil Litigation? Wash. Leg. Found. Newsltr. (Rules Advisory Committee Proposals for changes in the rules of civil procedure and evidence).

Supreme Court's Recent Decision Raises Class-Action Consciousness, Daily Rec.

Md. Rule 23 in for Major Changes: Federal Conformity a Possibility, Daily Rec.

Claim Bifurcation in Class Action Litigation: Questions of Constitutionality, Practicality and Superiority, Intl. Assn. of Def. Counsel (Prod. Liab. Comm. Newsltr.).

Garner, Bryan A.

Black's Law Dictionary (Bryan A. Garner ed., 8th ed., West 2004).

The Redbook: A Manual on Legal Style (West 2002).

The Elements of Legal Style (2d ed., Oxford U. Press 2002).

Black's Law Dictionary (Bryan A. Garner ed., 2d ed., pocket ed., West 2001).

Legal Writing in Plain English: A Text with Exercises (U. Chi. Press 2001).

The Wit and Wisdom of Charlie Wright: 1927–2000, 7 Scribes J. Leg. Writing 1 (1998–2000).

The Citational Footnote, 7 Scribes J. Leg. Writing 97 (1998–2000).

Black's Law Dictionary (Bryan A. Garner ed., 7th ed., West 1999).

The Winning Brief: 100 Tips for Persuasive Briefing in Trial and Appellate Courts (Oxford U. Press 1999 & 2d ed. 2004).

Securities Disclosure in Plain English (CCH Inc. 1999).

Introduction, 52 S.M.U. L. Rev. 657 (1999).

The Wit and Wisdom of Charlie Wright, 76 Tex. L. Rev. 1587 (1998).

Unclutter the Text by Footnoting Citations, 33 Tr. 87 (Nov. 1997).

Guidelines for Drafting and Editing Court Rules, 169 F.R.D. 176 (1997).

From the Editor, 6 Scribes J. Leg. Writing v (1997).

More Dictionary Reprints, 6 Scribes J. Leg. Writing 166 (1996–1997).

Tribute: Remembering Judge Thomas Gibbs Gee, 15 Rev. Litig. 169 (1996).

A Conversation on the Art of Legal Writing, West's Leg. News L. Prac. Mgt. (available on 11-15-96 WLN 12191).

The Uncivil Lawyer, 15 Rev. Litig. 177 (1996).

A Dictionary of Modern Legal Usage (2d ed., Oxford U. Press 1995).

Two Publishers Reprint Historical Law Dictionaries, 5 Scribes J. Leg. Writing 167 (1994–1995).

The Legal-Writing Skills Test, 5 Scribes J. Leg. Writing 107 (1994–1995).

The Deep Issue: A New Approach to Framing Legal Questions, 5 Scribes J. Leg. Writing 1 (1994–1995).

In Praise of Simplicity but in Derogation of Simplism, 4 Scribes J. Leg. Writing 123 (1993).

Colloquiality in Law, 3 Scribes J. Leg. Writing 147 (1992).

Insane Committees, 3 Scribes J. Leg. Writing 151 (1992).

On Beginning Sentences with But, 3 Scribes J. Leg. Writing 87 (1992).

Alliteritis, 2 Scribes J. Leg. Writing 145 (1991).

An Epistolary Essay: The Wright-Garner-Maugans Correspondence on Complimentary Closes, 2 Scribes J. Leg. Writing 83 (1991) (co-authors Charles Alan Wright and James D. Maugans).

An Approach to Legal Style: Twenty Tips for the Legal Writer, 2 Scribes J. Leg. Writing 1 (1991).

Vocabulary-Building in the First Circuit, 2 Scribes J. Leg. Writing 150 (1991).

From the Editor, 1 Scribes J. Leg. Writing v (1990).

An Uninformed System of Citation: The Maroonbook *Blues*, 1 Scribes J. Leg. Writing 191 (1990) (review of *The University of Chicago Manual of Legal Citation* (Bancroft-Whitney Co., Laws. Coop. & Mead Data Co. 1989)).

Genty, Philip M.

Damage to Family Relationships as a Collateral Consequence of Parental Incarceration, 30 Fordham Urb. L.J. 1671 (2003).

Termination of Parental Rights, in *Family Trial Advocacy, Supreme Court, Appellate Division, First Department* (2001).

Incarcerated Parents and the Adoption and Safe Families Act (ASFA): A Challenge for Correctional Services Providers, ICCA J. on Community Corrections (Intl. Community Corrections Assoc.) (Nov. 2001).

Permanency Planning in the Context of Parental Incarceration: Legal Issues and Recommendations, in *Children with Parents in Prison, Child Welfare Policy, Program & Practice Issues* (Cynthia Seymour & Creasie Finney Hairston eds., Transaction Publishers 2001).

Clients Don't Take Sabbaticals: The Indispensable In-House Clinic and the Teaching of Empathy, 7 Clin. L. Rev. 273 (2000).

Recent Developments in Child Custody Policy and Legislation: The Impact of ASFA upon Incarcerated Parents and Their Families, 22 Fam. & Corrections Network Rpt. (Oct. 1999).

Confusing Punishment with Custodial Care: The Troublesome Legacy of Estelle v. Gamble, 21 Vt. L. Rev. 379 (1996).

Termination of Parental Rights among Prisoners: A National Perspective, in *Children of Incarcerated Parents* (Katherine Gabel & Denise Johnston eds., Lexington Bks. 1995).

The Foster Care Handbook for Incarcerated Parents: A Manual of Your Legal Rights and Responsibilities (Phillip M. Genty et al. eds., Children's Ctr. Bedford Hills Correctional Facility 1994).

Procedural Due Process Rights of Incarcerated Parents, *in Termination of Parental Rights Proceedings: A Fifty State Analysis*, 30 J. Fam. L. 757 (1991–1992) (reprinted in *Prisoners and the Law* (Ira P. Robbins ed., Clark, Boardman, Callaghan Supp. 1993)).

Voluntary Surrender and Involuntary Termination of Parental Rights on Grounds Other Than Permanent Neglect, in *New York Civil Practice: Family Court Proceedings* (James Zett et al. eds., Matthew Bender 1990).

Protecting the Parental Rights of Incarcerated Mothers Whose Children Are in Foster Care: Proposed Changes to New York's Termination of Parental Rights Law, 17 Fordham Urb. L.J. 1 (1989).

Adoption Generally, in *New York Civil Practice: Family Court Proceedings* (James Zett et al. eds., Matthew Bender 1988).

Permanent Termination of Parental Rights, in *New York Civil Practice: Family Court Proceedings* (James Zett et al. eds., Matthew Bender 1988).

Gerdy, Kristin B.

"Important" and "Irreversible" but Maybe Not "Unreviewable": The Dilemma of Protecting Defendants' Rights through the Collateral Order Doctrine, 38 U.S.F. L. Rev. 213 (2004).

Continuing Development: A Snapshot of Legal Research and Writing Programs through the Lens of the 2002 LWI and ALWD Survey, 9 Leg. Writing 227 (2003).

Teacher, Coach, Cheerleader, and Judge: Promoting Learning through Learner-Centered Assessment, 94 L. Lib. J. 59 (2002).

The Internet Alternative, 19/3:4 Leg. Ref. Servs. Q. 119 (2001).

Making the Connection: Learning Style Theory and the Legal Research Curriculum, 19/3:4 Leg. Ref. Servs. Q. 71 (2001).

What Is the Difference between Substantive and Procedural Law? And How Do I Research Procedure? 9 Persps. 5 (Winter 2000).

Seventh Annual National Legal Research Teach-In Training Kit (West 1999).

Sixth Annual National Legal Research Teach-In Training Kit (West 1998).

Cost-Effective Legal Research: Integrating Manual and Online Sources, Fifth Annual Legal Research Teach-In Training Kit (West 1997) (co-author Kory D. Staheli).

Many Utah Firms Are Adding CD-ROMs to Their Research Arsenal—Are They for You? Utah B.J. 18 (Aug./Sept. 1996) (co-author Kory D. Staheli).

Legal Research Training Seminar-Legal Practice Materials, Fourth Annual Legal Research Teach-In Training Kit (West 1996) (co-author Kory D. Staheli).

Gewirtzman, Doni

Symposium: Civil Rights Law in Transition: The Forty-Fifth Anniversary of the New York City Comission on Human Rights, 27 Fordham Urb. L.J. 1105 (2000).

Gilligan, Francis A.

Bringing the "Opening the Door" Theory to a Close: The Tendency to Overlook the Specific Contradiction Doctrine in Evidence Law, 41 Santa Clara L. Rev. 807 (2001) (co-author Edward J. Imwinkelried).

Courtroom Criminal Evidence (3d ed., LexisNexis 1998 & Supp. 2001) (co-authors Paul C. Giannelli, Edward J. Imwinkelried, and Fredric I. Lederer).

Cyberspace: The Newest Challenge for Traditional Legal Doctrine, 24 Rutgers Comp. & Tech. L.J. 305 (1998) (co-author Edward J. Imwinkelried).

Court-Martial Procedure, in *Principles and Practice of Military Forensic Psychiatry* (Charles Thomas Publg. Co. Supps. 1997, 1999 & 2001) (contributing author to three volumes).

The Theory of "Unconscious Transference": The Latest Threat to the Shield Laws Protecting the Privacy of Victims of Sex Offenses, 38 B.C. L. Rev. 107 (1996) (co-authors Edward J. Imwinkelried and Elizabeth F. Loftus).

Court-Martial Procedure (Michie Publg. Co. 1991 & Supp. 1998) (contributing author to two volumes).

Courtroom Criminal Evidence (2d ed., Michie Publg. Co. 1993 & Supp. 1997) (co-authors Edward J. Imwinkelried & Paul C. Giannelli).

Supreme Court—1989 Term, *Part VI*, Army Law. 58 (Nov. 1990) (co-author Stephen D. Smith).

Supreme Court—-1989 Term, Part V, Army Law. 54 (Sept. 1990) (co-author Stephen D. Smith).

Supreme Court—1989 Term, Part IV, Army Law. 53 (Aug. 1990) (co-author Stephen D. Smith).

Supreme Court—1989 Term, Part III, Army Law. 77 (June 1990) (co-author Stephen D. Smith).

Supreme Court—1989 Term, Part II, Army Law. 85 (May 1990) (co-author Stephen D. Smith).

Supreme Court—1989 Term, Part I, Army Law. 87 (Apr. 1990) (co-author Stephen D. Smith).

Dept. of Army Pamphlet, No. 27–22, Evidence (1987) (co-authored).

The Bill of Rights and Service Members, Army Law. 3 (Dec. 1987).

Courtroom Criminal Evidence (Michie Publg. Co. 1987 & Supp. 1989) (co-authored).

Vehicle Identification Numbers, Army Law. 56 (Apr. 1986).

Application Falsehoods as Basis for Impeachment, Army Law. 50 (Feb. 1986).

Criminal Law Notes: Character Evidence, 109 Mil. L. Rev. 83 (1985).

Criminal Law Notes: Eyewitness Identification in Military Law, 110 Mil. L. Rev. 1 (1985) (co-author Alan K. Hahn).

Credibility of Witness in the Military, 46 Ohio St. L.J. 595 (1985).

Uncharged Misconduct, Army Law. 1 (Jan. 1985).

Of Good Faith and Good Law: United States v. Leon *and the Military Justice System*, Army Law. 1 (Nov. 1984) (co-author Stephen J. Kaczynski).

Field Circular, No. 19–105, Apprehension, Searches, and Seizure (1984).

The Procurement and Presentation of Evidence in Courts-Martial: Compulsory Process and Confrontation, 101 Mil. L. Rev. 1 (1983) (co-author Frederic I. Lederer).

Dept. of Army Pamphlet, No. 27–9, Military Judges' Benchbook (1982) (co-authored).

Credibility of Witnesses, 12 Advoc. 193 (1980).

Administrative and Civil Law Section: Standing Revisited, Army Law. 20 (Aug. 1979).

Credibility of Witnesses, 11 Advoc. 211 (1979).

Criminal Evidence (West Publg. Co. 1979) (co-authors Edward J. Imwinkelried, Paul C. Giannelli, and Frederic I. Lederer).

Dept. of Army Training Circular, No. 19–22, Apprehension, Search and Seizure (1977).

Continuing Evisceration of [the] Fourth Amendment, 14 San Diego L. Rev. 823 (1977).

Replacing the Exclusionary Rule with Administrative Rulemaking, 28 Ala. L. Rev. 533 (1977) (co-author Frederic I. Lederer).

Searches by Dogs, 3 Search & Seizure L. Rpt. (Jan. 1976).

Let's Do away with the Exclusionary Rule, L. Enforcement J. (Winter 1976) (co-authored).

Dept. of Army Pamphlet, No. 27–173, Procedure (1976).

Prison Searches and Seizures: "Locking" the Fourth Amendment out of Correction Facilities, 62 Va. L. Rev. 1045 (1976) (co-author Paul C. Giannelli).

Speedy Trial, Army Law. 1 (Oct. 1975).

The Federal Rules of Evidence, Army Law. 12 (Aug. 1975) (co-author Paul C. Giannelli).

Doing Away with the Exclusionary Rule, Army Law. 12 (Aug. 1975) (co-author Frederic I. Lederer).

The Aftermath of Robinson-Gustafson, 2 Search & Seizure L. Rpt. (Mar. 1975).

Dept. of Army Pamphlet, No. 27–22, Evidence (1975).

Fourth Amendment in Military Practice (1975).

The Federal Tort Claims Act—An Alternative to the Exclusionary Rule? 66 J. Crim. L. & Criminology 1 (1975).

Issues Raised by Military Warrants, Army Law. 4 (Aug. 1974).

The Unconstitutional Burden of Article 15: A Rebuttal, 83 Yale L.J. 534 (1974) (co-author Edward J. Imwinkelried).

Attacking the Probable Cause Equation, 65 Mil. L. Rev. 115 (1974).

Expectation of Privacy—A Two-Edged Sword as to Standing, Army Law. 4 (Sept. 1973).

Search of Premises, Vehicles, and the Individual Incident to Apprehension, 61 Mil. L. Rev. 89 (1973).

Eyewitness Identification, 58 Mil. L. Rev. 183 (1973).

Probable Cause and the Informer, 60 Mil. L. Rev. 1 (1973).

Inspections, Army Law. 1 (Nov. 1972).

Gionfriddo, Jane Kent

The President's Column on 405c Status for All Legal Writing Professionals, 15 Second Draft (newsltr. of Leg. Writing Inst.) 1 (Jan. 2001).

President's Opening Remarks on the Status of Legal Writing, 7 Leg. Writing vii (2001).

LR&W Should Begin at the Beginning: Reading Legal Authority, 14 Second Draft (newsltr. of Leg. Writing Inst.) 2 (May 2000).

Using Fruit to Teach Analogy, 12 Second Draft (newsltr. of Leg. Writing Inst.) 4 (Nov. 1997).

Dangerous! Our Focus Should Be Analysis Not Formulas Like IRAC, 10 Second Draft (newsltr. of Leg. Writing Inst.) 2 (Nov. 1995).

Glaser, Cathy

The Lawyer's Craft: An Introduction to Legal Analysis, Writing, Research, and Advocacy (Anderson Publg. Co. 2002) (co-authors Jethro K. Lieberman, Robert A. Ruescher, and Lynn Boepple Su).

Glashausser, Alex

Of Digests and Parties, in *Teaching the Law School Curriculum* (Steven Friedland & Gerald F. Hess eds., Carolina Academic Press 2004).

A Global Enterprise, in *Courting the Yankees: Legal Essays on the Bronx Bombers* (Ettie Ward ed., Carolina Academic Press 2004).

Juggling Failure and Success, L. Teacher 3 (Fall 2003).

Citation and Representation, 55 Vand. L. Rev. 59 (2002).

From Electoral College to Law School: Research and Writing Lessons from the Recount, 10 Persps. 1 (Fall 2001).

What Is "Lecturing," Alex? 8 Persps. 73 (Winter 2000).

The Treatment of Foreign Country Convictions as Predicates for Sentence Enhancement under Recidivist Statutes, 44 Duke L.J. 134 (1994).

Goldman, Pearl

Alternative Dispute Resolution as a Vehicle for Promoting Collaborative Learning, 15 Second Draft (newsltr. of Leg. Writing Inst.) 6 (June 2001).

How to Push an Elephant through a Straw: Using Wireless Technology in a Web-Enhanced Skills Program, 15 Intl. Rev. L. Comp. & Tech. 281 (2001) (co-author Billie Jo Kaufman).

Book Review, 24 Leg. Stud. Forum 721 (2000) (reviewing Peter M. Tiersma, *Legal Language* (U. Chi. Press 1999)).

Legal Education and Technology: An Annotated Bibliography, 93 L. Lib. J. 423 (2000).

A Guide to Researching Bankruptcy Law on the Internet, 8 J. Bankr. L. & Prac. 449 (July–Aug. 1999).

Using Technology to Enhance Learning in the Lawyering Skills Classroom, 13 Second Draft (newsltr. of Leg. Writing Inst.) 8 (May 1999).

Beyond Core Skills and Values: Integrating Therapeutic Jurisprudence and Preventive Law into the Law School Curriculum, 5 J. Psychol., Pub. Policy & L. 1123 (1999) (co-author Leslie Cooney).

Book Review, 23 Leg. Stud. Forum 611 (1999) (reviewing James Kincaid, *Erotic Innocence: The Culture of Child Molesting* (Duke U. Press 1998)).

Gopen, George D.

Book Review, Am. Scientist 276 (May–June 2001) (reviewing Leah Ceccarelli, *Shaping Science with Rhetoric: The Cases of* Dobzhansky, Schrodinger, *and* Wilson (U. Chi. Press 2001)).

Second Spanish Translation of Jorge R. Talbot, *La Ciencia de la Escritura Cientifica* (Conferece of the Fundacion de Investigaciones Metabolicas, Buenos Aires, Arg., June 1996).

Spanish Translation of Victor W. Gonzalez Lauck, *La Ciencia de los Escritos Cientificos* (Publication Especial Num. 3, Instituto Nacional de Investigaciones Forestales y Agropecunarias, Campo Experimental Huimanguillo, Cardenas, Tabasco, Mex., 1995).

Book Review, 17 Stud. in Age of Chaucer 223 (1995) (reviewing Robert L. Kindrick, *Henryson and the Medieval Arts of Rhetoric* (Garland 1993)).

Japanese Translation of Yosuke Kawachi, *A Collection of Geologic Sample Sentences: A Guide for Scientific Writing* 293–313 (1994).

The Professor and the Professionals: Teaching Writing to Lawyers and Judges, 1 Leg. Writing 79 (1991).

Legal Writing: A Bibliography, 1 Leg. Writing 93 (1991) (co-author Kary D. Smout).

Controlling Contexts: Interpretation and Expert Testimony, 65 Am. Speech 323 (1991).

Book Review, 89 J. English & Germanic Philology 215 (1990) (reviewing John A. Alford, *Piers Plowman: A Glossary of Legal Diction* (D.S. Brewer 1988)).

The Science of Scientific Writing, 78 Am. Scientist 550 (1990).

What's an Assignment Like You Doing in a Course Like This? Writing to Learn Mathematics, 21 College Math J. 2 (1990) (co-author David A. Smith).

Legal Writing from the Perspective of the Reader: An Approach That Works, N.J. L.J. 8 (Dec. 14, 1989).

Book Review, 11 Stud. in Age of Chaucer 241 (1989) (reviewing Joseph Allen Hornsby, *Chaucer and the Law* (Pilgram Bks. 1988)).

Theme and Variations: The Concept of Audience, in *Collective Sourcebook of Lessons for Writing Teachers* 95–97 (Sondra J. Stang & Robert Wiltenburg eds., Random House 1988).

The State of Legal Writing: Res Ipsa Loquitur, 86 Mich. L. Rev. 333 (1987).

Private Grief into Public Action: The Rhetoric of John of Gaunt in Richard II, 84 Stud. in Philology 338 (1987).

Robert Henryson's Moral Fables (Notre Dame U. Press 1987) (critical introduction, edition, translation, and annotations).

Let the Buyer in the Ordinary Course of Business Beware: Suggestions for Revising the Prose of the Uniform Commercial Code, 54 U. Chi. L. Rev. 1178 (1987).

The English Teacher and English Song: A Sequel, 47 College English 60 (1985).

The Essential Seriousness of Robert Henryson's Moral Fables: A Study in Structure, 82 Stud. in Philology 42 (1985).

Every Spring a New Haystack: A Method for the Annual Evaluation of New Composition Textbooks, 7 Writing Prog. Admin. 17 (1984).

Rhyme and Reason: Why the Study of Poetry Is the Best Preparation for the Study of Law, 46 College English 333 (1984).

Perceiving Structure: Teaching Writing at Law Schools, 35 Harv. L. Sch. Bull. 27 (1984).

Book Review, 82 J. English & Germanic Philology 436 (1983) (reviewing Henrik Specht, *Chaucer's Franklin in the Canterbury Tales: The Social and Literary Background of a Chaucerian Character* (Akademisk Forlag 1981)).

A Rare Book's Odyssey, 10 Antiquarian Bk. Mthly. Rev. 52 (1983).

Prostitution and the Writing Consultant: A View of a View, in Technical Communication: Perspectives for the Eighties, 2203 NASA Publication 621 (1981).

Writing from a Legal Perspective (West Publg. Co. 1981).

A Course in Composition for Pre-Law Students, 29 J. Leg. Educ. 222 (1978).

A Question of Cash and Credit: Writing Programs at Law Schools, 3 J. Contemp. L. 191 (1977).

Translation of Georges Dumezil, *Notes on the Cosmic Bestiary of the Edda and the Rig Veda* (1959), *Gods of the Ancient Northmen* (Einar Haugen ed., U. Cal. Press 1973).

Gore, Jeffrey

Living with Monstrosity, the Future, Is, Meaning, Frame and Metaphor (ASCA Press 2002).

The Architecture behind the Architecture of Passive Voice, 15 Second Draft (newsltr. of Leg. Writing Inst.) 22 (June 2001).

A Case for Modesty, Newsltr. S. Asia Resource Ctr. (U. Chi.) (reviewing David Peter Lawrence, *Rediscovering God with Transcendental Argument: A Contemporary Interpretation of Monistic Saiva Philosophy* (St. U. N.Y. Press 1999)).

To See-Between the Conclusion and Its Questions: Interviewing Techniques in Freewriting and Verbal Drafting, J. Ill. Assn. of Teachers of English (Winter 1997).

Peace in the Information Age, Strong Coffee (July 1997) (poem).

Endsong, Artisan (Spring 1997) (poem).

Gradisher, Michael R.

The Supreme Court Strikes down the Public Broadcasting Editorial Ban: Federal Communications Commission v. League of Women Voters, 12 Pepp. L. Rev. 699 (1985).

Graves, Richard B.

Globalization, Treaty Powers, and the Limits of the Intellectual Property Clause, 50 J. Copyright Socy. 199 (2003).

Private Rights, Public Uses, and the Future of the Copyright Clause, 80 Neb. L. Rev. 64 (2001).

Advice to New Student Works Editors, 30 Stetson L. Rev. 559 (2000).

Texas Litigation after Tort Reform '95 (U. Houston L. Found. CLE 1996).

The Hearsay Rules in Texas Civil Litigation (U. Houston L. Found. CLE 1995).

Insurance Claims and Litigation after Tort Reform '95 (U. Houston L. Found. CLE 1995).

New Directions in Texas Insurance Bad Faith Law, Declarations (Winter 1994–1995) (co-authored).

Elements of Liability under the Texas Deceptive Trade Practices Act (U. Houston L. Found. CLE 1994) (co-authored).

Student Author, *Bad Faith, Punitive Damages, and Vicarious Liability*, 65 Tul. L. Rev. 395 (1990).

Student Author, *The At-Will Doctrine in Admiralty*, 64 Tul. L. Rev. 949 (1990).

Greenhaw, Leigh (Hunt)

Book Review, 16 J.L & Religion 315 (2001) (reviewing T. Jeremy Gunn, *A Standard for Repair: The Establishment Clause, Equality and Natural Rights* (Garland Publg. 1992)).

Drugs, Religion, and the Law, in *Religion and American Law: An Encyclopedia* 142–145 (Paul Finkelman ed., Taylor & Francis, Inc. 1999).

Public Proselytizing, Solicitation, and Sale of Religious Literature, in *Religion and American Law: An Encyclopedia* 391–394 (Paul Finkelman ed., Taylor & Francis, Inc. 1999).

"To Say What the Law Is": Learning the Practice of Legal Rhetoric, 29 Val. U.L. Rev. 861 (1995).

Use of Social Science Materials in Teaching within the Standard, Generalist Law Curriculum: A Criterion for Their Refined Integration, 59 Wash. U. L.Q. 809 (1981).

Griswold, Angela

Four Pointers to Effective Use of PowerPoint in Teaching, 10 Persps. 132 (Spring 2002).

Using Images to Help Teach Legal Research, 10 Training Resources Kit 68 (AALL 2002).

Hamann, Ardath A.

Can an Agreement between One Purchaser and One Supplier Constitute a Group Boycott under the Sherman Antitrust Act? 1 Preview 4 (Sept. 25, 1998).

Imposing a Maximum Retail Price: Is It a Per Se Violation of the Sherman Antitrust Act? 1 Preview 4 (Sept. 18, 1997).

Family Surrogate Laws: A Necessary Supplement to Living Wills and Durable Powers of Attorney, 38 Vill. L. Rev. 103 (1993).

*Can a Manufacturer Charge Retailers Higher Prices Than It Charges Wholesalers? (*Texas v. Hasbrouck*)*, 7 Preview 205 (1990).

Survey of Illinois Law: Municipal Corporations, 12 S. Ill. U. L.J. 1045 (1988).

Harrison, Robert

It Only Counts If It Is Clear, 86 ABA J. 76 (June 2002).

Hecht, Deborah

Law and Literature, Representations of American Lawyers and Lawyering, in *Selected Works of Edith Wharton* (forthcoming Rodopi Press).

Private Letters and the Law: Edith Wharton's Questions about Ownership and the Right to Publish Private Letters, 20 Touro L. Rev. 545 (2004–2005).

Getting Started, 17 Second Draft (newsltr. of Leg. Writing Inst.) 16 (Dec. 2002).

Armies of the Everyday, 23 Jabberwock Rev. 2 (Spring 2002)

Overcoming a Writer's Reluctance, 15 Second Draft (newsltr. of Leg. Writing Inst.) 12 (Jan. 2001).

An Email from the Writing Center, 14 Second Draft (newsltr. of Leg. Writing Inst.) 20 (Nov. 1999).

Gin Rummy, Fine Print (1998) (Authors in the Park Competition Finalist, in Florida).

Poetry and Pot Roast, in *A More Perfect Union* (Barbara Esstman & Virginia Hartman eds., St. Martin's Press 1998).

Dinnerstein's Wife, 2 Intense (1998).

Talking to the Swans, Good Housekeeping (1995).

The Poisoned Well: Percy Lubbock and Edith Wharton, 62 Am. Scholar (Spring 1993).

Honey Girl: A True Story, 34 Colo. N. Rev. (1992).

Daisy's Stories, 4 N.A. Rev. (1992).

Milk and Honey, 3 N.A. Rev. (1991).

Happy to Be a Writer, 70 Writer's Dig. (Nov. 1990).

Rejection 101, 70 Writer's Dig. (Nov. 1990).

Writing Lessons from the Kitchen Table, in *Thinking through Your Writing Process* (Judith Barker-Sandbrook ed., McGraw-Hill Ryerson 1989).

The Pale Young Man, 11 Long Pond Rev. (1987–1988).

Dinner with Friends, 7 Woman's World (Feb. 4, 1986).

The Best Present Ever, 98 Write (June 1985).

The Brotherhood, 9 Long Pond Rev. (Winter 1984–1985).

C Minor Memories in a Major Key, 20 Colo. N. Rev. (1981).

The Woman Who Loved Brahms, 4 Slackwater Rev. (1981).

Herrera, Deborah D.

Unincorporated and Exploited: Differential Treatment for Trust Territory Claimants—Why Doesn't the Constitution Follow the Flag? 2 Seton Hall Const. L.J. 593 (1992).

Hoffman, Barbara

A Cancer Survivor's Almanac: Charting Your Journey (3d ed., John Wiley & Sons 2004).

Between a Disability and a Hard Place: The Cancer Survivors' Catch-22 of Proving Disability Status under the Americans with Disabilities Act, 59 Md. L. Rev. 352 (2000).

Reports of Its Death Were Greatly Exaggerated: The EEOC Regulations That Define "Disability" under the ADA after Sutton v. United Air Lines, 9 Temp. Pol. & Civ. Rights L. Rev. 253 (2000).

One Response to the Decline of Civility in the Legal Profession: Teaching Professionalism in Legal Research and Writing, 51 Rutgers L. Rev. 889 (1999) (co-authors Donna C. Chin, Marcia Crnoevich, Ernest Nardone, Ellen Lewis Rice, and Denise V. Tighe).

Tribute: In Memoriam: Alan Sant'Angelo, *Esq.*, 4 Seton Hall L. Sch. Const. L.J. 1 (1993).

Employment Discrimination Based on Cancer History: The Need for Federal Legislation, 59 Temp. L.Q. 1 (1986).

Hoffman, Craig

Parse the Sentence First: Curbing the Urge to Resort to the Dictionary When Interpreting Legal Texts, 6 N.Y.U. J. Legis. & Pub. Policy 401 (2002–2003).

When Worldviews Collide: Linguistic Theory Meets Legal Semantics in United States v. X-citement Video, Inc., 73 Wash. U. L.Q. 1215 (1995).

Hoffman, Geoffrey A.

The Illinois Consumer Fraud and Deceptive Business Practices Act, in *Consumer Actions, Causes of Action* ch. II (Spring 2002) (co-authored).

Racial Profiling in the Air after Sept. 11: Do Those Who Claim to Have Suffered Its Indignities Have Remedies? It Would Appear So, N.Y. L.J. S3 (Apr. 15, 2002).

Conflicting Statutes of Limitations and Municipal Liability in Illinois, Tr. J. (Ill. Tr. Laws. Assn.) 1 (Summer 2001) (co-authored).

Student Author, Ingalls Shipbuilding v. Director, Office of Workers' Compensation Programs*: The Supreme Court Declares That under LHWCA Section 33(g) Survivors of Deceased Workers Are Not "Persons Entitled to Compensation" Prior to Worker's Death*, 72 Tul. L. Rev. 1033 (1998).

Student Author, *Whistleblower Protection: Is Retaliatory Discharge Allowed under the Employment-at-Will Doctrine in Admiralty?* 21 Tul. Mar. L. J. 171 (1996).

Student Author, *The Sudden Demise of the "No Res, No Case" Rule in Rule B Maritime Attachment Proceedings:* Stevedoring Services of America v. Ancora Transport, N.V., 20 Tul. Mar. L.J. 175 (1995).

Hood, Constance

Age Discrimination in Employment and the Americans with Disabilities Act: "A Second Bite at the Apple", 6 Elder L.J. 1 (1998).

Hurt, Christine

Moral Hazard and the Initial Public Offering, 25 Cardozo L. Rev. 711 (2004).

Counselor, Gatekeeper, Shareholder, Thief: Why Attorneys Who Invest in Their Clients in a Post-Enron World Are "Selling Out," Not "Buying In", 64 Ohio St. L.J. 897 (2003).

The Interactive Citation Workbook (LexisNexis 2000, 2001 ed., 2002 ed., 2003 ed., 2004 ed., 2005 ed.) (co-author Tracy L. McGaugh and Kay G. Holloway).

Network Effects and Legal Citation: How Antitrust Theory Predicts Who Will Build a Better Bluebook Mousetrap in the Age of Electronic Mice, 87 Iowa L. Rev. 1257 (2002).

"A" Is for Analysis, Application and Analogous Case Arguments, 14 Second Draft (newsltr. of Leg. Writing Inst.) 11 (May 2000).

Hutchinson, Terry

Australia's Human Rights Obligations Relating to the Mental Health of Refugee Children in Detention, Intl. J.L. & Psych. (forthcoming 2004) (co-author Fiona Martin).

Legal Research Project Management Skills Extension for Upper Level Law Students, L. Teacher (forthcoming 2004) (co-author Natalie Cuffe).

Where to Now? The 2002 Australasian Research Skills Training Survey, Leg. Educ. Rev. (forthcoming 2003).

Researching and Writing in Law (Lawbook Co. 2002).

Hyden, Deborah S.

Brown v. Board of Education*: Implications for a Modern Era,* 24 Miss. C. L. Rev. 1 (2004).

Jacobson, M.H. Sam

When Bad Faith Meets Machiavelli: Abuses of Administrative Power under the Bush Administration, 1 J. Conf. Proceedings, Evil, L. & St. ___ (forthcoming 2004) (available at http://www.wickedness.net/els/els1/jacobson%20paper.pdf).

Why Do We Do What We Do? 18 Second Draft (newsltr. of Leg. Writing Inst.) 12 (Apr. 2004).

Learning Styles and Lawyering: Using Learning Theory to Organize Thinking and Writing, 2 J. ALWD 27 (2004).

Who Are Our Students? An Overview, 18 Second Draft (newsltr. of Leg. Writing Inst.) 1 (Dec. 2003).

Legal Analysis and Communication (WUCL 2003).

Determining the Scope of a Court's Holding, 11 Persps. 120 (Spring 2003).

How Students Absorb Information: Determining Modality in Learning Style, 8 Leg. Writing 175 (2002).

The ALWD Citation Manual*: A Clear Improvement over the* Bluebook, 3 J. App. Prac. & Process 139 (2001).

A Primer on Learning Styles: Reaching Every Student, 25 Seattle U. L. Rev. 139 (2001).

Providing Academic Support without an Academic Support Program, 3 Leg. Writing 241 (1997).

Six Steps to Drafting Good Contracts, 1 New Bulgaria L. Rev. (Sofia, Bulgaria) (1997).

Using the Myers-Briggs Type Indicator to Assess Learning Style: Type or Stereotype? 33 Willamette L. Rev. 261 (1997).

Jamar, Steven D.

Respecting Speech, 46 How. L. J. 499 (2003) (reviewing Alexander Tsesis, *Destructive Messages: How Hate Speech Paves the Way for Harmful Social Movements* (NYU Press 2002)).

Case Brief: Walz v. Tax Commissioner, *397 U.S. 664 (1970)*, in *Encyclopedia of American Religion and Politics* 464 (Paul A. Djupe & Laura R. Olson eds., Facts on File 2003).

Religious Discrimination in the Workplace, in *Encyclopedia of American Religion and Politics* 376 (Paul A. Djupe & Laura R. Olson eds., Facts on File 2003).

The International Human Right of Religion, in *Encyclopedia of American Religion and Politics* 216 (Paul A. Djupe & Laura R. Olson eds., Facts on File 2003).

Aristotle Teaches Persuasion: The Psychic Connection, 8 Scribes J. Leg. Writing 61 (2001–2002).

Doing It All—Over Time, 16 Second Draft (newsltr. of Leg. Writing Inst.) 15 (Dec. 2001).

On the Technology Horizon, 11 Jurist 29 (Summer/Fall 2001).

LegalXML, *Annotated XML Legal Document DTD for ELIS & GLIN*, http://www.legalxml.org/citations (April 18, 2001) (co-authors Konstantinos Kalpakis and Kenneth J. Markowitz).

Book Review, 16 J.L. & Religion 609 (2001) (reviewing *Religion and International Law* (Mark W. Janis & Carolyn Evans eds., Martinus Nijhoff 1999)).

Everything Old Is New Again: An Essay Review of Anthony G. Amsterdam & Jerome Bruner, Minding the Law *(Harv. U. Press 2000)*, 22 Pace L. Rev. 155 (2001).

The Human Right of Access to Legal Information: Using Technology to Advance Transparency and the Rule of Law, 1 Global Jurist Topics no. 2, art. 6 (2001) (available at http://www.bepress.com/gj/topics/vol1/iss2/art6).

A Lawyering Approach to Law and Development, 27 N.C. J. Intl. L. & Com. Reg. 31 (2001).

The ALWD Citation Manual—*A Professional Citation System for the Law*, 8 Persps. 65 (Winter 2000).

Using the Multistate Performance Test in an LRW Course, 8 Persps. 118 (Spring 2000).

Written Feedback on Student Writing, 14 Second Draft (newsltr. of Leg. Writing Inst.) 3 (Nov. 1999).

Essential Lawyering Skills: Interviewing, Counseling, Negotiation, and Persuasive Fact Analysis (Aspen L. & Bus. 1999) (co-authors Stefan H. Krieger, Richard K. Neumann, Jr., and Kathleen H. McManus).

Book Review: As Through a Prismatic Gem, 42 Howard L.J. 129 (1998) (reviewing *Trial and Error: An Oxford Anthology of Legal Stories* (Fred R. Shapiro & Jane Garry eds., Oxford U. Press 1998)) (revision of an earlier version published in Washington Lawyer (Sept.–Oct. 1998)).

Asking Questions, 6 Persps. 69 (Winter 1998).

The President's Column: Context and Connection, 12 Second Draft (newsltr. of Leg. Writing Inst.) 1 (Nov. 1997).

Teaching Case Synthesis, 12 Second Draft (newsltr. of Leg. Writing Inst.) 7 (Nov. 1997).

Book Review: Aping Creation, Wash. Law. (Sept./Oct. 1997) (reviewing Edward J. Larson, *Summer for the Gods: The Scopes Trial and America's Continuing Debate over Science and Religion* (BasicBooks 1997)).

The President's Column: Reaching Out, 11 Second Draft (newsltr. of Leg. Writing Inst.) 1 (May 1997).

This Article Has No Footnotes:[1] An Essay on RFRA[2] and the Limits of Logic in the Law, 27 Stetson L. Rev. 559 (1997).

Accommodating Religion at Work: A Principled Approach to Title VII and Religious Freedom, 40 N.Y.L. Sch. L. Rev. 719 (1996).

The International Human Right to Health, 22 S.U. L. Rev. 1 (1994).

The Protection of Intellectual Property under Islamic Law, 21 Cap. U. L. Rev. 1079 (1992).

Civil Appellate Practice in the Minnesota Court of Appeals (Laura S. Underkuffler & David W. Larson, eds., Butterworths 1986 & Supp. 1989) (authored two chapters, an update, and a revision).

Insurability of Punitive Damages: Effect on Strategies and Tactics of Trial Counsel, *Extracontractual Damages* 121–137 (John R. Groves ed., ABA Tort & Ins. Prac. Sec. 1983) (co-author William D. Flaskamp).

Jarman, Casey M.

Beyond the "Courts of the Conqueror": Balancing Private and Cultural Property Rights under Hawaii Law, 5 Scholar 201 (2003).

Jellum, Linda

Parents Know Best: Revising Our Approach to Parental Custody Agreements, 65 Ohio St. L.J. 615 (2004).

Johansen, Steven J.

Clearly Ambiguous: A Visitor's Reflection on the Irish Abortion Referendum of 2002, 25 Loy. L. A. Intl. & Comp. L.J. 205 (2003).

Other Employment Unfair Labor Practices: ORS 243.672(1)(d), (f), and (h), in *Labor and Employment Law: Public Sector* (Or. CLE 2002) (co-author Michael T. Tedesco).

Juridiska Analize Un Tekstu Rakstisana (Baiba Broka & Daiga Iljanova trans., Tiesu Namu Agentura 2001).

Life without Grades: Creating a Successful Pass/Fail Legal Writing Program, 6 Persps. 119 (Spring 1998).

"What Were You Thinking?": Using Annotated Portfolios to Improve Student Assessment, 4 Leg. Writing 123 (1998).

What Does Ambiguous Mean? Making Sense of Statutory Analysis in Oregon, 34 Willamette L. Rev. 219 (1998).

Statutes Affecting Compensation, in *Labor and Employment Law: Public Sector* (Or. CLE 1990) (co-author Katherine Logan).

Civil Service and Particular Employment Problems, in *Labor and Employment Law: Public Sector* (Or. CLE 1990).

Jones, James T. R.

Integrating Domestic Violence Issues into the Law School Torts Curriculum, 47 Loy. L. Rev. 59 (2001).

Book Review, 73 Temp. L. Rev. 219 (2000) (reviewing ALWD & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (Aspen L. & Bus. 2000)).

Kentucky Tort Liability for Failure to Report Family Violence, 26 N. Ky. L. Rev. 43 (1999).

Liability in Delict for Failure to Report Family Violence, 116 S. African L.J. 371 (1999) (co-author Michael L. Lupton).

Battered Spouses' Damage Actions against Unresponsive South African Police, 114 S. African L.J. 356 (1997).

Trains, Trucks, Trees and Shrubs: Vision-Blocking Natural Vegetation and a Landowner's Duty to Those off the Premises, 39 Vill. L. Rev. 601 (1994) (reprinted in 45 Def. L.J. 463 (1996)).

Battered Spouses' Damage Actions against Non-Reporting Physicians, 45 DePaul L. Rev. 191 (1996).

Battered Spouses' Section 1983 Damage Actions against the Unresponsive Police after DeShaney, 93 W. Va. L. Rev. 251 (1991).

Evidentiary Autopsies, 61 U. Colo. L. Rev. 567 (1990).

Battered Spouses' State Law Damage Actions against the Unresponsive Police, 23 Rutgers L.J. 1 (1991).

The Deliberative Process Privilege, 54 Mo. L. Rev. 279 (1989) (co-author Russell L. Weaver).

Student Author, *Ethical Problems for the Law Firm of a Former Government Attorney: Firm or Individual Disqualification?* 1977 Duke L.J. 512.

Kagan, Jonathan

Student Author, *Toward a Uniform Application of Punishment: Using the Federal Sentencing Guidelines as a Model for Punitive Damage Reform*, 40 UCLA L. Rev. 753 (1993).

Student Author, *Survey: Developments in Maryland Law: The Successor Liability Rule in a Products Liability Setting*, 51 Md. L. Rev. 581 (1992) (co-author Christopher C. O'Hara).

Kahn, Robert A.

Adversarial vs. Inquisitorial Legal Systems; Gravity of the Evil; Seditious Libel; Stromberg v. California*, and Torture*, in *Encyclopedia of Civil Liberties in America* (David Schultz & John R. Vile eds., Sharpe Ref. 2004).

Holocaust Denial and the Law: A Comparative Perspective, in *New Approaches to Comparative Politics: Insights from Political Theory* (J. Holmes ed., Lexington Bks. 2003).

Rebuttal v. Unmasking: Legal Strategy in R. v. Zundel, 34 Patterns of Prejudice 3 (2000).

Informal Censorship of Holocaust Revisionism in the United States and Germany, 9 Geo. Mason U. Civ. Rights L.J. 125 (1998).

Who Takes the Blame? Scapegoating, Legal Responsibility and the Prosecution of Holocaust Revisionists in the Federal Republic of Germany and Canada, 16 Glendale L. Rev. 17 (1998).

Kane, Leah A.

Book Review, 8 Nev. Law. 23 (2001) (reviewing ALWD & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (Aspen L. & Bus. 2000)) (co-author Terrill Pollman).

Nevada Federal Court Begins New Chapter in Leadership as Chief Judge Howard D. McKibben Takes the Reins, 6 Nev. Law. 19 (July 1998) (co-author Alan B. Rabkin).

Kavanaugh, Kay

Don't Ask, Don't Tell: Deception Required, Disclosure Denied, 1 Psychol., Pub. Policy & L. 142 (1995).

Problems in Remedies: Damages, Equity, and Restitution (2d ed., West 1993) (co-author Dan B. Dobbs).

Kearney, Mary Kate

DeShaney's Legacy in Foster Care and Public School Settings, 41 Washburn L.J. 275 (2002).

Reflections on Good (Law) Teaching, 2001 L. Rev. Mich. St. U. Det. C.L. 835 (co-author Mary Jane Kearney).

Child Witnesses of Domestic Violence: Third Party Recovery for Intentional Infliction of Emotional Distress, 47 Loy. L. Rev. 283 (2001).

A Lawyer's Call to Integrity: A Response, 9 Widener J. Pub. L. 339 (2000).

The ADA, Respiratory Disabilities and Smoking: Can Smokers at Burger King Really Have It Their Way? 50 Syracuse L. Rev. 1 (2000).

The New Paradigm in Custody Law: Looking at Parents with a Loving Eye, 28 Ariz. St. L.J. 543 (1996).

Substantive Due Process and Parental Corporal Punishment: Democracy and the Excluded Child, 32 San Diego L. Rev. 1 (1995).

Breaking the Silence: Tort Liability for Failing to Protect Children from Abuse, 42 Buff. L. Rev. 405 (1994).

Teaching Students How to "Think Like Lawyers": Integrating Socratic Method with the Writing Process, 64 Temp. L. Rev. 885 (1991) (co-author Mary Beth Beazley).

Keller, Elisabeth A.

Audiotaped Critiques of Written Work, 14 Second Draft (newsltr. of Leg. Writing Inst.) 13 (Nov. 1999).

Consensual Relationships and Institutional Policy, 76 Academy (Assn. of U. Profs. bull.) 29 (Jan./Feb. 1990).

Introductory Comment: A Historical Introduction to the Securities Act of 1933 and the Securities Exchange Act of 1934, 49 Ohio St. L.J. 329 (1988) (co-author Gregory A. Gehlmann).

Consensual Amorous Relationships between Faculty and Students: The Constitutional Right to Privacy, 15 J.C. & U.L. 21 (1988).

Kent, Mara

Forced v. Compulsory Arbitration of Civil Rights Claims: Did the Ninth Circuit Err When It Held That an Employer May Condition an Employee's Offer of Employment on Waiving the Statutory Right to a Jury Trial? 23 J.L. & Inequality 95 (2005).

Going the Distance: Distance Education at the Thomas M. Cooley Law School, 81 Mich. B.J. 48 (Oct. 2002).

Michigan's Civil Rights Claimants: Should They Be Required to Give Up Their Physician-Patient Privilege When Alleging Garden-Variety

Emotional Distress? 77 U. Det. Mercy L. Rev. 749 (2000) (co-author Thomas Kent).

Student Author, *Limiting Michigan's Guilty and Nolo Contendre Plea Appeals?* 73 U. Det. Mercy L. Rev. 431 (1996).

Kimble, Joseph

The Straight Skinny on Better Judicial Opinions, 9 Scribes J. Leg. Writing 1 (2003–2004).

Plain Language: In Terms of in Terms of, 81 Mich. B.J. 44 (Nov. 2002).

A Crack at Federal Drafting, 39 Ct. Rev. 44 (Spring 2002).

First Things First: The Lost Art of Summarizing, 8 Scribes J. Leg. Writing 103 (2001–2002) (originally published in 38 Ct. Rev. 30 (Summer 2001)).

How to Mangle Court Rules and Jury Instructions, 8 Scribes J. Leg. Writing 39 (2001–2002).

Plain Words (Part II), 80 Mich. B.J. 72 (Sept. 2001).

Plain Words (Part I), 80 Mich B.J. 72 (Aug. 2001).

The Best Test of a New Lawyer's Writing, 80 Mich. B.J. 62 (July 2001).

The Great Myth That Plain Language Is Not Precise, 7 Scribes J. Leg. Writing 109 (1998–2000) (originally published in 9 Bus. L. Today 48 (July–Aug. 2000)).

A Modest Wish List for Legal Writing, 36 Tr. 89 (Jan. 2000) (reprinted in 79 Mich. B.J. 1574 (Nov. 2000)).

How to Write an Impeachment Order, 36 Ct. Rev. 8 (Summer 1999) (reprinted in 78 Mich. B.J. 1304 (Nov. 1999)).

The Lessons of One Example, 42 Clarity 59 (Sept. 1998).

Lawyers Need to Learn the Elements of Style, Natl. L.J. A21 (Nov. 10, 1997).

Don't Stop Now: An Open Letter to the SEC, 76 Mich. B.J. 852 (Aug. 1997).

The Route to Clear Jury Instructions, 6 Scribes J. Leg. Writing 163 (1996–1997) (reprinted in 78 Mich. B.J. 1406 (1999)).

Writing for Dollars, Writing to Please, 6 Scribes J. Leg. Writing 1 (1996–1997).

A South African Diary: New Laws for a New Country, Briefs (Ingham Co. B. Assn., Lansing, Mich.) 10 (Nov. 1996).

Notes toward Better Legal Writing, 75 Mich. B.J. 1072 (Oct. 1996).

In Defense of IRAC (As Far As It Goes), 10 Second Draft (newsltr. of Leg. Writing Inst.) 10 (Nov. 1995).

Answering the Critics of Plain Language, 5 Scribes J. Leg. Writing 51 (1994–1995).

On Legal-Writing Programs, 2 Persps. 43 (Winter/Spring 1994).

The Influence of a Little Column, 73 Mich. B.J. 32 (Jan. 1994).

Drafting Documents in Plain Language (rev. ed., Bus. Forms Mgt. Assn. 1993).

Teaching Legal Drafting, 3 Scribes J. Leg. Writing 148 (1992).

The Many Misuses of Shall, 3 Scribes J. Leg. Writing 61 (1992).

Plain English: A Charter for Clear Writing, 9 Thomas M. Cooley L. Rev. 1 (1992) (reprinted in three parts in 71 Mich. B.J. 1064, 1190, 1302 (Oct. 1992)).

Yes to Plain English, 7 Second Draft (newsltr. of Leg. Writing Inst.) 2 (Oct. 1991).

I'm Ready: Learning Research and Reasoning through Audiotapes, 3 Trends L. Lib. Mgt. & Tech. 1 (Dec. 1989–Jan. 1990) (reprinted in 3 Integrated Leg. Research 8 (Winter 1990–1991)).

Strike Three for Legalese, 69 Mich. B.J. 418 (May 1990).

Why We Need a Plain English Law, 67 Mich. B.J. 1192 (Dec. 1988).

Protecting Your Writing from Law Practice, 66 Mich. B.J. 912 (Sept. 1987).

A Plain English Primer, 33 Prac. Law. 83 (1987).

Survey: Plain English Wins Every Which Way, 66 Mich. B.J. 1024 (Oct. 1987) (co-author Steve Harrington).

Protecting Your Writing from Law School: An Open Letter to Law Students, 65 Mich. B.J. 576 (1986) (co-author F. Georgann Wing).

Kintzer, Gail

Rule Based Legal Writing Problems: A Pedagogical Approach, 3 Leg. Writing 143 (1997) (co-authors Maureen Straub Kordesh and Ann C. Sheehan).

Koby, Michael H.

Memorializing Our Nation's Heroes: A Legislative Proposal to Amend the Commemorative Works Act, 17 J.L. & Pol. 99 (2001) (co-author Ash Jain).

Religious Liberty in Central Asia, 22 CSCE Dig. 33 (1999).

The Supreme Court's Declining Reliance on Legislative History: The Impact of Justice Scalia's Critique, 36 Harv. J. on Legis. 369 (1999).

The Supreme Court Cries "Foul" to Patronage Contracting: Where Have You Gone Joe McDonough? 32 New. Eng. L. Rev. 1 (Fall 1997) (co-author Paul Fischer).

Kordesh, Maureen Straub

Reinterpreting ABA Standard 302(f) in Light of the Multistate Performance Test, 30 U. Mem. L. Rev. 299 (2000).

Rolling Up Their Sleeves: Using a Single Case to Teach Multi-Faceted Case Analysis, 14 Second Draft (newsltr. of Leg. Writing Inst.) 3 (May 2000).

Navigating the Dark Morass: A First-Year Student's Guide to the Library, 19 Campbell L. Rev. 115 (1997).

Rule Based Legal Writing Problems: A Pedagogical Approach, 3 Leg. Writing 143 (1997) (co-authors Gail Anne Kintzer and C. Ann Sheehan).

"I Will Build My House with Sticks": The Splintering of Property Interests under the Fifth Amendment May be Hazardous to Private Property, 20 Harv. Envtl. L. Rev. 397 (1996).

Kording, Niccol D.

Little White Lies That Destroy Children's Lives—Recreating Fraud Law to Consider Children's Interests, 4 J. L. & Family Stud. 234 (2004).

Nature v. Nurture: Children Left Fatherless and Family-Less When Nature Prevails over Nurture in Paternity Decisions, 65 U. Pitt. L. Rev. 811 (2004).

The Day the Family Dies: The Bald Eagle, DNA and Money Privilege in Paternity Fraud Legislation and Paternity Decisions, 7 J.L. & Soc. Change 50 (2003).

Kosse, Susan Hanley

Try, Try Again, Will Congress Ever Get It Right? A Summary of Internet Pornography Laws Protecting Children and Possible Solutions, 38 U. Rich. L. Rev. 721 (2004).

Virtual Child Pornography, A United States Update, 9:1 Tolley's Commun. L.J. 38 (2004).

The Rx for Burnout: Serve Others, 18 Second Draft (newsltr. of Leg. Writing Inst.) 15 (June 2004).

Buffalo Creek Prevents Legal Writing Class Disaster, 10 L. Teacher 14 (Spring 2003).

How Judges, Practitioners, and Legal Writing Teachers Assess the Writing Skills of New Law Graduates: A Comparative Study, 53 J. Leg. Educ. 80 (2003) (co-author David T. Ritchie).

Expedited Appeals in KY, 4 J. App. Prac. & Process 1 (Spring 2002) (co-author Kristen S. Miller).

Lessons from the Past—A History of American Law in Times of Crises, Ky. Bench & B. 10 (Jan. 2002) (co-authored).

Let Bush and Gore Teach Persuasion, 16 Second Draft (newsltr. of Leg. Writing Inst.) 5 (Dec. 2001).

Putting One Foot in the Front of the Other: The Importance of Teaching Text-Based Research before Exposing Students to Computer-Assisted Legal Research, 9 Persps. 69 (Winter 2001) (co-author David T. Ritchie).

What Happens When the Internet Becomes X-Rated: How Do We Keep It Safe for Our Children, 4 J. Cath. Educ. 514 (June 2001).

Student Designed Home Web Pages—Does Title IX or the First Amendment Apply? 43 Ariz. L. Rev. 905 (2001).

Teaching Negotiable Instruments Can Be Fun, 8 L. Teacher 9 (Fall 2000).

Teaching Legal Analysis to the "Seers, Hearers, and the Doers", 14 Second Draft (newsltr. of Leg. Writing Inst.) 4 (May 2000).

Krontz, Constance

Improving Legal Writing Courses: Perspectives from the Bench and Bar, 8 Leg. Writing 201 (2002) (co-author Susan McClellan).

Kunz, Christina L.

The Process of Legal Research (6th ed., Aspen Publishers 2004) (co-authors Deborah A. Schnedemann, Matthew P. Downs, and Ann L. Bateson).

Sales of Goods: Reading and Applying the Code (2d ed., West 2004) (co-author Carol L. Chomsky).

Browse-Wrap Agreements: Validity of Implied Assent in Electronic Form Agreements, 59 Bus. Law. 279 (2003) (co-authors John E. Ottaviani, Elaine D. Ziff, Juliet M. Moringiello, Kathleen M. Porter, and Jennifer C. Debrow).

Synthesis: Legal Reading, Reasoning, and Writing (2d ed., Aspen L. & Bus. 2003) (co-author Deborah A. Schmedemann).

Teaching First-Year Contracts Students How to Read and Edit Contract Clauses, 34 U. Tol. L. Rev. 705 (2003).

The 2000 Draft of UCC Article 2: Part Six on Breach, Repudiation, and Excuse, 54 S.M.U. L. Rev. 899 (2001).

Click-through Agreements: Strategies for Avoiding Disputes on Validity of Assent, 57 Bus. Law. 401 (2001) (co-author Maureen F. Del Duca, Heather Thayer, and Jennifer Debrow).

Making the Most of Reading Assignments, 5 Persps. 61 (Winter 1997) (co-author Helen S. Shapo).

ABA Sourcebook on Legal Writing Programs (LexisNexis 1997) (co-authors Ralph L. Brill, Susan L. Brody, Richard K. Neumann, Jr., and Marilyn R. Walter).

A Decade of Developments in Performance-Based Legal Education, 21 Wm. Mitchell L. Rev. 673 (1996) (co-author Deborah A. Schmedemann).

Teaching Research as Part of an Integrated LR&W Course, 4 Persps. 78 (Spring 1996).

The Legal Aspects of Purchasing Services and Technology (Natl. Assn. of Purchasing Mgt. 1995).

Winning the Font Game: Limiting the Length of Students' Papers, 4 Persps. 65 (Fall 1995) (co-author Helene S. Shapo).

"Standardized" Assignments in First-Year Legal Writing, 3 Persps. 65 (Spring 1995).

Midpoint Commentary on the Revision of the Uniform Commercial Code, Article Two, Part Six: Breach, Repudiation, and Excuse, 1995 Com. L. Annual 195.

Teaching Citation Form and Technical Editing: Who, When, and What, 3 Persps. 4 (Fall 1994) (co-author Helene S. Shapo).

Contract Writing: Terms and Conditions Explained (Natl. Assn. of Purchasing Mgt. 1993).

Terminating Research, 2 Persps. 6 (Fall 1993) (co-author Helene S. Shapo).

Winds of Curricular Change, William Mitchell Mag. 23 (Summer 1993).

Cooperative Learning Techniques for Legal Research and Writing Courses, Integrated Leg. Research 1 (Winter–Spring 1990) (co-author A. Bateson).

Frontispiece on Good Faith: A Functional Approach within the UCC, 16 Wm. Mitchell L. Rev. 1105 (1990).

Integration of Skills as an Overarching Goal in a Legal Writing, Reasoning, and Research Course: Its Influence on Curriculum, Integrated Leg. Research 7 (Fall 1989).

Motor Vehicle Ownership Disputes Involving Certificate-of-Title Acts and Article Two of the U.C.C., 39 Bus. Law. 1599 (1984).

Appellate Advocacy Videotape Manual (Natl. Inst. for Tr. Advoc. 1981).

The Indiana Environmental Law Agencies: A Survey and Critique, 10 Ind. L. Rev. 995 (1977).

Student Author, *Juvenile Delinquency:* Stokes v. Commonwealth, 15 J. Fam. L. 142 (1976–1977).

Lawrence, Mary S.

An Interview with Marjorie Rombauer, 9 Leg. Writing 19 (2003).

Legal Research without Cost on the Internet, 11 Experience (newltr. of ABA Senior Laws. Div.) 15 (Fall 2000) (co-authored).

Surviving Sample Memos, 6 Persps. 90 (Fall 1998).

Designing the First Writing Assignment, 5 Persps. 94 (Spring 1997) (co-author Helene S. Shapo).

Writing as a Thinking Process (2d ed., U. Mich. Press. 1996).

Legal Research and Writing and the Blind Student, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) (1991) (co-authored).

A Review from Three Perspectives, 55 Brook. L. Rev. 1301 (1990) (reviewing Helene S. Shapo, Marilyn R. Walter & Elizabeth Fajans, *Writing and Analysis in the Law* (Found. Press, Inc. 1989)) (co-authors Robin Jones and Mary Ellen Lanzisera).

Fair Use: Evidence of Change in a Traditional Doctrine, 27 ASCAP Copy. L. Symposium (1982).

The University of Oregon School of Law 1884–1903: The Thornton Years, 59 Or. L. Rev. 249 (1980).

Reading, Thinking, Writing (U. Mich. Press. 1975).

Enquiry Method and Problem Solving in the EFL Classroom, TESL Reporter (1972).

The Use of Films in Teaching English as a Second Language, 1971 Lang. Learning (co-authored).

Leatherman, Don

A Primer on '1.1502-35T, 2003 Tax Strategies for Corp. Acquisitions, Dispositions, Spin-offs, Jt. Ventures, Financings, Reorgans. & Restructurings 9.

Why Rite Aid Is Wrong, 52 Am. U. L. Rev. 811 (2003).

Current Developments for Consolidated Groups, 18 Tax Strategies for Corp. Acquisitions, Dispositions, Spin-offs, Jt. Ventures, Financings, Reorgans. & Restructurings 793 (P.L.I. 2002).

Notice 2001-45 and Consolidated Groups, 15 J. Taxn. of Fin. Instns. 9 (Mar./Apr. 2002).

Recent Developments for Consolidated Groups, 17 Tax Strategies for Corp. Acquisitions, Dispositions, Spin-offs, Jt. Ventures, Financings, Reorgans. & Restructurings 83 (P.L.I. 2001).

Current Developments for Consolidated Groups, 15 Tax Strategies for Corp. Acquisitions, Dispositions, Spin-offs, Jt. Ventures, Financings, Reorgans. & Restructurings 389 (P.L.I. 2000).

United Dominion *and the Consolidated Return Regulations*, 91 Tax Notes 1319 (May 21, 2001).

Taxable Transactions Involving S Corporations and Their Shareholders, in *New York University 58th Institute on Federal Taxation* ch. 7 (Matthew Bender 2000).

Are Separate Liability Losses Separate for Consolidated Groups, 52 Tax Law. 663 (1999).

Musings on Current Consolidated Issues, 14 Tax Strategies for Corp. Acquisitions, Dispositions, Spin-offs, Jt. Ventures, Financings, Reorgans. & Restructurings 220 (P.L.I. 1999).

Extraordinary Gain and Loss Disallowance—Formulas to Compute the Extraordinary Gain Disposition Factor, 12 Tax Strategies for Corp. Acquisitions, Dispositions, Spin-offs, Jt. Ventures, Financings, Reorgans. & Restructurings 182 (P.L.I. 1998).

Shifting of Member Stock Basis under Section 1.302-2(c), 13 Tax Strategies for Corp. Acquisitions, Dispositions, Spin-offs, Jt. Ventures, Financings, Reorganizations & Restructurings 188 (P.L.I. 1998).

Current Developments for Consolidated Groups, 50 Tax Law. 897 (1997).

The Use of Partnerships by Consolidated Groups, 12 Tax Strategies for Corp. Acquisitions, Dispositions, Spin-offs, Jt. Ventures, Financings, Reorgans. & Restructurings 152 (P.L.I. 1997) (co-authors Terrill Hyde and Bill Wasserman).

The Pennsylvania Eminent Domain Code: A Bittersweet Nostrum for the Residential Tenant, 84 Dick. L. Rev. 499 (1980).

LeClercq, Terri

A Guide to Legal Writing Style (3d ed., Aspen L. & Bus 2004) (with accompanying interactive CD).

Federal Judiciary Center, Class-Action Notices Page, http://www.fjc.gov/.

Law School Plagiarism and Teaching Materials, http://www.lwionline.org/publications/plagiarism/.

A Challenge from the Future: Legal Writing, 2009, 9 Leg. Writing 111 (2003).

Creating the Federal Judicial Center's New Illustrative "Model" Plain Language Action Notices, 13 Class Actions & Derivative Suits 10 (Spring 2003) (co-author Todd Hilsey).

The Federal Judiciary Center's Model Plain Language Class Action Notices: A New Tool for Practitioners and the Judiciary, 4 Bureau of Natl. Affairs 182 (Mar. 2003) (co-author Todd Hilsee).

In the Time of Shoes and Butterflies, 7 Hispanic J.L. & Policy 56 (Fall 2001).

Teaching Student Editors to Edit, 9 Persps. 124 (Spring 2001).

People, Traffic Jams, Minarets, Donkeys—Cairo!, Austin Am.-Statesman (Mar. 25, 2001).

A Texas Death, English in Tex. 63 (Fall/Winter 2000).

A Guide to Legal Writing Style (2d ed., Aspen L. & Bus. 2000).

The Nuts and Bolts of Article Selection and Criteria, 30 Stetson L. Rev. 437 (2000).

Writing Guru Discourses Speaks, 6 Tex. Paralegal J. 25 (2000).

"Mister" Indeed! 10 UIL Leaguer (Oct. 1999).

Confusion and Conflict about Plagiarism in Law Schools and Law Practice, in *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Lisa Buranen & Alice Roy eds., SUNY Press 1999).

Failure to Teach: Due Process and Law School Plagiarism, 49 J. Leg. Educ. 236 (1999).

Seven Principles of Higher Education—Principle 4: Good Practice Gives Prompt Feedback, 49 J. Leg. Educ. 418 (1999).

Doctrine of the Last Antecedent: The Mystifying Morass of Ambiguous Modifiers, 2 Leg. Writing 81 (1996).

Expert Legal Writing (U. Tex. Press 1995).

U.S. News & World Report *"Notices" Legal Writing Programs*, 3 Persps. 77 (Spring 1995).

Writing Exercise Is Exercise, 58 Tex. B.J. 30 (1995).

Power Editing, 57 Tex. B.J. 256 (1994).

An English Professor's Perspective: "Writing Like a Lawyer", 1 Persps. 47 (Winter 1993).

I Use Them! Law School Portfolios, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) (Apr. 1993).

Quick Tricks for Organization, 56 Tex. B.J. 512 (1993).

Avenue Writers, Pecan Press (Austin, Tex.) 10 (Nov. 1992).

That Sophisticated Semicolon, 55 Tex. B.J. 1076 (1992).

Beware of Ambiguous Modifiers, 55 Tex. B.J. 868 (1992).

Jurors, Not Serfs, Tex. Law. 14 (July 1992).

A Reference Library for Drafters, 55 Tex. B.J. 622 (1992).

Cast Your Vote: Doctrine of the Last Antecedent, Second Draft (newsltr. of Leg. Writing Inst.) 2 (Apr. 1992).

Teaching Advice from a Professional Writer, Second Draft (newsltr. of Leg. Writing Inst.) 3 (Apr. 1992).

The Craft of Successful Drafting, 54 Tex. B.J. 1248 (1991).

The Secret Arguments against Plain English, Second Draft (newsltr. of Leg. Writing Inst.) (Oct. 1991).

Punctuating with Commas, 54 Tex. B.J. 622 (1991).

What's New in Rhetoric: Writing Centers, Second Draft (newsltr. of Leg. Writing Inst.) 2 (June 1991).

Writing's a Touchy Subject, 54 Tex. B.J. 454 (1991).

Deliberate Sentence Structure, 54 Tex. B.J. 151 (1991).

The Premature Deaths of Writing Instructors, Integrated Leg. Research 4 (Winter 1990–1991).

Ready Writing Handbook (2d ed., U. Interscholastic League 1990) (co-author Jim Kinneavy).

Grammar Rules Versus Suggestions, 53 Tex. B.J. 1314 (1990).

Sophisticated Language: Allusions and Word Play, 53 Tex. B.J. 620 (1990).

What's Happening in Rhetoric? Second Draft (newsltr. of Leg. Writing Inst.) (Apr. 1990).

Can Legal Writing Be Saved? 52 Tex. B.J. 1144 (1989).

Emulating the Pro's Prose: Stylistic Consciousness, 52 Tex. B.J. 654 (1989).

Compound Adjectives and Noun Strings, 52 Tex. B.J. 316 (1989).

First Aid for Sentences, Part III: Of Marshmallows, 51 Tex. B.J. 1148 (1988).

First Aid for Sentences, Part II: Left-Handed Sentences, 51 Tex. B.J. 935 (1988).

First Aid for Sentences, Part I: The Long Sentence, 51 Tex. B.J. 814 (1988).

Reference Books for Legal Writers, 51 Tex. B.J. 696 (1988).

Attorneys and Writer's Block, 51 Tex. B.J. 592 (1988).

Coordination and Subordination: Defining Relationships, 51 Tex. B.J. 372 (1988).

Editing Workbook for Attorneys (U. Tex L. Sch. 1983–1988) (CLE seminars for practicing attorneys).

Words and Their Meanings, 50 Tex. B.J. 1242 (1987) (reprinted in In Res. (L. Lib. Publications) (Jan. 1988)).

Clip-and-Save Writing Guides, 50 Tex. B.J. 1116 (1987).

Help or Hinder: Partners Affect Associates' Writing, 50 Tex. B.J. 984 (1987).

"Question Marks?" She Queried. Or, the Arbitrary Rules Surrounding Quotation Marks, 50 Tex. B.J. 398 (1987).

The Success-and Failure-of IRAC, 50 Tex. B.J. 222 (1987).

A Case against Case Names: Examination of the Structure of Legal Sentences, 50 Tex. B.J. 24 (1987).

Let's Test Your Basics, 49 Tex. B.J. 1108 (1986).

Re-Vision before Editing, 49 Tex. B.J. 838 (1986) (reprinted in L. Office Econs. Sec. Newsltr. (Fla. B.) (Oct. 1987)).

Cycle of Discontent: Lawyers and Judges, 49 Tex. B.J. 794 (1986) (reprinted as *Legal Double-Talk Confusing?* Okla. Co. B. Assn.'s Briefcase (Aug. 1986)).

Comma, Comma, and Comma, 49 Tex. B.J. 648 (1986).

Trouble Spots: Salutations and "Prosecutrix", 49 Tex. B.J. 480 (1986).

Organization and the Deductive Thrust, 49 Tex. B.J. 290 (1986).

Focus on Density, 49 Tex. B.J. 176 (1986).

Sex and the Singular Pronoun, 49 Tex. B.J. 60 (1986).

Editing Workbook for Opinion Writers (U. Tex L. Sch. 1984–1986) (CLE seminars for practicing attorneys).

Min(d)ing the Field: Appellate Judges Speak out, 48 Tex. B.J. 1350 (1985).

Trouble Spots: "That/Which" and "Only", 48 Tex. B.J. 1104 (1985).

Jargon 2: Just When You Thought It Was Safe, 48 Tex. B.J. 852 (1985).

Jargon: Manure, Margarine, and Moderation, 48 Tex. B.J. 412 (1985).

Writing Like a Lawyer, 48 Tex. B.J. 362 (1985) (reprinted in 1 Persps. 47 (Winter 1993)).

Editing Workbook for Students (U. Tex L. Sch. 1984) (co-author Fred Asnes).

Alsatian Architecture in Medina County, in *Texas Buildings* (Encino Press 1979).

Levine, Jan M.

Legal Writing: Examples and Explanations (forthcoming Aspen L. & Bus.) (co-author Richard K. Neumann, Jr.).

The Law School Guide to Windows-Based Computing (forthcoming Aspen L. & Bus.) (co-author Kristin B. Gerdy).

Legal Research and Writing: What Schools Are Doing, and Who Is Doing the Teaching (Three Years Later), 9 Scribes J. Leg. Writing 113 (2003–2004) (co-author Susan P. Liemer).

Four Rules to Advance the Status of Legal Writing Faculty, Leg. Writing, Reasoning, & Research (AALS Sec. newsltr.) 12 (Spring 2002).

Words from the Podium, Scrivener (newsltr of Scribes) (Winter 1996–Spring 2002) (quarterly column).

Women, Writing & Wages: Breaking the Last Taboo, 7 Wm. & Mary J. Women L. 551 (2001) (co-author Kathryn M. Stanchi).

Designing Assignments for Integrating Legal Analysis, Research and Writing, 3 Persps. 58 (Spring 1995) (reprinted in Best of Persps. 3 (West Group 2001)).

Gender and Legal Writing: Law Schools' Dirty Little Secrets, 16 Berkely Women's L.J. 3 (2001) (co-author Kathryn M. Stanchi).

Legal Research and Writing: What Schools Are Doing, and Who Is Doing the Teaching, 7 Scribes J. Leg. Writing 51 (1998–2000).

Seven Short Suggestions for Using Your Computer to Teach LRW Better, 13 Second Draft (newsltr. of Leg. Writing Inst.) 13 (May 1999).

Some Concerns about Legal Writing Scholarship, 7 Persps. 69 (Winter 1999).

Legal Writing Scholarship: Point/Counterpoint, 7 Persps. 68 (Winter 1999) (co-author Grace C. Tonner).

Leveling the Hill of Sisyphus: Becoming a Professor of Legal Writing, 26 Fla. St. U. L. Rev. 1067 (1999).

The Politics of Legal Writing: Proceedings of a Conference for Legal Research and Writing Program Directors (Jan M. Levine, Rebecca Cochran & Steve Johansen eds., West & ALWD 1996).

Status and Salary, in *The Politics of Legal Writing: Proceedings of a Conference for Legal Research and Writing Program Directors* (Jan M. Levine, Rebecca Cochran & Steve Johansen eds., West & ALWD 1996).

Response: "You Can't Please Everyone, So You'd Better Please Yourself": Directing (or Teaching in) a First-Year Legal Writing Program, 29 Val. U. L. Rev. 611 (1995).

Voices in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Research and Writing Programs, 45 J. Leg. Educ. 530 (1995).

Standards for Evaluating LR&W Teachers, 9 Second Draft (newsltr. of Leg. Writing Inst.) 4 (May 1995).

The Final Word, 8 Second Draft (newsltr. of Leg. Writing Inst.) 12 (Mar. 1994).

Figure Out How You Fit into the Law School Academy, 8 Second Draft (newsltr. of Leg. Writing Inst.) 3 (Mar. 1994).

Analytical Assignments for Integrating Legal Research and Writing (Adams & Ambrose 1991, 1993–1996) (co-author in 1995 & 1996: Kathryn A. Sampson).

Emergency Medical Technician Liability, in *Behavioral Emergencies: A Field Guide for EMT's and Paramedics* (Ellen L. Bassuk ed., Little, Brown & Co. 1982) (co-author Arthur Hoffmann).

Guardianship and Conservatorship in Massachusetts: An Attorney's Reference Manual (Jan M. Levine & Dorothy King eds., Boston U. & Worcester County B. Assn. 1981).

Evolving Limitations on Guardianship, Natl. College of Prob. Judges Newsltr. (Fall 1980) (co-author Henry Beyer).

Mental Retardation and the Law (Jan M. Levine ed., President's Comm. on Mental Retardation Dec. 1979 & June 1980).

The Use of Human Tissue in Experimentation, Ethics Advisory Board Report and Conclusions: DHEW Support of Research Involving Human In-Vitro Fertilization and Embryo Transfer (U.S. Govt. Prtg. Off. 1979) (co-author Stephen Weiner).

Levy, James B.

As a Last Resort, Ask the Students: What They Say Makes Someone an Effective Law Teacher, 58 Me. L. Rev. 50 (2005).

Why Most People Can't Write: A Neurologist Suggests Some Answers, 13 Persps. 32 (Fall 2004) (reviewing Alice W. Flaherty, *The Midnight Disease: The Drive to Write, Writer's Block and the Creative Brain* (Houghton Mifflin 2004)).

Three Views of Visiting, 18 Second Draft (newsltr. of Leg. Writing Inst.) 1 (June 2004) (co-authors Samantha Moppett and Terrill Pollman).

Teaching the Law School Curriculum (Steven Friedland & Gerald F. Hess eds., Carolina Academic Press 2004) (selected articles).

We Teach Thinking, Not Writing, 17 Second Draft (newsltr. of Leg. Writing Inst.) 12 (July 2003).

Motivating Students to Learn, 9 L. Teacher 14 (Spring 2002).

Be a Classroom Leader, 10 Persps. 12 (Spring 2001).

Better Research Instruction through "Point of Need" Library Exercises, 7 Leg. Writing 87 (2001).

The Cobbler Wears No Shoes—A Lesson for Research Instruction, 51 J. Leg. Educ. 39 (2001).

"Can't We All Just Get Along?"—Cooperative Legal Writing Assignments, 15 Second Draft (newsltr. of Leg. Writing Inst.) 1 (June 2001).

Legal Research and Writing Pedagogy—What Every New Teacher Needs to Know, 8 Persps. 103 (Spring 2000) (reprinted in Best of Persps. 39 (West 2001)).

Escape to Alcatraz: What Self-Guided Museum Tours Can Show Us about Teaching Legal Research, 44 N.Y. L. Sch. L. Rev. 387 (2000).

Book Review, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) (Fall 2000) (reviewing Gerald Amada & Michael Clay Smith, *Coping with Misconduct in the College Classroom: A Practical Model* (College Administration Publications 1999)).

50,000,000 Elvis Fans Can't Be Wrong: The Socratic Method Works, 14 Second Draft (newsltr. of Leg. Writing Inst.) 5 (May 2000).

Critiquing Student Papers—The Quick and the Dead, 14 Second Draft (newsltr. of Leg. Writing Inst.) 5 (Nov. 1999).

Dead Bodies and Dueling: Be Creative in Developing Ideas for the Open Universe Memoranda, 7 Persps. 13 (Fall 1998).

Massachusetts Supreme Judicial Court Adopts Proposed Rule of Evidence Making Prior Inconsistent Statements Admissible as Substantive Evidence, 19 Suffolk U. L. Rev. 743 (1985).

Topic Surveys: Evidence, 19 Suffolk U. L. Rev. 415 (1985).

Excited Utterance Exception to Hearsay Rule Encompasses Remarks Elicited during Post-Robbery Questioning, 19 Suffolk U. L. Rev. 424 (1985).

Constitutional Challenges to Withdrawal Liability under the Multiple Employer Pension Plan Amendments Act of ERISA, chapter in treatise (ABA).

Lewis, Robin

Student Author, *Grandparents Retain Visitation Privileges after Adoption:* In Re Grandparental Visitation of C.G.F., *168 Wis. 2d 62, 483 N.W.2d 803,* cert denied*, 113 S. Ct. 408 (1992)*, 76 Marq. L. Rev. 651 (1993).

Lieberman, Jethro K.

Hearing, in *Encyclopedia of Civil Liberties* (M.E. Sharpe 2004).

Right to Reply, in *Encyclopedia of Civil Liberties* (M.E. Sharpe 2004).

Fifty Years a Typesetter, Adventures in Printing, Together with Some Meditations on Theory and Craft, Press at James Pond (2003).

Eight Blocks Away, Memories of September 11, 2001 (N.Y. L. Sch. 2002).

The Lawyer's Craft: An Introduction to Legal Analysis, Writing, Research, and Advocacy (Anderson Publg. Co. 2002) (co-authors Cathy Glaser, Robert A. Ruescher, and Lynn Boepple Su).

Law, in *Encyclopedia of American Studies* vol. 2, 458–466 (George T. Kurian ed., Grolier Educ. 2001).

War Story. Thirty Years without a Cup of Coffee or a Sailor's Oath, Press at James Pond (Jan. 31, 2001).

Legalization, in *International Encyclopedia of the Social & Behavioral Sciences* vol. 13, 693–869 (N.J. Smelser & P.B. Baltes eds., Elsevier 2000).

On the Pleasures of Connecting and Collecting, or How a Book Buyer Obsessed Online, Press at James Pond (May 2000).

Jean Shepherd: A Fan's Tribute and Farewell, Press at James Pond (Oct. 23, 1999).

A Practical Companion to the Constitution: How the Supreme Court Has Ruled on Issues from Abortion to Zoning (U. Ca. Press 1999 & Dialogue Press, Inc., Supps. 1999–2003).

The Art of the Fact, 5 Leg. Writing 25 (1999).

Book Review, 13 N.Y. L. Sch. J. Hum. Rights 699 (1997) (reviewing *Silencing the Opposition: Government Strategies of Suppression of Freedom of Expression* (Craig R. Smith ed., St. U. N.Y. Press 1996)).

Lessons from the Alternative Dispute Resolution Movement, 53 U. Chi. L. Rev. 424 (1986) (co-author James F. Henry).

The Evolving Constitution: How the Supreme Court Has Ruled on Issues from Abortion to Zoning (Random House 1992 & Dialogue Press, Inc., Supps. 1994–1996).

Ruminations on a Crescendo of Litigation, Natl. Forum (Fall 1991).

Business Law and the Legal Environment (3d ed., Harcourt Brace Jovanovich 1992) (co-author George J. Siedel).

Harlan without Relish, 36 N.Y. L. Sch. L. Rev. 243 (1991) (reviewing Tinsley E. Yarbrough, *John Marshall Harlan: Great Dissenter of the Warren Court* (Oxford U. Press 1992)).

Toward a Theory of Injury, in *Pernicious Ideas and Costly Consequences, the Intellectual Roots of the Torts Crisis* 99–115 (Natl. Leg. Ctr. for Pub. Interest 1990).

The Lawyer's Guide to Writing Well (McGraw-Hill 1989 & 2d ed., U. Ca. Press 2002) (co-author Tom Goldstein).

Lessons from a Writing Audit, 75 ABA J. 86 (Oct. 1989) (co-author Tom Goldstein).

The Legal Environment of Business (Harcourt Brace Jovanovich 1988) (co-author George J. Siedel).

Book Review, Wash. Mthly. (July 1987) (reviewing S. David Young, *The Rule of Experts: Occupational Licensing in America* (Cato Inst. 1987)).

Stroock, Stroock & Lavan: An Informal History of the Early Years, 1876 to 1950 (Stroock, Stroock & Lavan 1987).

The Enduring Constitution (West & HarperCollins Publg. 1987).

Why Have Lawyers Proliferated? N.Y. Times A27 (Aug. 6, 1986) (co-author Tom Goldstein).

Writing Like Pros(e), 6 Cal. Law. 43 (Jan. 1986) (co-author Tom Goldstein).

Book Review, 71 ABA J. 86 (June 1985) (reviewing Lawrence M. Friedman, *Total Justice* (Russell Sage Found. 1985)).

Alternatives to the High Cost of Litigation (Jethro K. Lieberman ed., newsltr. published by L. & Bus., Inc. & Ctr. for Pub. Resources 1982–1985).

The Manager's Guide to Resolving Legal Disputes, Better Results without Litigation (Harper & Row 1985) (co-author James F. Henry).

Salvation: Idle the Lawyers, Wash. Post B5 (Aug. 12, 1984).

Book Review, 70 ABA J. 94 (June 1984) (reviewing Lois G. Forer, *Money and Justice: Who Owns the Courts?* (W.W. Norton & Co. 1984)).

The Role of Courts in American Society (Jethro K. Lieberman ed., West 1984).

To Reach and Teach the Public, Write Better, in *Understanding the Law: A Handbook on Educating the Public* 9 (Robert S. Peck & Charles J. White eds., ABA Press 1983) (reprinted 32 Va. B. News (Oct. 1983)).

Book Review, Venture 111 (Aug. 1983) (reviewing William F. Buckley, Jr., *Overdrive: A Personal Documentary* (Doubleday 1983)).

Book Review, N.Y. Times Bk. Rev. 13 (June 5, 1983) (reviewing Jerold S. Auerbach, *Justice under the Law?* (Oxford U. Press 1982)).

Book Review, Venture 115 (Feb. 1983) (reviewing Richard L. Rubenstein, *The Age of Triage* (Beacon Press 1982)).

When Should Lawyers Squeal on Their Clients? Wash. Post C1 (Dec. 21, 1982).

The Litigious Society (Basic Bks. 1981; Harper Colophon 1983 & Japanese trans., Toshiaki Hasegawa Publg. 1993).

Corporate Dispute Management (Jethro K. Lieberman ed., Matthew Bender & Co. 1982).

Book Review, 27 N.Y. L. Sch. L. Rev. 695 (1981) (reviewing Marvin E. Frankel, *Partisan Justice* (Hill & Wang 1980)).

Checks and Balances, the Alaska Pipeline Case (Lothrop, Lee & Shepard Bks. 1981).

The Lawyer's Almanac (Jethro K. Lieberman ed., L. & Bus., Inc. Harcourt Brace Jovanovich 1981) (originating editor of series).

Free Speech, Free Press, and the Law (Lothrop, Lee & Shepard Bks. 1980).

Putting Law into Ethics, Liberal Educ. 250 (Summer 1979).

Some Reflections on Self-Regulation, in *The Professions and Public Policy* 89–97 (Philip Slayton & Michael J. Trebilcock eds., U. Toronto Press 1978).

Privacy and the Law (Lothrop, Lee & Shepard Co. 1978).

Crisis at the Bar: Lawyer's Unethical Ethics and What to Do about It (W. W. Norton Co. 1978).

The Aleph Solution (Stein & Day 1978; British Commonwealth ed., Melbourne House 1978; Berkley Bks. 1981; Italian trans., Reazioni a Catena, Arnoldo Mondadori Editore 1981; New English Lib. 1982; Swedish trans. Gislan Tagen, Manhattan Publg. 1982) (writing as Webster Mews with Sandor Frankel).

Legal Briefs for Editors, Publishers, and Writers (case ed., McGraw-Hill 1977–1978).

Suing Fever, 22 Skeptic Mag. 38 (Nov./Dec. 1977).

The Relativity of Injury, 7 Philosophy & Pub. Affairs 60 (Fall 1977).

How Much Government? 10 Ctr. Mag. 63 (May/June 1977).

Book Review, N.Y. Times Bk. Rev. 16 (Jan. 16, 1977) (reviewing *Law, Business, and Economics: A Roundup Review*).

Will the Courts Meet the Challenge of Technology? 60 Judicature 84 (Aug./Sept. 1976).

New Ways to Cut Legal Fees, N.Y. Mag. 83ff (Feb. 14, 1976).

Milestones! 200 Years of American Law (West & Oxford U. Press 1976).

The Complete CB Handbook (David McKay 1976 & paperback eds., Avon Bks. 1976–1980).

How to Avoid Lawyers, in *Verdicts on Lawyers* 105–117 (Ralph Nader & Mark Green eds., Thomas Y. Crowell Co. 1976).

The Race Admissions Case, Juris Doctor 22 (June 1974).

Bus. Week (1973–1982) (Legal Affairs ed. and authored over 250 stories, including 6 cover stories and 17 book reviews).

How the Government Breaks the Law (Stein & Day Publishers 1972 & Penguin 1973).

Cafeteria Workers Revisited: Does the Commander Have Plenary Power to Control Access to His Base? 25 JAG J. 53 (Fall 1970).

The Obscenity Report: Pornography and Obscenity in America (Stein & Day Publishers 1970 & British ed., Macgibbon & McKee 1970) (a satire, writing anonymously).

The Tyranny of the Experts, How Professionals and Specialists Are Closing the Open Society (Walker & Co. 1970).

Developments in Antitrust during the Past Year, 39 Antitrust L.J. 578 (1970).

Are Americans Extinct? (Walker & Co. 1968).

Understanding Our Constitution (Walker & Co. 1967 & paperback ed., Fawcett Crest Bks. 1968).

The Finance Cases, 42 Harv. L. Rec. 5 (April 14, 1966).

Court in Session (Sterling Publg. Co. 1966).

Student Author, Elfbrandt v. Russell *and Loyalty Oaths*, 2 Harv. Civ. Rights-Civ. Liberties L. Rev. 61 (1966).

Liemer, Susan

Staffing Models & Other Personnel Issues; Hiring a Director; Administration, Training and Other Director's Responsibilities; Review of Programs and Teachers, in *ABA Sourcebook on Legal Writing Programs* (forthcoming Eric Easton ed., ABA 2005) (three solicited chapters) (co-author Jan M. Levine).

Legal Research and Writing: What Schools Are Doing, and Who Is Doing the Teaching (Three Years Later), 9 Scribes J. Leg. Writing 1 (2003–2004) (co-author Jan M. Levine).

Many Birds, One Stone: Teaching the Law You Love, in Legal Writing Class, 53 J. Leg. Educ. 284 (2003).

Not Ready for PowerPoint? Rediscovering an Easier Tool, 11 Persps. 82 (Winter 2003) (co-authors Melissa Shafer and Sheila Simon).

Who Votes at Law School Faculty Meetings in the United States, www.alwd.org (2002) (periodically updated).

One Small Step: Beginning the Process of Institutional Change to Integrate the Law School Curriculum, 1 J. ALWD 218 (2002) (co-author Suzanne E. Rowe).

Being a Beginner Again: A Teacher Training Exercise, 10 Persps. 87 (Winter 2002).

The Quest for Scholarship: The Legal Writing Professor's Paradox, 80 Or. L. Rev. 1007 (2002).

Advocacy Lessons from Madison Avenue, 16 Second Draft (newsltr. of Leg. Writing Inst.) 6 (Dec. 2001).

Every Case Has Two Stories, 8 L. Teacher 12 (Spring 2001) (reprinted in Best of L. Teacher ___ (forthcoming 2004)).

Verbs Are It, 89 Ill. B.J. 151 (Mar. 2001).

A Millennium of Legal Writing, Scrivener 1 (Winter 2001) (reprinted in 15 Second Draft (newsltr. of Leg. Writing Inst.) 24 (June 2001)).

Memo Structure for the Left and Right Brain, 8 Persps. 95 (Winter 2000).

Artist Wins Using Visual Artists Rights Act, Artfirst 10 (Winter 2000).

Understanding Artists' Moral Rights: A Primer, 7 B.U. Pub. Int. L.J. 41 (1998).

Contract Basics, Artfirst 8 (Spring/Summer 1997).

Artists' Moral Rights, Artfirst 2 (Winter 1997) (reprinted in City of L.A. Pub. Arts Newsltr. 9 (Summer 1997)).

Understanding Your Copyrights, Artfirst 2 (Fall 1996) (reprinted in City of L.A. Pub. Arts Newsltr. 4 (Spring 1997)).

Lien, Molly Warner

Technocentrism and the Soul of the Common Law Lawyer, 48 Am. U. L. Rev. 85 (1998).

Ethics, Accountability, and Cost-Benefit Analysis in Legal Research, 4 Accountability in Research 115 (1995) (co-author Susan Johanne Adams).

Red Star Trek*: Seeking a Role for Constitutional Law in Soviet Disunion*, 30 Stan. J. Intl. L. 41 (1994).

Loudenslager, Michael

Allowing Another Policeman on the Information Superhighway: State Interests and Federalism on the Internet in the Face of the Dormant Commerce Clause, 17 B.Y.U. J. Pub. L. 191 (2003).

Cover Me: The Effects of Attorney-Accountant Multidisciplinary Practice on the Protections of the Attorney-Client Privilege, 53 Baylor L. Rev. 33 (2001).

Erasing the Law: The Implications of Settlements Conditioned upon Vacatur or Reversal of Judgments, 50 Wash. & Lee L. Rev. 1229 (1993).

Lysaght, Pamela

Writing-across-the-Law-School Curriculum: Theoretical Justifications, Curricular Implications, 2 J. ALWD 73 (2004) (co-author Cristina D. Lockwood).

Integrating Technology: Teaching Students to Communicate in Another Medium, 10 Leg. Writing 163 (2004) (co-author Danielle Istl).

Successful Legal Analysis and Writing: The Fundamentals (West 2003) (co-author Bradley G. Clary).

Opening Remarks for Erasing Lines: Integrating the Law School Curriculum Conference, 1 J. ALWD 1 (2002).

Bye-Bye Bluebook*?* 79 Mich. B.J. 1058 (Aug. 2000) (co-author Grace Tonner).

Integrating Theory with Practice at University of Detroit Mercy, 77 Mich. B.J. 684 (1998) (co-authors Byron Cooper, Christina Lockwood, Denise S. Hudson, and Ann Stirling).

Maatman, Mary Ellen

Choosing Words and Creating Worlds: The Supreme Court's Rhetoric and Its Constitutive Effects on Employment Discrimination Law, 60 U. Pitt. L. Rev. 1 (1998).

Listening to Deaf Culture: A Reconceptualization of Difference Analysis under Title VII, 13 Hofstra Lab. & Employ. L.J. 269 (1996).

Student Author, Harlow v. Fitzgerald*: The Lower Courts Implement the New Standard for Qualified Immunity under Section 183*, 132 U. Pa. L. Rev. 901 (1984).

Majette, Gwendolyn Roberts

Access to Health Care: What a Difference Shades of Color Make, 12 Annals Health L. 121 (2003).

Malmud, Joan

Defending a Sentence: Judicial Establishment of Sentencing Entrapment and Sentencing Manipulation Defenses, 145 U. Pa. L. Rev. 1359 (1997).

Margolis, Ellie

Teaching Students to Make Effective Policy Arguments in Appellate Briefs, 9 Persps. 73 (Winter 2001).

Closing the Floodgates: Making Persuasive Policy Arguments in Appellate Briefs, 62 Mont. L. Rev. 59 (2001).

Beyond Brandeis: Exploring the Uses of Non-Legal Materials in Appellate Briefs, 34 U.S.F. L. Rev. 197 (2000).

Marlow-Shafer, Melissa

Not Ready for PowerPoint? Rediscovering an Easier Tool, 11 Persps. 82 (Winter 2003) (co-authors Sue Liemer and Sheila Simon).

Student Evaluation of Teacher Performance and the "Legal Writing Pathology": Diagnosis Confirmed, 5 N.Y.C. L. Rev. 115 (2002).

In-Class Exercises That Foster Student Collaboration, 15 Second Draft (newsltr. of Leg. Writing Inst.) 13 (June 2001).

Shakespeare in Law: How the Theater Department Can Enhance Lawyering Skills Instruction, 8 Persps. 108 (Spring 2000).

Effective Assessment: Detailed Criteria, Check-Grading, and Student Samples, 14 Second Draft (newsltr. of Leg. Writing Inst.) 6 (Nov. 1999).

Markus, Karen

Latex and the Law, Nurse Week Mag. (July 12, 1999).

Patient Dumping, Nurse Week Mag. (June 21, 1999).

Reporting Signs of Abuse, Nurse Week Mag. (Apr. 19, 1999).

Legal Issues in Sexual Harassment, Nurse Week Mag. (Mar. 8, 1999).

California's Malpractice Laws, Part 2, Nurse Week Mag. (Dec. 7, 1998).

California's Malpractice Laws, Part 1, Nurse Week Mag. (June 29, 1998).

Holding Managed Care Liable, Nurse Week Mag. (Apr. 20, 1998).

Holding Managed Care Accountable, Health Week Mag. (Apr. 13, 1998).

The Law of Assisted Suicide, Part 2, Nurse Week Mag. (Feb. 23, 1998).

The Law of Assisted Suicide, Part 1, Nurse Week Mag. (Jan. 26, 1998).

The Law of Assisted Suicide, Part 1, Health Week Mag. (Dec. 15, 1997).

RNs Need to Know Legal Risks of Giving Advice, Nurse Week Mag. (May 26, 1997).

Confidentiality of Medical Information, Part 2, Nurse Week Mag. (Jan. 7, 1997).

The Law of Advance Directives for Physicians, Physician Mag. (Dec. 1996).

Confidentiality of Medical Information, Part 1, Nurse Week Mag. (Nov. 25, 1996).

The Law and Ethics of Advance Directives: Who Gets to Decide? Issues in Ethics (Santa Clara U.) (Fall 1996).

Law Gives Guidance on Assessing Mental Capacity, Nurse Week Mag. (Sept. 2, 1996).

Patients with HIV Have Right to Nursing Care, Nurse Week Mag. (July 22, 1996).

Understanding Legal Issues in Organ Donation, Part 2, Nurse Week Mag. (May 27, 1996).

Understanding Legal Issues in Organ Donation, Part 1, Nurse Week Mag. (Feb. 5, 1996).

Determining Nurses' Liability for Negligent Acts, Nurse Week Mag. (Nov. 1995).

What RNs Must Know about Advance Directives, Nurse Week Mag. (Sept. 1995).

Ethics of Providers' Disclosing Their HIV Status, Nurse Week Mag. (July 1995).

HIV Laws Balance Privacy, Information Rights, Nurse Week Mag. (June 1995).

The Law on HIV, Healthcare Providers, Health Week Mag. (June 1995).

HIV Status, Confidentiality, Health Week Mag. (June 1995).

Nurses' Responsibilities Regarding Informed Consent, Nurse Week Mag. (May 1995).

Ruling May Change Labor Relations, Nurse Week Mag. (Dec. 1994).

Regulating Medical Waste, Nurse Week/California Nursing Mag. (Mar./Apr. 1992).

Recent Developments in the Patient Self-Determination Act, Nurse Week/Cal. Nursing Mag. (Jan./Feb. 1992).

New Law Requires Patient Information on Advance Directives, Cal. Nurse (Nov./Dec. 1991).

Patients with HIV—What Is Your Right to Know? Cal. Nurse (Nov./Dec. 1991).

Hazardous Material Protection in ED Practice: Laws and Logistics, J. Emerg. Nursing (Nov./Dec. 1989) (co-author Aidan R. Gough).

The Nurse as Patient Advocate: Is There a Conflict of Interest? 29 Santa Clara L. Rev. 391 (1989).

Matthews, Joan Leary

Hard to Get to Compromise on a Two-Stroke Engine, Albany Times Union D3 (Nov. 16, 2003).

Restrictive Standing under SEQRA: Have the New York Courts Gone Too Far? 4 N.Y. Zoning L. & Prac. Rep. 1 (Sept./Oct. 2003).

Restrictive Standing in State NEPA and Land Use Cases: Have Some States Gone Too Far? 26 Zoning & Plan. L. Rep. 1 (May 2003).

Dog Owners, Not Breeds, Are to Blame for Attacks, Albany Times Union E3 (March 16, 2003) (co-author Helene G. Goldberger).

Unlocking New York's Courthouse Doors, Empire St. Rep. 42 (Jan. 2003).

Administrative Practice before the Department of Environmental Conservation ch. 15 (Patrick J. Borchers & David L. Markell, N.Y. St. Admin. Proc. & Prac. (1998; 1999 & 2002 updates)).

Unlocking the Courthouse Doors: Removal of the "Special Harm" Standing Requirement under SEQRA, 65 Alb. L. Rev. 421 (2001).

Mining Operations, in *New York Zoning Law and Practice* (Patricia E. Salkin, ed., 4th ed. 2000).

Siting Mining Operations in New York—The Mined Land Reclamation Law Supersession Provision, Albany L. Envtl. Outlook 9 (Spring 1999).

Benefits of Preserving Open Space, Albany Times Union A7 (Nov. 16, 1998).

California Cruisin—New York's Adoption of California's Motor Vehicle Emissions Program, Albany L. Envtl. Outlook 36 (Spring/Summer 1998) (co-authored).

Clean Water/Clean Air Bond Act-Opportunities for Municipalities to Upgrade Drinking Water Systems, Footnotes (Co. Atty.'s Assn. of St. of N.Y.) 7 (Spring 1997).

Air Quality, in *Environmental Law and Regulation in New York* (William R. Ginsberg & Philip Weinberg eds., West 1996 & 2001) (contributing author, updates in 1997–2000, 2002–2003).

State Litigation under the Clean Air Act, Natl. Envtl. Enforcement J. (Natl. Assoc. of Attorneys Gen.) 3 (Aug. 1992).

Litigation Update: New York State Supreme Court Upholds DEC's Authority to Adopt California's Motor Vehicle Tailpipe Emission Standards, Envtl. L. Sec. J. (N.Y. St. B. Assn.) 11 (May 1992) (co-authored).

Litigation Update: NYS Pesticide Notification Regulations Declared Invalid on Procedural Grounds, Envtl. L. Sec. J. 15 (May 1990).

Litigation Update: Challenges to New York's Pesticide Notification Regulations, Envtl. L. Sec. J. 9 (Aug. 1989) (co-authored).

Matthews, Stephanie

Legal and Policy Analysis of Assisted Living Statutes and Regulations (Alzheimer's Disease & Related Disorders Assn., Inc. 1995).

McArdle, Andrea

Legal Texts as Cultural Narratives of Postwar Suburbia: Gender, Power, and Consumer Protection, in *Redefining Suburban Studies: Searching for a New Paradigm* (forthcoming conf. vol. 2006, Daniel R. Rubey & Barbara M. Kelly eds.).

The Postwar Consumer as Feminized Legal Subject, Legal Method, 27 Leg. Stud. Forum 221 (2003).

Zero Tolerance: Quality of Life and the New Police Brutality in New York City (Andrea McArdle & Tanya Erzen eds., N.Y.U. Press 2001).

Introduction, in *Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (Andrea McArdle & Tanya Erzen eds., N.Y.U. Press 2001).

No Justice, No Peace, in *Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (Andrea McArdle & Tanya Erzen eds., N.Y.U. Press 2001).

An Interview with Derrick Bell: Reflections on Race, Crime, and Legal Activism, in *Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (Andrea McArdle & Tanya Erzen eds., N.Y.U. Press 2001).

In Defense of State and Local Government Anti-Apartheid Measures: Infusing Democratic Values into Foreign Policymaking, 62 Temp. L. Rev. 813 (1989).

McClellan, Susan

The ADA: One Avenue to Appointed Counsel before a Full Civil Gideon, 2 Seattle J. Soc. Just. 609 (2003–2004) (co-authors Lisa Brodoff and Elizabeth Anderson).

Improving Legal Writing Courses: Perspectives from the Bar and Bench, 8 Leg. Writing 201 (2002) (co-author Constance Krontz).

Sailing through Designing Memo Assignments, 5 Leg. Writing 193 (1999) (co-authors Lorraine Bannai, Judith Maier, and Anne Enquist).

McDonnell, Thomas Michael

Targeting the Foreign Born by Race and Nationality: Counterproductive in the "War on Terrorism"? 16 Pace Intl. L. Rev. 19 (2004).

The Death Penalty—An Obstacle to the "War on Terrorism"? 37 Vand. J. Transnatl. L. 353 (2004).

Cluster Bombs over Kosovo: A Violation of Humanitarian Law? 44 Ariz. L. Rev. 31 (2002).

Human Rights and Non-State Actors, 11 Pace Intl. L. Rev. 205 (1999) (moderator).

Playing beyond the Rules: A Realist and Rhetoric-Based Approach to Researching the Law and Solving Legal Problems, 67 UMKC L. Rev. 285 (1998).

Defensively Invoking Treaties in American Courts—Jurisdictional Challenges under the U.N. Drug Trafficking Convention by Foreign Defendants Kidnapped Abroad by U.S. Agents, 37 Wm. & Mary L. Rev. 1401 (1996).

Joining Hands and Smarts: Teaching Manual Legal Research through Collaborative Learning Groups, 40 J. Leg. Educ. 363 (1990).

McElroy, Lisa Tucker

Love, Lizzie: Letters to a Military Mom (Whitman & Co. 2005).

Sandra Day O'Connor: Supreme Court Justice (Millbrook Press 2003).

Meet My Grandmother: She's a Supreme Court Justice (Millbrook Press 1999) (co-author Courtney O'Connor).

Meet My Grandmother: She's a United States Senator (Millbrook Press 2000) (co-author Eileen Feinstein Mariano).

Meet My Grandmother: She's a Deep-Sea Explorer (Millbrook Press 2000) (co-author Russell T. Mead).

McGinnis, Doretta Massardo

Prosecution of Mothers of Drug-Exposed Babies: Constitutional and Criminal Theory, 139 U. Pa. L. Rev. 505 (1990).

McGaugh, Tracy L.

Teaching the Law School Curriculum (Stephen Friedland & Gerald F. Hess eds., Carolina Academic Press 2004) (selected articles).

Generation X in Law School: The Dying of the Light or the Dawn of a New Day? 9 Leg. Writing 119 (2003).

The Synthesis Chart: Swiss Army Knife of Legal Writing, 9 Persps. 80 (Winter 2001).

The Interactive Citation Workbook (LexisNexis 2000, 2001 ed., 2002 ed., 2003 ed., 2004 ed., 2005 ed.) (co-authors Christine Hurt and Kay G. Holloway).

The Application Process, 14 Second Draft (newsltr. of Leg. Writing Inst.) 12 (May 2000).

McKinney, Ruth Ann

Depression and Anxiety in Law Students: Searching for Solutions: Are We Part of the Problem and Can We Be Part of the Solution, 8 Leg. Writing 229 (2002).

Legal Research: A Practical Guide and Self-Instructional Workbook (3d ed., West 2001).

Are We Hearing What They're Saying: Active Listening Skills for Lawyers (CLE publication for the UNC Festival of Legal Learning 1998–2001, available from the UNC School of Law).

McLaughlin, Julia Halloran

Should Marital Property Rights Be Inalienable? Preserving the Marriage Ante, 82 Neb. L. Rev. 460 (2003).

McManus, Kathleen

Essential Lawyering Skills: Interviewing, Counseling, Negotiation, and Persuasive Fact Analysis (Aspen L. & Bus. 1999) (co-authors Stefan H. Krieger, Richard K. Neumann Jr., and Steven D. Jamar).

Narrative and the Appellate Opinion, 23 Leg. Stud. Forum 449 (1999) (co-author David Ray Papke).

Mercer, Kathryn Lynn

Legal Aspects of Family Centered Child Protective Services (Inst. for Human Servs./Ohio Dept. of Job & Fam. Servs. 2001) (trainer's curriculum).

Legal Aspects of Family Centered Child Protective Services (Inst. for Human Servs./Ohio Dept. of Job & Fam. Servs. 2001) (training manual).

A Content Analysis of Judicial Decision-Making—How Judges Use the Primary Caretaker Standard to Make a Custody Decision, 5 Wm. & Mary J. Women L. 1 (1998).

Writing Effectively, in *Skills for Effective Management of Non-Profit Organizations* (Richard L. Edwards et al. eds., NASW Press 1998).

The Ethics of Judicial Decision-Making Regarding Custody of Minor Children: Looking at the "Best Interests of the Child" and the "Primary Caretaker" Standards as Utility Rules, 33 Idaho L. Rev. 389 (1997).

"You Can Call Me Al in Graceland": Reflection on a Speech Entitled "We Have Diamonds on the Soles of Our Shoes", 3 Persps. 38 (Winter 1995).

Should Manual and Computer-Assisted Legal Research Be Integrated? 3 Integrated Leg. Research 23 (Winter 1990–1991).

Writing Effectively: A Key Task for Managers, in *Skills for Effective Human Services Management* (Richard L. Edwards & John A. Yankey eds., NASW Press 1991).

Meyer, Phillip N.

The Darkness Visible: Litigation Stories and Lawrence Joseph's Lawyerland, 53 Syracuse L. Rev. 1311 (2003).

Making the Narrative Move: Observations Based upon Reading Gerry Spence's Closing Argument in The Estate of Karen Silkwood v. Kerr-McGee, Inc., 9 Clinical L. Rev. 229 (2002).

Why a Jury Trial Is More Like a Movie Than a Novel, 28 J.L. & Socy. 133 (2001).

Voluntary Acts, 24 Leg. Stud. Forum 369 (2000).

"Desperate for Love III": Rethinking Closing Arguments as Stories, 50 S.C. L. Rev. 715 (1999).

The Exploding Frog: A Legal Writing Teacher's Dream, 20 Leg. Stud. Forum 137 (1996).

Confessions of a Legal Writing Instructor, 46 J. Leg. Educ. 27 (1996).

The New Legal Writing Scholarship, 20 Leg. Stud. Forum 1 (1996).

"Desperate for Love II": Further Reflections on the Interpenetration of Legal and Popular Storytelling in Closing Arguments to a Jury in a Complex Criminal Case, 30 U.S.F. L. Rev. 931 (1996).

The Pathology of Practice: A Short Story about Practice, 8 St. Thomas L. Rev. 215 (1995).

"Desperate for Love": Cinematic Influences upon a Defendant's Closing Argument to a Jury, 18 Vt. L. Rev. 721 (1994).

Introduction: Will You Please Be Quiet, Please? Lawyers Listening to the Call of Stories, 18 Vt. L. Rev. 569 (1994).

Visual Literacy and the Legal Culture: Reading Film as Text in the Law School Setting, 17 Leg. Stud. Forum 73 (1993).

Convicts, Criminals, Prisoners & Outlaws: A Course in Popular Storytelling, 42 J. Leg. Educ. 129 (1992).

Law Students Go to the Movies, 24 Conn. L. Rev. 893 (1992).

Fingers Pointing at the Moon: New Perspectives on Teaching Legal Writing and Analysis, 25 Conn. L. Rev. 893 (1992).

Mika, Karin

Of Cell Phones and Electronic Mail: Disclosure of Confidential Information under Disciplinary Rule 4-101 and Model Rule 1.6, 13 Notre Dame J.L., Ethics & Pub. Policy 121 (1999).

Information v. Commercialization: The Internet and Unsolicited Electronic Mail, 4 Richmond J.L. & Tech. (1998) (available at www .richmond.edu/v4i3/mika.html).

Self-Reflection within the Academy: The Absence of Women in Constitutional Jurisprudence, 9 Hastings Women's L.J. 273 (1998).

Innovative Teaching Methods and Practical Uses of Literature in Legal Education, 18 Whittier L. Rev. 815 (1997).

Internet Jurisdictional Issues: Fundamental Fairness in a Virtual World, 30 Creighton L. Rev. 1169 (1997) (co-author Aaron J. Reber).

Lovewell v. Physicians Insurance Co.*: Personal Liability for Prejudgment Interest*, 45 Clev. St. L. Rev. 723 (1997).

Democratic Excess in the Use of Zoning Referenda, 29 Urb. L. 277 (1997) (co-author Aaron J. Reber).

Responsibilities of Employers toward Mentally Disabled Persons under the Americans with Disabilities Act, 11 J.L. & Health 173 (1996–1997) (co-author Denise Wimbiscus).

Commercial Exploitation or Protected Use? Stern v. Delphi Internet Services Corp. *and the Erosion of the Right of Publicity*, 13 Touro L. Rev. 207 (1996) (co-author Aaron J. Reber).

Case Law Supplement, Learning from the Pension Experts, in Gary A. Shulman & David I. Kelley, *Dividing Pensions in Divorce* (Wiley L. Publications 1996).

One Way to Be Born? Legislative Inaction and the Posthumous Child, 79 Marq. L. Rev. 993 (1996) (co-author Bonnie Hurst).

Milani, Adam A.

The Law of Disability Discrimination (4th ed., Anderson 2005) (co-authors Ruth Colker and Bonnie Poitras Tucker).

Playing God: A Critical Look at Sua Sponte Decisions by Appellate Courts, 69 Tenn. L. Rev. 245 (2002) (co-author Michael R. Smith).

The Post-Garrett *World: Insufficient State Protection against Disability Discrimination*, 53 Ala. L. Rev. 1075 (2002) (co-author Ruth Colker).

Overview of the Americans with Disabilities Act: What Rehabilitation Professionals Should Know, 6 Topics in Spinal Cord Injury Rehabilitation 52 (Spring 2001).

Tax Strategies to Assist the Disabled and Their Families, 65 Prac. Tax Strategies 97 (Feb. 2001) (co-author Ken Milani).

Go Ahead. Make My 90 Days: Should Plaintiffs Be Required to Provide Notice to Defendants Before Filing Suit under Title III of the Americans with Disabilities Act? 2001 Wis. L. Rev. 107.

"Oh, Say, Can I See—And Who Do I Sue If I Can't?" Wheelchair Users, Sightlines over Standing Spectators, and Architect Liability under the Americans with Disabilities Act, 52 Fla. L. Rev. 523 (2000).

Living in the World: A New Look at the Disabled in the Law of Torts, 48 Cath. U.L. Rev. 323 (1999).

Can I Play? The Dilemma of the Disabled Athlete in Interscholastic Sports, 49 Ala. L. Rev. 817 (1998).

Better Off Dead Than Disabled?: Should Courts Recognize a Wrongful Living Cause of Action Where Doctors Fail to Honor Patients' Advance Directives? 54 Wash. & Lee L. Rev. 149 (1997).

Disabled Students in Higher Education: Administrative and Judicial Enforcement of Disability Law, 22 J.C. & U.L. 989 (1996).

Patient Assaults: Health Care Providers Owe a Non-Delegable Duty to Their Patients and Should Be Held Strictly Liable for Employee Assaults Whether or Not within the Scope of Employment, 21 Ohio N.U. L. Rev. 1147 (1995).

Doe v. Roe*: An Argument for Defendant Anonymity When a Pseudonymous Plaintiff Alleges a Stigmatizing Intentional Tort*, 41 Wayne L. Rev. 1659 (1995).

Harassing Speech in the Public Schools: The Validity of Schools' Regulations of Fighting Words and the Consequences If They Do Not, 28 Akron L. Rev. 187 (1995).

Miller, Douglas

Using Examinations in First-Year Legal Research, Writing, and Reasoning Courses, 3 Leg. Writing 217 (1997).

Miller, Marshall

Police Brutality, 17 Yale L. & Policy Rev. 149 (1998).

Mischler, Linda Fitts

Personal Morals Masquerading as Professional Ethics: Regulations Banning Sex between Domestic Relations Attorneys and Their Clients, 23 Harv. Women's L.J. 1 (2000).

Reconciling Rapture, Representation, and Responsibility: An Argument against Per Se Bans on Attorney-Client Sex, 10 Geo. J. Leg. Ethics 209 (1997).

Introduction to Lawyering: Teaching First-Year Students to Think Like Professionals, 44 J. Leg. Educ. 96 (Mar. 1994).

Modesitt, Nancy M.

Whistleblowing: The Law of Retaliatory Discharge (2d ed., BNA 2004) (co-author Daniel P. Westman).

Moliterno, James E.

A Symposium: Ethical Issues in Settlement Negotiations: Fairness Issues in Negotiation, 52 Mercer L. Rev. 917 (2001) (panel remarks).

Experience and Legal Ethics Teaching, 12 J. Leg. Educ. Rev. 3 (2001).

Why Formalism? 49 U. Kan. L. Rev. 135 (Nov. 2000).

Cases and Material on the Law Governing Lawyers (2d ed., Anderson Publg. 2003) (with Teacher's Manual).

In House Live-Client Clinical Programs: Some Ethical Issues, 67 Fordham L. Rev. 2377 (1999).

Professional Responsibility (Aspen L. & Bus. 1999).

1997 W.M. Keck Foundation Forum on the Teaching of Legal Ethics Symposium: Practice Setting as an Organizing Theme for a Law and Ethics of Lawyering Curriculum, 39 Wm. & Mary L. Rev. 393 (1998).

Lawyer Creeds and Moral Seismography, 32 Wake Forest L. Rev. 781 (1997).

Book Review, 47 J. Leg. Educ. 280 (June 1997) (reviewing John B. Mitchell et al., *Seattle University Skills Development Series* (Michie Publg. Co.)).

On the Future of Integration between Skills and Ethics Teaching: Clinical Legal Education in the Year 2010, 46 J. Leg. Educ. 67 (1996).

W.M. Keck Foundation Forum on the Teaching of Legal Ethics Symposium: Legal Education, Experiential Education and Professional Responsibility, 38 Wm. & Mary L. Rev. 71 (1996).

Professional Preparedness: A Comparative Study of Law Graduates' Perceived Readiness for Professional Ethics Issues, 58 L. & Contemp. Probs. 259 (Summer/Autumn 1995).

An Analysis of Ethics Teaching in Law Schools: Replacing Lost Benefits of the Apprentice System in the Academic Atmosphere, 60 U. Cin. L. Rev. 83 (1991).

Teaching Legal Ethics in a Program of Comprehensive Skills Development, 15 J. Leg. Prof. 145 (1990).

Introduction to Law, Law Study, and the Lawyer's Role (Carolina Academic Press 1991) (co-author Frederic I. Lederer).

The Legal Skills Program at the College of William and Mary: An Early Report, 40 J. Leg. Educ. 535 (1990).

The Secret of Success: The Small-Section First-Year Skills Offering and Its Relationship to Independent Thinking, 55 Mo. L. Rev. 875 (1990).

Goodness and Humanness: Distinguishing Traits? 19 N.M. L. Rev. 203 (1989).

Moore, Ria J.

Methods for Teaching Legal Analysis: A Demonstration of How to Help Students Turn the Facts of a Client's Case into Good Legal Analysis, 14 Second Draft (newsltr. of Leg. Writing Inst.) 13 (May 2000).

Moppett, Samantha A.

Three Views of Visiting, 18 Second Draft (newsltr. of Leg. Writing Inst.) 1 (June 2004) (co-authors James Levy and Terrill Pollman).

Navigating the Internet: Legal Research on the World Wide Web (Fred B. Rothman & Co. 2000) (co-author Herbert N. Ramy).

Extending Eighth Amendment Protections to Prisoners Involuntarily Exposed to Unreasonable Levels of Environmental Tobacco Smoke—Helling v. McKinney, *113 S. Ct. 2475 (1993)*, 28 Suffolk U. L. Rev. 200 (1994).

Age Discrimination in Employment Act Preempts State Regulation of Public Employees on the Basis of Age—Equal Employment Opportunity Commission v. Massachusetts, *987 F.2d 64 (1st Cir. 1993)*, 28 Suffolk U. L. Rev. 856 (1994).

Warrantless Airport Luggage Search Constitutional When Conducted Subsequent to Establishment of Probable Cause and Continual Disclaimer of Ownership—United States v. De Los Santos Ferrer, *999 F.2d 7 (1st Cir. 1993)*, 28 Suffolk U. L. Rev. 872 (1994).

Mostaghel, Deborah M.

Wrong Place, Wrong Time, Unfair Treatment? Aid to Victims of Terrorist Attacks, 40 Brandeis L. J. 84 (2001).

Mediating Status Offender Cases—A Successful Approach, 13 Mediation Q. 243 (1996).

State Reactions to the Trading of Emissions Allowances under Title IV of the Clean Air Act Amendments of 1990, 22 B.C. Envtl. Aff. L. Rev. 201 (1995).

The Low-Level of Radioactive Waste Policy Amendment Act: An Overview, 43 DePaul L. Rev. 379 (1994).

Who Regulates the Disposal of Low-Level Radioactive Waste under the Low-Level Radioactive Waste Policy Act? 9 J. Energy L. & Policy 73 (1988).

Muller-Peterson, Jane

A Collaborative Approach to Teaching Legal Analysis, 15 Second Draft (newsltr. of Leg. Writing Inst.) 1 (June 2001).

Comparison of Delivery Systems for Protective Services and Related Legal Services for Victims of Domestic Violence within a Major American State, in *Family Law: Processes, Practices, and Pressures* (John Dewar & Stephen Parker eds., Hart Publg. 2003).

Murray, Michael D.

Deskbook of Art Law (forthcoming 3d ed., Oceana 2005).

Jurisdiction, Venue and Limitation (forthcoming 3d ed., Thomson West 2005).

Civil Rules Practice (3d ed., Thomson West 2004).

Stolen Art and Sovereign Immunity: The Case of Altmann v. Austria, 27 Colum. J.L. & Arts 301 (2004).

Jurisdiction under the Foreign Sovereign Immunities Act for Nazi War Crimes of Plunder and Expropriation, 7 N.Y.U. J. Legis. & Pub. Policy 223 (2004).

Art Law: Cases and Materials (William S. Hein & Co., Inc. 2004).

"Just in Time" Teaching, 18 Second Draft (newsltr. of Leg. Writing Inst.) 14 (Dec. 2003).

Missouri Products Liability (2d ed., Thomson West 2002).

Nankivell, Ross

Legal Education in Australia, 72 Or. L. Rev. 983 (1993).

Ardestani v. I.N.S., 1991–1992 Term, Preview U.S. Sup. Ct. Cases 83.

Cruzan v. Director, Missouri Dept. of Health, 1989–1990 Term, Preview U.S. Sup. Ct. Cases 155.

This Far and No Further, Is There a Constitutional Right to Die? 76 ABA J. 66 (Apr. 1990).

Does a Now-Incompetent Person Have an Exercisable Right to Refuse Treatment? 14 Update on Law-Related Educ. 39 (1990).

Nardone, Ernest

One Response to the Decline of Civility in the Legal Profession: Teaching Professionalism in Legal Research and Writing, 51 Rutgers L. Rev. 889 (1999).

The New Jersey Legal Research Handbook chs. 3–5 (1st ed., Paul Axel-Lute 1984).

Nathanson, Mitchell J.

It's the Economy (and Combined Ratio) Stupid: Examining the Medical Malpractice Litigation Crisis Myth and the Factors Critical to Reform, 108 Pa. St. L. Rev. 1077 (2004).

The Tell-All Hurler: Jim Bouton and "Ball Four", in *Courting the Yankees: Legal Essays on the Bronx Bombers* (Ettie Ward ed., Carolina Academic Press 2004).

Celebrating the Value of Practical Knowledge and Experience, 11 Persps. 104 (Spring 2003).

Litigation & Regulatory Issues Affecting Managed Care, in *Treatise on Health Care Law* vol. 1, ch. 8A (Matthew Bender & Co. 1996) (co-author).

The Growth of Enterprise Liability in the Managed Care Arena, Health Care L. Mthly. (Feb. 1996).

Hospital Corporate Negligence: Enforcing the Hospital's Role of Administrator, 28 Tort & Ins. L.J. 575 (1993).

Neumann Jr., Richard K.

Conflicts of Interest in Bush v. Gore*: Did Some Justices Vote Illegally?* 16 Geo. J. Leg. Ethics 375 (2003).

Legal Reasoning and Legal Writing (4th ed., Aspen L. & Bus. 2001) (with Teacher's Manual).

Comments in Reply, 51 J. Leg. Educ. 151 (2001).

Women in Legal Education: What the Statistics Show, 50 J. Leg. Educ. 313 (2000).

Donald Schön, the Reflective Practitioner, and the Comparative Failures of Legal Education, 6 Clin. L. Rev. 401 (2000).

Essential Lawyering Skills: Interviewing, Counseling, Negotiation, and Persuasive Fact Analysis (2d ed., Aspen L. & Bus. 2003) (with Teacher's Manual) (co-author Stefan Krieger).

ABA Sourcebook on Legal Writing Programs (LexisNexis 1997) (co-authors Ralph L. Brill, Susan L. Brody, Christina L. Kunz, and Marilyn R. Walter).

After an Insurrection, 3 Yale J. L. & Humanities 157 (1991).

On Strategy, 59 Fordham L. Rev. 299 (1990).

A Preliminary Inquiry into the Art of Critique, 40 Hastings L.J. 725 (1989).

Newby, Thomas R.

Law School Writing Programs Shouldn't Teach Writing and Shouldn't Be Programs, 7 Persps. 1 (Fall 1998).

Dumbing It Down, 82 Ill. B.J. 387 (1994).

Maintaining Your Credibility in Argumentative Writing—Part Two, 81 Ill. B.J. 387 (1993).

Maintaining Your Credibility in Argumentative Writing—Part One, 81 Ill. B.J. 155 (1993).

Indiana Environmental Law: An Examination of 1989 Legislation, 23 Ind. L. Rev. 329 (1990) (co-authors Stanley H. Rorick, Kevin W. Betz, and Timothy L. Tyler).

Newman, Leslie

Applied Law and Literature in Two Traditions, 10 Cardozo Stud. L. & Literature 125 (1998).

Jewish Federation of Delaware, 15 Del. Law. 34 (Spring 1997).

Children and Families First, 15 Del. Law. 28 (Spring 1997).

Oates, Laurel Currie

Just Memos (Aspen L. & Bus. 2002) (co-author Anne Enquist).

Just Briefs (Aspen L. & Bus. 2002) (co-author Anne Enquist).

The Legal Writing Handbook: Research, Analysis and Writing (3d ed., Aspen L. & Bus. 2002) (co-authors Anne Enquist and Kelly Kusch).

Just Writing: Grammar, Punctuation, and Style for the Legal Writer (Aspen L. & Bus. 2001) (co-author Anne Enquist).

The Paperless Writing Class, 15 Second Draft (newsltr. of Leg. Writing Inst.) 18 (June 2001).

I Know That I Taught Them How to Do That, 7 Leg. Writing 1 (2001).

Beyond Communication: Writing as a Means of Learning, 6 Leg. Writing 1 (2000).

Education's Promise, 3 Leg. Writing 1 (1997) (co-author Samuel Wineburg).

Beating the Odds: Reading Strategies of Law Students Admitted through Special Admissions Programs, 83 Iowa L. Rev 139 (1997).

Legal Writing Institute Publishes Journal and Holds Fifth Biennial Conference, 1 Persps. 62 (Winter 1993).

O'Neill, Kathleen

Against Dicta: A Legal Method for Rescuing Fair Use from the Right of First Publication, 89 Cal. L. Rev. 369 (2001).

Adding an Alternative Dispute Resolution (ADR) Perspective to a Traditional Legal Writing Course, 50 Fla. L. Rev. 709 (1998).

Formalism and Syllogisms: A Pragmatic Critique of Writing in Law Schools, 20 Leg. Stud. Forum 51 (1996).

The Little Girl Book (Ballantine Bks. 1992) (co-author David Laskin).

A Writer's Guide to Copyright (2d ed., Poets & Writer's Inc. 1990).

Book Review, 15 N.Y.U. Rev. L. & Soc. Change 415 (1986–1987) (reviewing Peter H. Schuck, *Agent Orange on Trial: Mass Toxic Disasters in the Courts* (Harv. U. Press 1986)).

Virgil's The Aeneid (Bk. Notes, Barron's Educ. Series 1984).

Oreskovic, Johanna

Capturing Volition Itself: Employee Involvement and the TEAM Act, 19 Berkeley J. Empl. & Lab. L. 229 (1998).

O'Toole, Michael

The Significance of Jail Administration in an Era of Public Competition, 4 Corrections Mgt. Q. (Nov. 1998).

Ouellette, Alicia R.

When Vitalism Is Dead Wrong: The Discrimination Against and Torture of Incompetent Patients by Compulsory Life-Sustaining Treatment, 79 Ind. L.J. 1 (2004).

Discriminatory Treatment on the Roadways, 4 Govt. L. & Policy J. 41 (2002)

Freestyle Lawyering: Taking an Expedited Appeal in the New York State Courts, 4 J. App. Prac. & Proc. 243 (2002).

Parker, Carol McCrehan

A Liberal Education in Law: Engaging the Imagination through Research and Writing beyond the Curriculum, 1 J. ALWD 130 (2002).

Camping Trips and Family Trees: Must Tennessee Physicians Warn Their Patients' Relatives of Genetic Risk? 65 Tenn. L. Rev. 585 (1998).

Writing throughout the Curriculum: Why Law Schools Need It and How to Achieve It, 76 Neb. L. Rev. 561 (1997).

Parker, Deborah Leonard

Plagiarism: Pilfered Paragraphs, Second Draft (newsltr. of Leg. Writing Inst.) (Apr. 1993) (contributor).

Oral Argument on Appeal: Conversation and Jazz, N.C. Acad. of Tr. Laws.' Tr. Brs. (Spring 1993).

Payne, Lucy Salsbury

Bibliography of Works by John T. Noonan, Jr., 76 Notre Dame L. Rev. 1075 (2001).

The Senate Power of Advice and Consent on Judicial Appointments: An Annotated Research Bibliography, 64 Notre Dame L. Rev. 106 (1989) (co-authors Michael J. Slinger and James Lloyd Gates, Jr.).

Peltz, Richard J.

The Arkansas Freedom of Information Act (4th ed., M&M Press 2004) (co-author John J. Watkins).

Circles of Indecency (in First Amendment Law), in *Teaching the Law School Curriculum* (Steven Friedland & Gerald F. Hess eds., Carolina Academic Press 2004).

The Self-Directed LRW Assignment, in *Teaching the Law School Curriculum* (Steven Friedland & Gerald F. Hess eds., Carolina Academic Press 2004).

On a Wagon Train to Afghanistan: Limitations on Star Trek*'s Prime Directive*, 25 UALR L. Rev. 635 (2003).

Plagiarism Policies Work When "Why" Is Understood, Media L. Notes 3 (Fall 2003).

Use "the Filter You Were Born with": The Unconstitutionality of Mandatory Internet Filtering for the Adult Patrons of Public Libraries, 77 Wash. L. Rev. 397 (2002).

What Every JMC Grad Should Know: Exposing Students to Legal Research, Media L. Notes 1 (Fall 2001).

Sixth Circuit Holds Student Yearbook Is Public Forum with Expressive Content: But Stay Mindful of Policy and Practice, Media L. Notes 4 (Winter 2001).

Censorship Tsunami Spares College Media: To Protect Free Expression on Public Campuses, Lessons from the "College Hazelwood*" Case*, 68 Tenn. L. Rev. 481 (2001).

Sixth Circuit Sits En Banc in College Censorship Case, Media L. Notes (2000).

Introduction to the Ben J. Alzheimer Symposium, 23 UALR L.J. 19 (2000).

Book Review, Bi-Monthly Rev. L. Bks. 17 (May/June 1999) (reviewing *The Burger Court: Counter-Revolution or Confirmation?* (Bernard Schwartz ed., Oxford U. Press 1998)).

Pether, Penelope

Inequitable Injunctions: The Scandal of Private Judging in U.S. Courts, 56 Stan. L. Rev. 1435 (2004).

Hardy and the Law, 1 Thomas Hardy J. 28 (Feb. 1991) (reprinted in *Short Story Criticism* vol. 60, 183 (Janet Witalec ed., Gale)).

Censorship, Repression or Denial? Unpacking the Symptom of People v. Wu, 24 Cardozo L. Rev. 2451 (2003).

Measured Judgments? Histories, Pedagogies, and the Possibility of Equity, 14 L. & Literature 489 (2002).

Review Essay, 13 Cardozo Stud. L. & Literature 323 (2001) (reviewing Dieter Paul Polloczek, *Literature and Legal Discourse: Equity and Ethics from Sterne to Conrad* (Cambridge U. Press 1999), and Lynne Marie De Cicco, *Women and Lawyers in the Mid-Nineteenth Century English Novel: Uneasy Alliances and Narrative Misrepresentation* (Edwin Mellen 1996)).

Discipline and Punish: Dispatches from the Citation Manual Wars and Other (Literally) Unspeakable Stories, Law's Cultural Mediations, 10 Griffith L. Rev. (2001).

The Prime Time Election, from Courtroom to Newsroom: The Media and the Legal Resolution of the 2000 Presidential Election, 13 Cardozo Stud. L. & Literature 1 (2001).

Book Review, 7 Persps. 116 (Spring 1999) (reviewing David S. Romantz & Kathleen Elliott Vinson, *Legal Analysis: The Fundamental Skill* (Carolina Academic Press 1998), and Margaret Z. Johns, *Professional Writing for Lawyers: Skills and Responsibilities* (Carolina Academic Press 1998)).

Feminist Methodologies in Discourse Analysis: Sex, Property, Equity? in *Culture and Text: Discourse and Methodology in Social Research*

and Cultural Studies (Cate Poynton & Alison Lee eds., Allen & Unwin 1999) (co-author Terry Threadgold).

Critical Discourse Analysis, Rape Law and the Jury Instruction Simplification Project, 24 S. Ill. U. L.J. 53 (1999).

On Foreign Ground: Grand Narratives, Situated Specificities, and the Praxis of Critical Theory and Law, 10 L. & Critique 211 (1999).

Semiotics; or Wishin' and Hopin'? 20 Cardozo L. Rev. 1615 (1999).

"We Say the Law Is Too Important to Get One Kid": Refusing the Challenge of Ebatarinja v. Deland & Ors, 21 Sydney L. Rev. (1999).

Book Review, 23 Alternative L.J. (1998) (reviewing Anthony Blackshield & George Williams, *Australian Constitutional Law and Theory: Commentary and Materials* (2d ed., Fedn. Press 1998)).

Principles or Skeletons? Mabo and the Discursive Constitution of the Australian Nation, 4 L./Text/Culture 115 (1998).

Re-Writing Skills Training in Law Schools—Legal Literacy Revisited, 9 Leg. Educ. Rev. (1998) (co-author Dean Bell).

(Re)Centering, 10 Cardozo Stud. L. & Literature 131 (1998).

Pursuing the Unspeakable: Towards a Critical Theory of Power, Ethics, and the Interpreting Subject in Australian Constitutional Law, 20 Adelaide L. Rev. (1998).

Law in Literature: An Annotated Bibliography of Law-Related Works (Elizabeth Villiers Gemmette ed., Whitston Publg. Co. 1998) (contributor).

Book Review, 22 Alt. L.J. 259 (1997) (reviewing *Courts of Final Jurisdiction: The Mason High Court in Australia* (Cheryl Saunders ed., Fedn. Press 1996)).

Book Review, 22 Alt. L.J. 259 (1997) (reviewing *How Many Cheers for Engineers?* (Michael Coper & George Williams eds., Fedn. Press 1997)).

Book Review, 22 Alt. L.J. 153 (1997) (reviewing *A Woman's Constitution? Gender and History in the Australian Commonwealth* (Helen Irving ed., Hale & Iremonger 1996)).

Book Review, 3 L./Text/Culture 276 (1997) (reviewing James Boyd White, *Acts of Hope: Creating Authority in Literature, Law, and Politics* (U. Chi. Press 1995)).

Jangling the Keys to the Kingdom: Some Reflections on The Crucible*, on an American Constitutional Paradox, and on Australian Judicial Review*, 8 Cardozo Stud. L. & Literature 317 (1996).

Book Review, 21 Alt. L.J. 196 (1996) (reviewing Anthony Blackshield & George Williams, *Australian Constitutional Law and Theory: Commentary and Materials* (Fedn. Press 1994)).

E.M. Forster's A Passage to India*: A Passage to the Patria?* in *New Macmillan Casebook on E.M. Forster* (Jeremy Tambling ed., Macmillan & St. Martin's 1995).

Teaching Law Students How to Write, 33 Clarity 40 (1995).

Book Review, 14 Australasian J. Am. Stud. 86 (1995) (reviewing Julie D'Acci, *Defining Women: Television and the Case of Cagney and Lacey* (U.N.C. Press 1994)).

Book Review, 13 Australasian J. Am. Stud. 102 (1994) (reviewing John Grisham, *The Client, The Firm, A Time to Kill*, and *The Pelican Brief*).

Sex, Lies and Defamation: The Bush Lawyer of Wessex, 6 Cardozo Stud. L. & Literature 171 (1994).

Sex, Lies and Defamation: The Bush Lawyer of Wessex, in *The Happy Couple: Law and Literature* (J. Neville Turner & Pamela Williams eds., Fedn. Press 1994).

True, Untrue or (Mis)represented?—Section 40(1)(a) of the NSW Crimes Act, 16 Sydney L. Rev. 114 (1994).

Book Review, 18 Alternative L.J. 245 (1993) (reviewing *Cross-Cultural Communication in Legal Settings* (Anne Pauwels ed., Austrl. Morash U. 1992)).

Book Review, 12 Australasian J. Am. Stud. 71 (1993) (reviewing Malcolm Bradbury, *The Modern American Novel* (Oxford U. Press 1992), and Linda Wagner-Martin, *The Modern American Novel, 1914–1945: A Critical History* (Twayne Publishers 1991)).

Trouble with Iphigenia: Feminist Critiques of Feminist Crime Fiction and the Case against Sara Paretsky, 9 Australian J.L. & Socy. 3 (1993).

Their Fathers' House: Forster, Woolf and the Aesthetics of Patriotism, Literature & Aesthetics 35 (Spring 1992).

E.M. Forster's A Passage to India: A Passage to the Patria? 17 Sydney Stud. in English 88 (1991–1992).

Literature and Law, 7 Australian J. L. & Socy. (1991).

Fiduciary Duties: Congreve's The Way of the World, 7 Australian J.L. & Socy. 71 (1991).

Hardy and the Law, 7 Thomas Hardy J. 28 (1991) (reprinted in *Short Story Criticism* vol. 60, 183 (forthcoming Janet Witalec ed., Thomas Gale 2003)).

Book Review, 4 Antithesis 186 (reviewing Ian Hunter, *Culture and Government, "And after the Time of Cholera?"*).

Phelps, Teresa Godwin

Review of Martha C. Nussbaum's Cultivating Humanity: A Classical Defense of Reform in Liberal Education, 25 J.C. & U.L. 185 (1998) (reviewing Martha C. Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Harvard U. Press 1997)).

Tradition, Discipline, and Creativity: Developing Strong Poets in Legal Writing, 20 Leg. Studs. Forum 89 (1996).

Gendered Space and the Reasonableness Standard in Sexual Harassment Cases, 12 Notre Dame J.L. Ethics & Pub. Policy 265 (1998).

"If Power Changes Purpose": Images of Authority in Literature and Film, in *The Moral Imagination: How Literature and Films Can Stimulate Ethical Reflection in the Business World* (U. Notre Dame Press 1998).

Syndrome Logic, 59 Rev. of Pol. 949 (1997) (reviewing Donald Alexander Downs, *More Than Victims: Battered Women, the Syndrome Society, and the Law* (U. Chi. Press 1996)).

The Power of Persuasion, 63 U. Cin. L. Rev. 377 (1994).

The Margins of Maycomb: A Rereading of To Kill a Mockingbird, 45 Ala. L. Rev. 511 (1994).

The Coach's Wife: A Notre Dame Memoir (W.W. Norton & Co. 1994).

Law as Patriarchal Institution, 55 Rev. of Pol. 23 (1993) (reviewing *Feminist Jurisprudence*) (Patricia Smith ed., Oxford U. Press (1993)).

Pollyanna, Alice and Other Women in the Law, 6 Notre Dame J.L., Ethics & Pub. Policy 283 (1992).

Book Review, 42 J. Leg. Educ. 143 (1992) (reviewing David Ray Papke, ed., *Narrative and the Legal Discourse: A Reader in Storytelling and the Law* (Deborah Charles Publications 1991)).

Voices from Within: Community and Law in Three Prison Narratives, 15 J. Am. Culture 69 (1992).

The Sound of Silence Breaking: Catholic Women, Abortion, and the Law, 59 Tenn. L. Rev. 547 (1992).

No Place to Go, No Story to Tell: The Missing Narratives of the Sanctuary Movement, 48 Wash. & Lee L. Rev. 123 (1991).

Problems and Cases for Legal Writing (Natl. Inst. Tr. Advoc. 1990) (Teacher's Manual).

Narratives of Disobedience: Breaking/Changing the Law, 40 J. Leg. Educ. 143 (1990).

Stories of Women in Self Defense, 2 Yale J.L. & Feminism 189 (1989) (reviewing Cynthia A. Gillespie, *Justifiable Homicide: Battered Women, Self Defense, and the Law* (Ohio St. U. Press 1989)).

Book Review, 39 J. Leg. Educ. 463 (1989) (reviewing Wayne C. Booth, *The Company We Keep: An Ethics of Fiction* (U. Cal. Press 1988)).

Protest and Perplexities, 51 Rev. of Pol. 469 (1989) (reviewing Richard Posner, *Law and Literature: A Misunderstood Relation* (Harvard U. Press 1988)).

The Story of the Law in Huckleberry Finn, 39 Mercer L. Rev. 889 (1988).

In the Law the Text Is King, in *Worlds of Writing* 363–374 (Carolyn Matalene ed., Random House 1988).

The Tribune and the Tutelar: The Tension of Opposite in The Sleeping Lord, in *David Jones: Man and Poet* 331–350 (John Matthias ed., Natl. Poetry Found. Press 1988).

Writing Strategies for Practicing Attorneys, 23 Gonz. L. Rev. 155 (1988).

The New Legal Rhetoric, 40 Sw. U. L. Rev. 1089 (1986).

Questioning the Text: The Significance of Phenomenological Hermeneutics for Legal Interpretation, 29 St. Louis L.J. 353 (1985) (reprinted in *Statutes and Statutory Construction* (6th ed., Sutherland 1986)).

Book Review, Chi. Trib. Bk. World 31 (Sept. 1, 1985) (reviewing Alice Adams, *Return Trips* (Alfred A. Knopf 1985)).

Subordinate to Persuade, 1 Second Draft (newsltr. of Leg. Writing Inst.) 12 (Oct. 1985).

The Question for Our Time: How Do We Educate Our Children? 1 Notre Dame J.L. Ethics & Pub. Policy 421 (1985).

Book Review, Chi. Trib. Bk. World 43 (Sept. 9, 1984) (reviewing Helen Hooven Santmeyer, *Ohio Town* (Harper 1963)).

Book Review, 30 Prac. Law. 87 (1984) (reviewing C. Terry Cline, *The Attorney Conspiracy* (Arbor House Publg. Co. 1983)).

Problems and Cases for Legal Writing (2d ed., Natl. Inst. Tr. Advoc. 1984).

The Criminal as Hero in American Fiction, 4 Wis. L. Rev. 1427 (1983).

Book Review, Chi. Trib. Bk. World 42 (Oct. 30, 1983) (reviewing Brian Moore, *Cold Heaven* (Holt Rinehart & Winston 1983)).

Problems and Cases for Legal Writing, Teacher's Manual and Administrative Guide (Natl. Inst. Tr. Advoc. 1983).

Book Review, 29 Prac. Law. 83 (1983) (reviewing Louis Auchincloss, *Narcissa and Other Fables* (Houghton Mifflin Co. 1983)).

Problems and Cases for Legal Writing (Natl. Inst. Tr. Advoc. 1982).

David Jones "The Hunt" *&* "The Sleeping Lord"*: The Once and Future Wales*, Poetry Wales 64 (1982).

Empress of the Labyrinth: The Feminine in David Jones's Poetry (1980) (dissertation).

Pocock, Sharon

Training Students in the Basics, 17 Second Draft (newsltr. of Leg. Writing Inst.) 8 (July 2003).

Writing Facts Persuasively: An Active-Learning Exercise, 16 Second Draft (newsltr. of Leg. Writing Inst.) 10 (Dec. 2001).

Using an Elaborated Correction Key for Basic Writing Problems, 14 Second Draft (newsltr. of Leg. Writing Inst.) 15 (Nov. 1999).

Pollman, Terrill

Double Jeopardy and Nonmember Indians in Indian Country, 82 Neb. L. Rev. 889 (2004).

IRLAFARC! A Survey on the Language of Legal Writing, 56 Me. L. Rev. 239 (2004) (co-author Judith M. Stinson).

Three Views of Visiting, 18 Second Draft (newsltr. of Leg. Writing Inst.) 1 (June 2004) (co-authors James Levy and Samantha A. Moppett).

Further Thoughts on Better Writing, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 8 (Spring 2003).

Building a Tower of Babel or Building a Discipline? Talking about Legal Writing, 85 Marq. L. Rev. 887 (2002).

The Lawyering Process Program: Building Competence and Confidence, 9 Nev. Law. 15 (Dec. 2001) (co-author Jennifer Anderson).

Book Review, 8 Nev. Lawyer 23 (2001) (reviewing ALWD & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (Aspen L. & Bus. 2000)) (co-author Leah Kane).

A Writer's Board and a Student-Run Writing Clinic: Making the Writing Community Visible at Law Schools, 3 Leg. Writing 277 (1997).

Maynard v. Cartwright*: Channeling Arizona's Use of the Heinous, Cruel, or Depraved Aggravating Circumstance to Impose the Death Penalty*, 32 Ariz. L. Rev. 193 (1990).

Pratt, Diana

Legal Writing: A Systematic Approach (4th ed., West 2004).

Representing Non-Mainstream Clients to Mainstream Judges: A Challenge of Persuasion, 4 Leg. Writing 79 (1998).

Selecting and Designing Effective Legal Writing Problems, 3 Leg. Writing 163 (1997) (co-author Grace Tonner).

Raeker-Jordan, David

Environmental Law: Pollution Control Act Held Not Retroactive, 39 S.C. L. Rev. 85 (1987).

Workers' Compensation Law: Status of Traveling Employees Rule Unclear, 39 S.C. L. Rev. 235 (1987).

Ramirez, Mary

Enron and the New Paradigm of Economic Crime, 40 Cir. Rider 4 (Fall/Winter 2002).

Student Author, *Homicide Liability for the Furnishing of Dangerous Narcotics*, 6 Pub. L. Rev. 161 (1987).

Ramsfield, Jill J.

Culture to Culture: A Guide to U.S. Legal Writing (Carolina Academic Press 2004).

Bridges in Legal Discourse: From Socrates to Social Constructivism, Knowledge & Discourse Conf. Proceedings (2002).

The Law as Architecture: Building Legal Documents (West 2000).

Legal Writing: Getting It Right and Getting It Written (3d ed., West 2000) (co-author Mary Barnard Ray).

The When and Why in Writing about Writing, http://jurist.law.pitt.edu/lawbooks (last updated 1998) (reviewing Myra A. Harris, *Legal Research: FUN-damental Principles* (Prentice Hall 1997), and Myra A. Harris, *Legal Writing: Principles of Juriography* (Prentice Hall 1996)).

Is "Logic" Culturally Based? A Contrastive, International Approach to the U.S. Law Classroom, 47 J. Leg. Educ. 157 (1997).

Legal Writing in the Twenty-First Century: A Sharper Image, 2 Leg. Writing 1 (1996).

Scholarship in Legal Writing, 1 Leg. Writing Dirs. Conf. 87 (1996) (co-author J. Christopher Rideout).

Writing High Impact Briefs, 30 Tr. Law. 54 (1994).

Legal Writing: A Revised View, 69 Wash. L. Rev. 35 (1994) (co-author J. Christopher Rideout).

Expect the Unexpected: Time Management for Lawyers, 29 Tr. Law. 1 (1993).

Legal Writing in the Twenty-First Century: The First Images—A Survey of Legal Research and Writing Programs, 1 Leg. Writing 123 (1991).

Legal Writing: The Last Frontier, Second Draft (newsltr. of Leg. Writing Inst.) (1990).

Ramy, Herbert

Navigating the Internet: Legal Research on the World Wide Web (William S. Hein & Co. 2000) (co-author Samantha Moppett).

The Whole Truth and Nothing but the Truth: Will Commonwealth v. Lanigan *Lead to the Use of Polygraph Test Results in Criminal Trials?* 80 Mass. L. Rev. 48 (1995).

Official Torture as a Violation of the Law of Nations under the Alien Tort Claims Act: In re Estate of Ferdinand E. Marcos Human Rights Litigation, 17 Suffolk Transnatl. L. Rev. 578 (1994).

Ray, Mary Barnard

Beyond the Basics: A Text for Advanced Legal Writing (2d ed., West 2003) (co-author Barbara J. Cox).

Common Confusing Usage Rules, Some Rules Bear Repeating: Fewer and Less, Affect and Effect, Correspond to and Correspond with, Different from and Different Than, and Oral and Verbal Are Just a Few, 73 Wis. Law. 49 (June 2000).

Skill Is Key to Crafting Memorable Quotes: Here Is an Exercise That Helps Writers Understand the Bones of English, the Grammar That Can Make It Eloquent and Memorable, 73 Wis. Law 57 (Mar. 2000)

Legal Writing: Getting It Right and Getting It Written (3d ed., West 2000) (co-author Jill J. Ramsfield).

How to Use Legalese, 72 Wis. Law. 34 (July 1999).

Finding the Perfect Tense: Different Verb Tenses Can Be Coordinated in One Passage to Express Actions That Happen at Different Times, That Happen Because of Each Other, or That Happen Only in the Context of Another Action, 72 Wis. Law. 28 (Apr. 1999).

Pet Peeves of Improper English Usage: Readers Sound off on Pet Peeves of Their Own, 72 Wis. Law. 53 (Mar. 1999).

Reversing Ripley: Telling a Story Your Reader Can Believe: Three Writing Techniques Can Make the Unlikely Seem Natural-Foreshadowing the Surprise, Establishing a Solid Foundation, and Showing More Than Telling, 72 Wis. Law. 29 (Feb. 1999).

Transitions Enable Readers to Follow the Writer's Thinking, Legal Writers Need to Use Enough Accurate Signals to Guide Their Readers through the Complex Terrain of Most Legal Reasoning, 72 Wis. Law. 35 (Oct. 1999).

How Individual Differences Affect Organization and How Teachers Can Respond to These Differences, 5 Leg. Writing 125 (1999).

Write Crisp Sentences: Use Periods. A Liberal Sprinkling of Periods Will Help Your Writing Be Clear, Straightforward, and Easy to Read, 71 Wis. Law. 59 (July 1998).

A Dear John Letter . . . . Or How to Construct Your Litigation Documents, 71 Wis. Law. 49 (Apr. 1998).

When Weaving Emotional Arguments into Legal Logic Remember to Focus Your Fire, Use Writing Techniques That Add Drama and Force, and Have Faith in the Quality of Your Argument, 71 Wis. Law. 47 (Mar. 1998).

Pet Peeves of Improper English Usage, 70 Wis. Law. 51 (Dec. 1997).

Writing Good News and Bad News Letters, 70 Wis. Law. 45 (Sept. 1997).

Spell Checkers, Proofreading and the Lack of Free Lunches, 70 Wis. Law. 47 (May 1997).

Logic and the Legal Reader, 70 Wis. Law. 28 (Feb. 1997).

Avoiding Colon Trouble, 69 Wis. Law. 47 (Oct. 1996).

The Uses and Abuses of Procrastination, 69 Wis. Law. 49 (Aug. 1996).

Reichard, Cynthia J.

William J. Holloway & Michael J. Leech, *Employment Termination: Rights & Remedies* (Cynthia J. Reichard ed., 2d ed., BNA 1993).

Student Author, *Due Process in the Administration of General Assistance: Are Written Standards Protecting the Indigent?* 59 Ind. L.J. 443 (1984).

Reinhart, Susan

An ESP Program for Students of Law, in *English for Specific Purposes: Case Studies in TESOL Practice* (Thomas Orr ed., Teachers of English 2002) (co-author Christine Feak).

Giving Academic Presentations (U. Mich. Press 2002).

A Preliminary Analysis of Law Review Notes, 19:3 English for Specific Purposes 197 (2000) (co-authors Christine Feak and Ann Sinsheimer).

A Review of Legal Dictionaries, Am. Language Rev. (Jan. 1998) (co-author Christine Feak) (unabridged manuscript available).

Meeting the Needs of Non-Native Students, Am. Language Rev. (May 1997) (co-author Christine Feak).

Ressler, Jayne

Privacy, Plaintiffs, and Pseudonyms: The Anonymous Doe Plaintiff in the Information Age, 53 U. Kan. L. Rev. 195 (2004).

Richmond, Jane

Legal Writing: Form and Function (Natl. Inst. Tr. Advoc. 2001).

How to Start a Legal Writing Column at Your Firm, AILTO Insider (Am. Inst. for L. Training within Off.) (Summer 1997).

Language for the Law Office, Ohio Law. Mag. (Ohio St. B. Assoc.) (Fall 1993–1998) (column).

Book Review, AILTO Insider (Fall 1993) (reviewing Steven V. Armstrong & Timothy P. Terrell, *Thinking Like a Writer: A Lawyer's Guide to Effective Writing and Editing* (Practising L. Inst. 1993)).

Developing an In-House Legal Writing Program, CLE J. & Reg. (May 1990).

Writing with Confidence at Jones Day, AILTO Insider (Fall 1989).

Ricks, Sarah E.

Some Strategies to Teach Reluctant Talkers to Talk about Law, 54 J. L. Educ. 570 (2004).

A Case Is Just an Example: Using Common Experience to Introduce Case Synthesis and Rule Statements, 18 Second Draft (newsltr. of Leg. Writing Inst.) 22 (Dec. 2003).

You Are in the Business of Selling Analogies and Distinctions, 11 Persps. 116 (Spring 2003).

Substantive Due Process Rights of Parents of Adults: Local Governments Have a Stake in an Issue That Has Split the Federal Circuits and Is Pending in the Third Circuit, J.L. & Urb. Policy (available at www.jlup.org/archives/index.html).

The New French Abortion Pill: The Moral Property of Women, 1 Yale J.L. & Feminism 75 (1989).

Rideout, J. Christopher

Strangers in a Familiar Land, 3 Jurist: Bks. on L. 7 (available at http://jurist.law.pitt.edu/lawbooks/revoct00.htm#Rideout) (reviewing Anthony Amsterdam & Jerome Bruner, *Minding the Law* (Harv. U. Press 2001)).

Creatures from the Black Lagoon—They're Nice; or, What Writing Specialists Can Offer Legal Writing Programs, 13 Second Draft (newsltr. of Leg. Writing Inst.) 16 (1999).

Scholarship in Legal Writing, in *The Politics of Legal Writing: Proceedings of a Conference for Legal Research and Writing Program Directors* 75–91 (Jan Levine, Rebecca Cochran & Steve Johansen, eds., ALWD 1996) (available at www.alwd.org/alwdResources/ PoliticsofLegalWriting.pdf).

Legal Writing: A Revised View, 69 Wash. L. Rev. 35 (1994) (co-author Jill J. Ramsfield).

Using Legal Writing to Narrow the Gap: Socializing Students into Legal Education and Law Practice, in *The MacCrate Report: Building the Educational Continuum* 156–165 (Joan S. Howland & William H. Lindberg eds., West Group 1994).

So What's in a Name? A Rhetorical Reading of Washington's Sexually Violent Predators Act, 15 U. Puget Sound L. Rev. 781 (1992).

Research and Writing about Legal Writing: A Foreword from the Editor, 1 Leg. Writing v (1991).

Effective Writing for Lawyers (U. Puget Sound Sch. L. 1982–1984) (CLE coursebook).

Applying the Writing-across-the-Curriculum Model to Professional Writing, 3 Current Issues Higher Educ. 27 (1983–1984).

A Contagious Peculiarity: Writing at a Law School, Wash. English J. 2 (Fall 1982).

Ritchie, David T.

Critiquing Modern Constitutionalism, 3 Appalachian J.L. 37 (2004).

How Judges, Practitioners, and Legal Writing Teachers Assess the Writing Skills of New Law Graduates: A Comparative Study, 53 J. Leg. Educ. 80 (2003) (co-author Susan H. Kosse).

Situating "Thinking Like a Lawyer" within the Legal Pedagogy, 50 Clev. St. L. Rev. 29 (2003).

Assessing the Writing Skills of New Law Graduates, 2 App. Issues (Online J. ABA Council App. Laws.) (2003) (co-author Susan H. Kosse).

Supreme Court Watch: 26 State & Local L. News (ABA newsltr. of St. & Loc. Govt. Sec.) 8 (Spring 2003).

Supreme Court Watch: 25 State & Local Law News (ABA Newsltr. of St. & Loc. Govt. Sec.) 3 (Summer 2002).

Supreme Court Watch: 25 State & Local Law News (ABA Newsltr. of St. & Loc. Govt. Sec.) 5 (Spring 2002).

Putting One Foot in front of the Other: The Importance of Teaching Text-Based Research before Exposing Students to Computer-Assisted Legal Research, 9 Persps. 69 (Winter 2001) (co-author Susan H. Kosse).

Self-Defense in International Law, the United Nations, and the Bosnian Conflict, 56 U. Pitt. L. Rev. 1 (1995) (co-author Ziyad Motala).

The Second Phase of Nonviolence in the Context of Palestinian Independence, in *World without Violence: Can Gandhi's Vision Become a Reality?* (M.K Gandhi Inst. 1994) (co-authors Mubarek Awad and Lori Bain).

Civilian Based Defense for the Grassroots, 1 Intl. J. Nonviolence 109 (1993).

Robbins, Kristen K.

Rhetoric for Legal Writers (forthcoming West 2005).

Paradigm Lost: Recapturing Classical Rhetoric to Validate Legal Reasoning, 27 Vt. L. Rev. 483 (2003).

The Inside Scoop: What Federal Judges Really Think about the Way Lawyer's Write, 8 Leg. Writing 257 (2002).

Robbins, Ruth Anne

New Jersey Domestic Violence Practice and Procedure (2d ed., N.J. Inst. CLE 2005) (co-authors Angelo DiCamillo and M. Abatemarco).

Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents, 2 J. ALWD 108 (2004).

The Next Step: Starting a Dialogue about Upper Level Writing, 17 Second Draft (newsltr. of Leg. Writing Inst.) 13 (July 2003).

Creating New Learning Experiences through Collaborations between Law Librarians and Legal Writing Faculty, 11 Persps. 110 (Spring 2003) (co-author S.A. King).

Students Should Have a Choice, 16 Second Draft (newsltr. of Leg. Writing Inst.) 10 (May 2002).

New Jersey Domestic Violence Practice and Procedure (N.J. Inst. CLE 2002) (co-authors Angelo DiCamillo and M. Abatemarco).

Teach to Your Audience, 16 Second Draft (newsltr. of Leg. Writing Inst.) 8 (Dec 2001).

Varying the Traditional Methods of Peer Editing, 15 Second Draft (newsltr. of Leg. Writing Inst.) 15 (June 2001).

Fiction 101: A Primer for Lawyers on How to Use Fiction Writing Techniques to Write Persuasive Facts Sections, 32 Rutgers L.J. 459 (2001) (reprinted in 51 Defense L.J. 149 (Spring 2002), and reprinted as *How to Use Fiction Writing Techniques to Write Persuasive Facts Sections*, Natl. Inst. for Tr. Advoc. LexisONE Articles (available at www.nita.org/lexisarticles.htm#NEWJULY) (co-author Brian J. Foley).

Introducing "Splits in Authority" with a Low-Tech Multi-Part Exercise, 12 Second Draft (newsltr. of Leg. Writing Inst.) 4 (May 1999).

Roberts, Bonita K.

Legal Research Guide: Patterns and Practice (4th ed., LexisNexis 2000).

The More Things Change, the More They Stay the Same: The Employment-at-Will Doctrine in Texas, 25 St. Mary's L.J. 435 (1993).

Romantz, David S.

The Truth about Cats and Dogs: Legal Writing Courses and the Law School Curriculum, 52 U. Kan. L. Rev. 105 (2003).

A Review of the Second Edition of Scholarly Writing for Law Students: Seminar Papers, Law Review Notes, and Law Review Competition Papers, 30 Stetson L. Rev. 611 (2000) (reviewing Elizabeth Fajans & Mary R. Falk, *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes, and Law Review Competition Papers* (2d ed., West 2000)).

Legal Analysis: The Fundamental Skill (Carolina Academic Press 1998) (co-author Kathleen Elliott Vinson).

Who Will Publish My Manuscript? 7 Persps. 31 (Fall 1998) (co-author Kathleen Elliott Vinson).

Civil Forfeiture and the Constitution—A Legislative Abrogation of Rights and the Judicial Response: The Guilt of the Res, 28 Suffolk U. L. Rev. 387 (1994).

Rombauer, Marjorie Dick

Creditors' Remedies—Debtor's Relief vols. 27 & 28 (Wash. Prac. Series, West 1998).

Legal Writing in a Nutshell (West 1996) (co-authors Lynn Squires and Katherine Kennedy).

Legal Problem Solving: Analysis, Research and Writing (5th ed., West 1991).

Regular Faculty Staffing for an Expanded First-Year Research and Writing Course: A Post Mortem, 44 Alb. L. Rev. 192 (1980).

Marital Status and Eligibility for Federal Statutory Income Benefits: A Historical Survey, 52 Wash. L. Rev. 227 (1977).

First-Year Legal Research and Writing: Then and Now, 25 J. Leg. Educ. 538 (1973).

Debtors' Exemption Statutes—Revision Ideas, 36 Wash. L. Rev. & St. B.J. 484 (1961).

Rosenbaum, Judith

Why I Don't Give a Research Exam, 11 Persps. 1 (Fall 2002).

Fostering Teamwork through Cooperative and Collaborative Assignments, 15 Second Draft (newsltr. of Leg. Writing Inst.) 7 (June 2001) (co-author Cliff Zimmerman).

Annotated Code of Judicial Conduct (2001).

CALR Training in a Networked Classroom, 8 Persps. 79 (Winter 2000).

Using Read-Aloud Protocols as a Method of Instruction, 7 Persps. 105 (Spring 1999).

When a High Court Justice Is Charged with Misconduct, 16 Jud. Conduct Rptr. 1 (1994).

Practices and Procedures of State Judicial Conduct Organizations (Am. Judicature Socy. 1990).

State Appellate Practice and Procedure and Grounds for Appeal, in *Callaghan's Appellate Advocacy Manual, Lawyers' Edition* (West Group 1989).

Food and Drugs, in *Frumer & Friedman's Product Liability* (1989) (co-author Candice Goldstein).

Financial Disclosure by Judges: Functional Analysis and Critique, 40 U. Fla. L. Rev. 242 (1988) (co-author Steven Lubet).

Judicial Discipline and Disability Digest: 1982 Supplement (Am. Judicature Socy. 1982) (co-author Tamara Stewart).

Judicial Discipline and Disability Digest: 1960–1978 (Am. Judicature Socy. 1981)

Judges in an Age of Mistrust: Morial *and the Policy of Required Resignation*, 54 Tul. L. Rev. 382 (1980) (co-authors Allan Ashman and David L. Lee).

Implementing Court Unification: A Map for Reform, 17 Duq. L. Rev. 419 (1979) (co-authors Larry Berkson and Susan Carbon).

Court Unification: Its History, Politics and Implementation (Natl. Inst. L. Enforcement & Crim. Just. 1978) (co-authors Larry Berkson and Sue Carbon)

Court Reform in the Twentieth Century: A Critique of the Court Unification Controversy, 27 Emory L.J. 559 (1978) (co-authors Susan Carbon and Larry Berkson).

Organizing the State Courts: Is Structural Consolidation Justified? 45 Brook. L. Rev. 1 (1978) (co-authors Larry Berkson and Susan Carbon)

A Constitutional Perspective on Judicial Tenure, 61 Judicature 465 (1978) (co-author David L. Lee).

Implementing Federal Merit Selection, 61 Judicature 125 (1977).

Rosenthal, Lawrence

Drafting a Persuasive Statement of the Facts, Ky. Bench & Bar (2005).

Eliminating Extra Words, Ky. Bench & Bar (2005).

Association Discrimination under the Americans with Disabilities Act: Another Uphill Battle for Potential ADA Plaintiffs, 22 Hofstra Labor & Employ. L.J. 132 (2004).

Can't Stomach the Americans with Disabilities Act? How the Federal Courts Have Gutted Disability Discrimination Legislation in Cases Involving Individuals with Gastrointestinal Disorders and Other Hidden Illnesses, 53 Cath. U. L. Rev. 449 (2004).

Becoming Your Own Best Editor, Ky. Bench & Bar (2004).

Motions for Summary Judgment When Employers Offer Multiple Justifications for Adverse Employment Actions: Why the Exceptions Should Swallow the Rule, 2002 Utah L. Rev. 335.

Requiring Individuals to Use Mitigating Measures in Reasonable Accommodation Cases after the Sutton *Trilogy: Putting the Brakes on a Potential Runaway Train*, 54 S.C. L. Rev. 421 (2002).

Are We Teaching Our Students What They Need to Survive in the Real World? Results of a Survey, 9 Persps. 103 (2001).

Rowe, Suzanne E.

The Bluebook *Blues: ALWD Introduces a Superior Citation Reference Book for Lawyers*, 64 Or. St. B. Bull. (June 2004).

The ADA in Legal Writing Classes, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 1 (Spring 2004).

Oregon Legal Research (Carolina Academic Press 2003).

Florida Legal Research: Sources, Process and Analysis (2d ed., Carolina Academic Press 2002) (co-author Barbara J. Busharis).

One Small Step: Beginning the Process of Institutional Change to Integrate the Law School Curriculum, in *Erasing Lines: Integrating the Law School Curriculum* (Bradley G. Clary et al. eds., West 2002) (co-author Susan P. Liemer).

Writing a Winning Conference Proposal, 17 Second Draft (newsltr. of Leg. Writing Inst.) 15 (July 2003).

Take Two: Preparing for the Second Year of Teaching, 15 Second Draft (newsltr. of Leg. Writing Inst.) 25 (June 2001).

The Gordian Knot: Uniting Skills and Substance in Employment Discrimination and Federal Taxation Courses, 33 John Marshall L. Rev. 303 (2000) (co-author Barbara J. Busharis).

From the Grocery to the Courthouse: Teaching Legal Analysis to First-Year Students, 14 Second Draft (newsltr. of Leg. Writing Inst.) 14 (May 2000) (co-author Jessica Enciso Varn).

Legal Research, Legal Writing, and Legal Analysis: Putting Law School into Practice, 29 Stetson L. Rev. 1193 (2000).

The Brick: Teaching Legal Analysis through the Case Method, 7 Persps. 21 (Fall 1998).

Ruescher, Robert

Saving Title VII: Using Intent to Distinguish Harassment from Expression, 23 Rev. Litig. 351 (2004).

The Lawyer's Craft: An Introduction to Legal Analysis, Writing, Research, and Advocacy (Anderson Publg. Co. 2002) (co-authors Cathy Glaser, Jethro K. Lieberman, and Lynn Boepple Su).

Ruhtenberg, Joan

Tribute to Andy Kerr, 31 Ind. L. Rev. 893 (1998) (co-author Susanah Mead).

A Practical Guide to Legal Writing and Legal Method (2d ed., Fred B. Rothman Co. 1994) (co-authors John C. Dernbach, Richard V. Singleton II, and Cathleen S. Wharton).

A Guide to Indiana Statutes of Limitation (Indianapolis B. Assn. 1983).

Federal Income Tax Discrimination between Homeowners and Renters: A Proposed Solution, 12 Ind. L. Rev. 583 (1979).

Student Author, *Navigational Servitude—Taking of Property under the Fifth Amendment*, 13 Ind. L. Rev. 819 (1979).

Ryan, Jennifer Jolly

Strengthening Hate Crime Laws in Kentucky, 88 Ky. L.J. 63 (1999–2000).

Chipping Away at Discrimination at the Country Club, 25 Pepp. L. Rev. 495 (1997).

Fair Housing Act: The Fair Housing Act's Protection Based upon Familial Status, 15 Preventative L. Rptr. 18 (1997).

Avoiding Housing Discrimination by Real Estate Professionals, 10 Real Est. Fin. J. 5 (Spring 1995).

A Real Estate Professional's and Attorney's Guide to the Fair Housing Law's Recent Inclusion of Familial Status as a Protected Class, 28 Creighton L. Rev. 1143 (1995).

Back to the Future: The Application of the 1991 Civil Right Act to Pre-Existing Claims, 44 Mercer L. Rev. 911 (1993).

Strict Liability and the Tortuous Failure to Warn, 11 N. Ky. L. Rev. 409 (1984).

Salzmann, Victoria S.

The Devil Made Me Do It: The Irrelevance of Legislative Motivation under the Establishment Clause, 53 Baylor L. Rev. 419 (2001) (co-author Scott W. Breedlove).

Are Public Records Really Public? The Collision between the Right to Privacy and the Release of Public Court Records over the Internet, 52 Baylor L. Rev. 355 (2000).

State of Texas v. United States*: Voting Rights and Texas's Educational Standards*, 51 Baylor L. Rev. 191 (1999).

Sampson, Kathryn

Sample Arguments: The FDCPA's Bona Fide Error Defense Should be Applied to Mistakes in Interpretation of State Collections Law, 2001 Ark. L. Notes 117 (editor).

Fair Debt Collection Practices Act: Mounting a Legal Argument for Application of the Bona Fide Error Defense to Interpretations of State Collections Law, 2001 Ark. L. Notes 105.

The Mouse in the Annotated Bibliography: An Insurance Law Primer, 2000 Ark. L. Notes 85.

Synthesis and Synergy: Building Your Case and Your Credibility with the Help of Adverse Authority, 35 Ark. Law. 17 (Fall 2000).

Rationales and Methods for Using Adverse Authority to Strengthen Legal Argument, 1999 Ark. L. Notes 93.

Keynote Address, *Ideals, Obstacles and Achievements* (Psi Ch. Initiates to Kappa Delta Pi Intl. Honor Socy. in Educ., U. N. Iowa)

Disclosing and Confronting Adverse Authority (U. Ark. Sch. L. 1998) (CLE materials).

Legal Research and Writing (resource page available since Aug. 1998 at http://comp.uark.edu/~ksampson) (Jurist's Dean's List Award, Oct. 1998).

Arkansas' Putative Father Registry and Related Adoption Code Provisions: Inadequate Protection for Thwarted Putative Fathers, 1997 Ark. L. Notes 49 (lead author with Kim Flanery Coats and Coleen M. Barger).

Burden Shifting in Will Contest Cases: An Examination and a Proposal That the Arkansas Supreme Court Reconcile Arkansas Rules of Evidence Rule 301 with Its Undue Influence Case Law, 1996 Ark. L. Notes 93.

Analytical Assignments for Integrating Legal Research and Writing (Adams & Ambrose Publg Co. 1996) (co-author Jan M. Levine).

Workshop, *Mastering the Delete Key: Sculpting a Piece of Writing to Fit within a Mandated Page Length* (1996 Leg. Writing Inst., Seattle, Wash. 1996) (with Kevin G. Shelley).

Advice to a Beginning Legal Writing Teacher, 9 Second Draft (newsltr. of Leg. Writing Inst.) (Mar. 1994).

The Constitutionality of Single-Sex Institutions (seminar at Wesleyan College, Macon, Ga., Spring 1992) (with Laura Gardner Webster).

Student Author, *Negotiating a Slippery Slope: Voluntary Affirmative Action after* Johnson, 14 J. Corp. L. 201 (1988).

Schiess, Wayne

What Plain English Really Is, 9 Scribes J. Leg. Writing 43 (2003–2004).

What Transactional Drafters Should Know about Plain English, 39 Tex. J. Bus. Law 102 (2004).

Writing to the Trial Judge: Part Two for Affidavits, 83 Mich. B.J. 44 (Feb. 2004).

Writing to the Trial Judge: Part One for Motions, 83 Mich. B.J. 54 (Jan. 2004).

Writing for the Legal Audience (Carolina Academic Press 2003).

The Five Principles of Legal Writing, 49 Prac. Law. 11 (June 2003).

How to Write an Effective Memo, 32 Student Law. 22 (May 2003).

What to Do When a Student Says "My Boss Won't Let Me Write Like That"? 11 Persps. 113 (Spring 2003).

Dear Employer . . . , 31 Student Law. 27 (Oct. 2002).

How to Write for Trial Judges, 13 Prac. Litig. 41 (July 2002).

Write Effective Letters to Opposing Counsel, 38 Tr. 70 (June 2002).

Writing for Your Audience: The Client, 81 Mich. B.J. 50 (June 2002).

Common Student Citation Errors, 10 Persps. 119 (Spring 2002).

Ethical Legal Writing, 21 Rev. Litig. 527 (2002).

Meet ALWD*: The New Citation Manual*, 64 Tex. B.J. 911 (2001).

Collaborating with the Opposition, 15 Second Draft (newsltr. of Leg. Writing Inst.) 11 (June 2001).

Writing a Brief the George Orwell Way, 14 App. Advoc. (St. B. Tex. App. Sec. Rpt.) 6 (Spring 2001).

When Your Boss Wants It the Old Way, 64 Tex. B.J. 124 (2001).

The Bold Synopsis: A Way to Improve Your Motions, 63 Tex. B.J. 1030 (2000).

Schultz, Nancy L.

Theater Law (Carolina Academic Press 2004) (co-editor: Bob Jarvis et al).

Legal Research (2d ed., Aspen L. & Bus. 2000) (co-author Louis J. Sirico, Jr.).

There's a New Test in Town: Preparing Students for the MPT, 8 Persps. 14 (Fall 1999).

Live(s) for the State? 3 Nexus 37 (Fall 1998).

Legal Writing and Other Lawyering Skills (3d ed., Matthew Bender 1998 & 4th ed., LexisNexis 2004) (co-author Louis J. Sirico, Jr.).

Building a Professional Community, 11 Geo. J. Leg. Ethics 1 (1997).

Civility, Responsibility, and Professionalism, Orange Co. Law. (Nov. 1996) (co-author Rafael Zahralddin).

Persuasive Writing for Lawyers and the Legal Profession (Matthew Bender 1995 & 2d ed., LexisNexis 2001) (co-author Louis J. Sirico Jr.).

How Do Lawyers Really Think? 42 J. Leg. Educ. 57 (1992).

Schwabach, Aaron

Ecocide and Genocide in Iraq: International Law, the Marsh Arabs and Environmental Damage in Non-International Conflicts, 15 Colo. J. Intl. Envtl. L. & Policy 1 (2003).

Kosovo: Virtual War and International Law, 15 L. & Literature 1 (2003).

How Protectionism Is Destroying the Everglades, 31 Envtl. L. Rptr. 14,999 (2001) (reprinted in abridged form as *How Free Trade Can Save the Everglades*, Natl. Wetlands Newsltr. 7 (Jan./Feb. 2002)).

International Environmental Law, in *Encyclopedia of Life Support Systems* 1.36.2 (UNESCO 2002).

The Role of International Law and Institutions, *Theme 1.36*, in *Encyclopedia of Life Support Systems* (UNESCO 2002) (co-author Art

Cockfield) (reprinted in *Knowledge for Sustainable Development* vol. 1, 757 (UNESCO 2002)).

Law Regarding Protection of the Environment during Wartime, in *Encyclopedia of Life Support Systems* 1.36.4.5 (UNESCO 2002).

Law, Theme 6.31, in *Encyclopedia of Life Support Systems* (2002) (reprinted in *Knowledge for Sustainable Development* vol. III, 611 (UNESCO 2002)).

Non-Western Philosophies of Law, in *Encyclopedia of Life Support Systems* 6.31.1.3 (UNESCO 2002).

Philosophies and Systems of Law, in *Encyclopedia of Life Support Systems* 6.31.1 (UNESCO 2002).

Transboundary Environmental Harm and State Responsibility, in *Encyclopedia of Life Support Systems* 1.36.2.2 (UNESCO 2002).

Don't Blame Canada for Terrorism, Seattle Post-Intelligencer (Oct. 10, 2001).

Fellow Americans Should Not Be Targets of Our Anger, San Diego Union-Trib. B-9 (Sept. 14, 2001).

How Free Trade Can Save the Everglades, 14 Geo. Intl. Envtl. L. Rev. 301 (2001).

NATO's War in Kosovo and the Final Report to the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, 9 Tul. J. Intl. & Comp. L. 167 (2001).

Humanitarian Intervention and Environmental Protection: The Effect of the Kosovo War on the Law of War, 6 Colum. J. Eur. L. 405 (2001).

The Electoral College Deprives Voters of a Fair, Just Election, L.A. Daily J. 6 (Dec. 4, 2000).

Comments on Republika Srpska Local Self-Government Law, ABA C. & E. European L. Initiative (June 12, 2000).

Comments on the Draft Convention on the Use of Water and Biological Resources and Conservation of Biodiversity of the Dniester River between Moldova and Ukraine, ABA C. & E. European L. Initiative (Jan. 18, 2000).

Yugoslavia v. NATO, Security Council Resolution 1244, and the Law of Humanitarian Intervention, 27 Syracuse J. Intl. L. & Com. 77 (2000).

Professional Responsibility, in *Thomas Jefferson School of Law Bar Passage Handbook* (2000).

The Tisza Cyanide Disaster and International Law, 30 Envtl. L. Rptr. 10,509 (2000).

From Schweizerhalle to Baia Mare: The Continuing Failure of International Law to Protect Europe's Rivers, 19 Va. Envtl. L. J. 431 (2000).

Environmental Damage Resulting from the NATO Military Action against Yugoslavia, 25 Colum. J. Envtl. L. 117 (2000).

Using International Law to Prevent Environment Harm from Increased Use of Desalination, 34 Tex. Intl. L.J. 187 (1999).

The Legality of the NATO Bombing Operation in the Federal Republic of Yugoslavia, 11 Pace Intl. L. Rev. 407 (1999).

Thomas Jefferson and Sally Hemings, 21 Thomas Jefferson L. Rev. 101 (1999).

Thomas Jefferson as an Unsuccessful Advocate for Freedom in Howell v. Netherland, 20 Thomas Jefferson L. Rev. 129 (1998).

The United Nations Convention on the Law of Non-Navigational Uses of International Watercourses, Customary International Law, and the Interests of Developing Upper Riparians, 33 Tex. Intl. L.J. 257 (1998) (reprinted as Appendix D in *Analysis of the Draft Convention on the Use of Water and Biological Resources and Conservation of Biodiversity of the Dniester River for the Republic of Moldova* (ABA/CEELI Apr. 25, 2000)).

Jefferson and Slavery, 19 Thomas Jefferson L. Rev. 63 (1997).

Diverting the Danube: The Gabcikovo-Nagymaros Dispute and International Freshwater Law, 14 Berkeley J. Intl. L. 290 (1997).

An Analysis of First-Year Student WESTLAW Use: Why Vendor-Provided Training Isn't Enough, 16 Leg. Ref. Services Q. 7 (1997).

Doctrine or Dictum: The Ker-Frisbie *Doctrine and Official Abductions which Breach International Law*, 25 U. Miami Inter-Am. L. Rev. 19 (1993).

The Sandoz Spill: The Failure of International Law to Protect the Rhine from Pollution, 16 Ecology L.Q. 443 (1989) (reprinted in part in *Environmental Law and Policy: A Coursebook on Nature, Law, and Society* 999–1006 (Zygmunt Z.B. Plater, Robert H. Abrams & William Goldfarb eds., West Publg. Co. 1991), and *International Environmental Law* 6–24 (William P. Weiner, David S. Favre & Sudhir Chopra eds., Lupus Publications 1993)).

Employer Sanctions and Discrimination: The Case for Repeal of the Employer Sanctions Provisions of the Immigration Reform and Control Act of 1986, 4 La Raza L.J. 1 (1991).

Death Watch on the Rhine, 75 Bus. & Socy. Rev. 36 (Winter 1990).

Schwinn, Steven

Basic Legal Research Workbook (Aspen L. & Bus. 2002) (co-author Amy Sloan).

Sears, Dennis S.

The Teaching of First-Year Legal Research Revisited: A Review and Synthesis of Methodologies, 19/3:4 Leg. Ref. Services Q. 5 (2001) (co-published simultaneously in *Teaching Legal Research and Providing Access to Electronic Resources* (Haworth Info. Press 2001)).

Marketing: A Survival Tool for the Nineties and Beyond, 3 AALL Spectrum 2 (Dec. 1998).

Property and Privacy Issues: Implications for the Law Firm and the Law School, 21 RIPS L. Lib. 10 (Fall 1998).

The Staff Study: An Integrative Management Tool for Law Libraries, 90 L. Lib. J. 51 (1998).

Computer Assisted Practice System (CAPS) and Its Application in Support of the Reference Function within the Law Library, 13:4 Leg. Ref. Services Q. 5 (1994).

Utah Electronic Resources, http://lawlib.wuacc.edu/state.survey/utah2.html.

See, Brenda

Tying It All Together, 10 Persps. 18 (Fall 2001).

Legal Writing through the Eyes of First-Year Law Students: Their 25 Rules for Survival, 6 Persps. 92 (Winter 1998).

Book Review, 24 L. Practice Mgt. 58 (1998) (reviewing Jeffrey M. Ellinport, *Tools of the Trade: Practical Legal Writing for the 21st Century* (Austin & Winfield 1997)).

Briefing a Case in Reverse, 12 Second Draft (newsltr. of Leg. Writing Inst.) 2 (Nov. 1997).

Student Author, *An Attorney's Acceptance of Assignment of Property as Security for a Fee*, 4 J. Leg. Profession 263 (1979).

Seligmann, Terry Jean

Bringing Arkansas Special Education Law into Focus (MEDS/PDN Nov. 2003) (chapters in CLE materials).

Step-by-Step: A Guide to Disciplining Children with Disabilities, 2002 Ark. L. Notes 65 (adapted from a more extensive article previously published in 2000 in the *Arizona Law Review*).

Legal Research and Writing, Ark. L. Rec. 18 (Fall/Winter 2002).

A Practical Education: Putting Research and Writing to Work, 16 Second Draft (newsltr. of Leg. Writing Inst.) 5 (May 2002).

Living in the Sunlight: Showcasing the Legal Writing Faculty, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 3 (Spring 2002).

A Diller, a Dollar: Section 1983 Damage Claims in Special Education Lawsuits, 36 Ga L. Rev. 465 (2002).

Testing the Waters, 15 Second Draft (newsltr. of Leg. Writing Inst.) 12 (June 2001).

An IDEA Schools Can Use: Lessons from Special Education Legislation, 29 Fordham Urb. L.J. 759 (2001).

Beyond "Bingo!": Educating Legal Researchers as Problem Solvers, 26 Wm. Mitchell L. Rev. 180 (2000).

Not as Simple as ABC: Disciplining Children with Disabilities under the 1997 IDEA Amendments, 42 Ariz. L. Rev. 77 (2000).

Holding a Citation Carnival, 8 Persps. 18 (Fall 1999).

Choosing and Using Legal Authority: The Top Ten Tips, 6 Persps. 1 (Fall 1997) (co-author Thomas H. Seymour).

Coordinating Civil Procedure and Legal Writing: A Field Experience, 47 J. Leg. Educ. 246 (1997) (co-authors Joseph Glannon, Linda Sandstrom Simard, and Medb Sichko).

Book Review, Bimonthly Rev. L. Bks. (Oct. 1995) (reviewing Kent Greenawalt, *Fighting Words: Individuals, Communities, and Liberties of Speech* (Princeton U. Press 1995)).

Video Reviews: Opening Statement, Closing Argument, What Every Female Litigator Should Know, Leg. Video Revs. 5 (May 1994).

Litigating a Special Education Appeal, 71 Mass. L. Rev. 37 (1986) (co-author Ellen Janos).

Materials on Unjust Dismissal and At Will Employment (McLeneli, Inc. 1984) (co-author Elizabeth Spahn).

Massachusetts Materials on Unjust Dismissal and At Will Employment (McLeneli, Inc. 1983).

Appellate Practice in the United States Court of Appeals, Appellate Practice: A View from the Bench (McLeneli, Inc. 1980) (jointly prepared by members of the Women's B. Assoc. of Mass.).

Litigation in the Fast Lane (1979) (Women's Bar Association of Massachusetts Litigation Section, materials on expediting civil litigation) (co-author Janis Berry).

Pinocchio's New Nose, 48 N.Y.U. L. Rev. 339 (1973).

Seymour, Thomas H.

Scope of Employment: Have the Rules Changed in Massachusetts? 20 W. New Eng. L. Rev. 211 (1998).

Choosing and Using Legal Authority: The Top Ten Tips, 6 Persps. 1 (Fall 1997) (co-author Terry Jean Seligmann).

Shapo, Helene S.

Writing and Analysis in the Law (4th ed., Found. Press 1999) (co-authors Marilyn Walter and Elizabeth Fajans).

The Widow's Mite Gets Smaller: Deficiencies in Illinois Elective Share Law, 24 S. Ill. L. Rev. 95 (1999).

Surviving Sample Memos, 6 Persps. 90 (Winter 1998) (co-author Mary S. Lawrence).

Designing the First Writing Assignments, 5 Persps. 94 (Spring 1997) (co-author Mary S. Lawrence).

Making the Most of Reading Assignments, 5 Persps. 61 (Winter 1997) (co-author Christina L. Kunz).

Matters of Life and Death: Inheritance Consequences of Reproductive Technologies, 25 Hofstra L. Rev. 1091 (1997).

Law School without Fear: Strategies for Success (Found. Press 1996) (co-author Marshall Shapo).

Teaching Research as Part of an Integrated LR&W Course, 4 Persps. 78 (Spring 1996) (co-author Christina L. Kunz).

Winning the Font Game: Limiting the Length of Students' Papers, 4 Persps. 10 (Fall 1995) (co-author Christina L. Kunz).

"Standardized" Assignments in the First-Year Legal Writing Class, 3 Persps. 65 (Spring 1995) (co-author Christina L. Kunz).

The MacCrate Report *Conference: A Review*, 2 Persps. 54 (Winter 1994).

Teaching Citation Form and Technical Editing: Who, When and What, 3 Persps. 4 (Fall 1994).

Implications of Cognitive Theory for Teaching Writing, 2 Persps. (Winter 1993).

Brutal Choices, 2 Persps. 6 (Fall 1993).

Notes from Legal Writing Organizations, 2 Persps. (Fall 1993).

A Tale of Two Systems: Anglo-American Problems in the Modernization of Inheritance Legislation, 60 Tenn. L. Rev. 707 (1993).

The Frontiers of Legal Writing: Challenges for Teaching Research, 78 L. Lib. J. 719 (1986).

Recent Statutory Developments in the Definition of Forcible Rape, 61 Va. L. Rev. 1500 (1975).

Siegel, Martha

"Seven Edits Make Perfect?" The Saga of a Legal Writing Instructor, 5 Persps. 30 (Fall 1996).

A Practitioner's Guide to Feminist Jurisprudence, 37 B.B.J. 6 (1993).

Simon, Sheila

Survey of Illinois Law: Family Law—The Illinois Domestic Violence Act, 27 S. Ill. U. L.J. 719 (2003).

Top 10 Ways to Use Humor in Teaching Legal Writing, 11 Persps. 125 (Spring 2003).

I Swear by My Tattoo, 10 L. Teacher 3 (Spring 2003).

Not Ready for PowerPoint? Rediscovering an Easier Tool, 11 Persps. 82 (Winter 2003) (co-authors Sue Liemer and Melissa Shafer).

Order What Are Your Words In? How Foreign Languages Can Help You Teach the Structure of Legal Writing, 10 Persps. 124 (Spring 2002).

Austin Powers*: A Shagadelic Focus on Family Law, Baby, Picturing Justice*, On-Line J.L. & Pop. Culture (Jan. 16, 2002).

Eunice & Pablo, 5 Green Bag 2d 233 (Winter 2002).

But Words Can Never Harm Me —Review of Women Escaping Violence Empowerment through Narrative by Elaine Lawless, 7 ISBA Catalyst 7 (Dec. 2001).

Take My Garbage-Please! Teaching Persuasion through Arguments Anyone Can Make, 16 Second Draft (newsltr. of Leg. Writing Inst.) 7 (Dec. 2001).

Yikes—The Students Are Editing My Writing, 15 Second Draft (newsltr. of Leg. Writing Inst.) 16 (June 2001).

711 Means More Than Just a Quick Cup of Coffee, 2 ISBA (Standing Comm. on Govt. Laws. newsltr.) 12 (Mar. 2001).

Getting the Better of the Batterer—How to Negotiate with Respondents in Order of Protection Cases, 6 ISBA Catalyst 5 (Mar. 2001) (co-author Suzanne J. Schmitz).

Negotiating with Batterers in Order of Protection Cases, or Another Way to Get the Better of the Batterer, Ill. Coalition against Dom. Violence Newsltr. (Spring/Summer 2001) (available at http://ilcadv.org/newsletter/negbatinoparticle.html) (co-author Suzanne J. Schmitz).

Teaching Active Reading, 8 L. Teacher 11 (Spring 2001).

In Sentence of Death, There Can Be No Doubt, Chi.-Sun Times 26 (December 9, 2000).

Divorce: A Client's Guide (Justice Publications 1993).

Lawyers, Hearing Impaired Clients, and the Americans with Disabilities Act, 81 Ill. B.J. 153 (1993) (co-author Roy Miller).

Sirico Jr., Louis J.

A Primer on Organ Donation, 17 J.L. & Health 1 (2002–2003).

Judging: A Book for Student Clerks (LexisNexis 2003).

What the Legal Writing Faculty Can Learn from the Doctrinal Faculty, 11 Persps. 97 (Spring 2003).

Teaching a Collaborative Seminar, 9 L. Teacher 5 (Fall 2002).

Life and Death: Stories of a Heart Transplant Patient, 37 Real Prop. Prob. & Trust J. 553 (2002).

Why Law Review Students Write Poorly, 10 Persps. 117 (Spring 2002).

Ask Your Students, 8 L. Teacher 3 (Spring 2001).

Persuasive Writing for Lawyers and the Legal Profession (2d. ed., LexisNexis Matthew Bender 2001) (co-author Nancy Schultz).

Reading Out Loud in Class, 10 Persps. 8 (Fall 2001).

The Citing of Law Reviews by the Supreme Court: 1971–1999, 75 Ind. L. Rev. 1009 (2000).

Materials for Teaching Plain English: The Jury Instructions in Palsgraf*, Revisited*, 8 Persps. 137 (Spring 2000).

Review Sessions: Proceed Productively, 7 L. Teacher 12 (Fall 1999).

Teaching Professionalism, in *Fresh Looks at Teaching and Learning Law, Institute for Law Teaching* (June 1999).

Advising Clients on Organ Transplants, New Matter (Newsltr., Chester County, Penn. B. Assn.) 6 (Feb. 1999).

The Trial of Charles I: A Sesquicentennial Reflection, 16 Const. Commentary 51 (1999).

Legal Research and the Summer Job . . . Advice from the Law School, 7 Persps. 110 (Spring 1999) (co-author Nazareth A. Pantaloni III).

Teaching Paragraphs, 8 Persps. 13 (Fall 1999).

Legal Writing and Other Lawyering Skills (3d ed., Matthew Bender 1998 & 4th ed., LexisNexis 2004) (co-author Nancy Schultz).

Teaching Oral Argument, 7 Persps. 17 (Fall 1998).

Cardozo's Statement of Facts in Palsgraf*, Revisited*, 6 Persps. 122 (Spring 1998).

Conducting Exit Interviews, 2 L. Teacher 6 (1998).

Getting Respect, 3 Leg. Writing 293 (1997).

Book Review, New Directions 130 (1997) (reviewing Anne Strick, *Injustice for All* (G.P. Putnam's Son 1977)).

Advanced Legal Writing Courses: Comparing Approaches, 5 Persps. 63 (Winter 1997).

Legal Research (2d ed., Aspen L. & Bus. 2000) (co-author Nancy Schultz).

Automobile Lemon Laws: An Annotated Bibliography, 8 Loy. Consumer L. Rep. 39 (1995–1996).

Introduction to Legal Writing and Oral Advocacy (2d ed., Matthew Bender 1993) (co-authors Nancy L. Schultz, Karen K. Porter, and Lauren Chejfec).

Book Review, 35 J. Church & St. 414 (1993) (reviewing Stephen J. Stein, *The Shaker Experience in America: A History of the United Society of Believers* (Yale U. Press 1992)).

Inclusive Law, Inclusive Religion, and the Shakers, 34 J. Church & St. 563 (1992).

Fiddling with Footnotes, 60 U. Cin. L. Rev. 1273 (1992) (reviewing *The Bluebook: A Uniform System of Citation* (15th ed., Harv. L. Rev. Assn. 1991)).

Avoiding Violent Words, 24 Conn. L. Rev. 487 (1992).

The Citing of Law Reviews by the United States Courts of Appeals: An Empirical Analysis, 45 U. Miami L. Rev. 1051 (May 1991) (co-author Beth A. Drew).

Homelessness: Introduction and Bibliography, 36 Vill. L. Rev. 1019 (1991).

Vietnam Haiku, 67 Cornell L. Rev. 1228 (1989).

Future Interest Haiku, 67 N.C. L. Rev. 171 (1989).

Spirit of Compromise Shaped 1787 Constitutional Convention, Penn. L.J.-Rptr. 3 (Sept. 14, 1987).

Scaling down the Constitution Extravaganza, Phila. Bus. J. 7 (May 4–10, 1987).

Supreme Court Haiku, 61 N.Y.U. L. Rev. 1224 (1986).

Church Property Disputes: Churches as Secular and Alien Institutions, 55 Fordham L. Rev. 335 (1986).

The Citing of Law Reviews by the Supreme Court: An Empirical Study, 34 UCLA L. Rev. 131 (1986) (co-author Jeffrey B. Margulies).

The Secular Contribution of Religion to the Political Process: The First Amendment and School Aid, 50 Mo. L. Rev. 321 (1985).

Deficiency Judgments in Pennsylvania: A Reply, 30 Vill. L. Rev. 1152 (1985).

Constitutional Dimensions of Church Property Disputes, 59 Wash. U. L.Q. 1 (1981).

Agencies in Conflict: Overlapping Agencies and the Legitimacy of the Administrative Process, 33 Vand. L. Rev. 101 (1980).

The Constitutionality of the Initiative and Referendum, 65 Iowa L. Rev. 637 (1980).

How to Talk Back to the Telephone Company: Playing the Telephone Game to Win (Ctr. for Study of Responsive L. 1979).

Book Review, 1 Am. J. Crim. L. 125 (1972) (reviewing Anthony J. Manocchio & Jimmy Dunn, *The Time Game: Two Views of a Prison* (Sage Publications 1970)).

Student Author, *Prisoner Classification and Administrative Decisionmaking*, 50 Tex. L. Rev. 1229 (1972).

Student Author, *The Open and Obvious Nature of a Design Defect Does Not Necessarily Preclude Manufacturer's Liability*, 49 Tex. L. Rev. 591 (1971).

Timberlands in East Texas, in Property Tax: A Study in Inequality in Valuations and Assessments in Texas, 116 Cong. Rec. 40004 (1970).

Sloan, Amy E.

A Government of Laws and Not Men: Prohibiting Non-Precedential Opinions by Statute or Procedural Rule, 79 Ind. L.J. 711 (2004).

Basic Legal Research: Tools and Strategies (2d ed., Aspen L. & Bus. 2003).

Erasing Lines: Integrating the Law School Curriculum, 1 J. ALWD 3 (2002).

Basic Legal Research Workbook (Aspen L. & Bus. 2002) (co-author Steven D. Schwinn).

Creating Effective Legal Research Exercises, 7 Persps. 8 (Fall 1998) (reprinted in Best of Persps. 30 (West Group 2001)).

No Magic Formula: A New Approach for Calculating the Ten-Year Time Period for Admission of Prior Conviction Evidence, 3 Geo. Mason Indep. L. Rev. 351 (1995).

Slotkin, Jackquelyn

Should I Have Learned to Cook? Interviews with Women Lawyers Juggling Multiple Roles, 13 Hastings Women's L.J. 147 (2002).

You Really Have Come a Long Way: An Analysis and Comparison of Role Conflict Experienced by Women Attorneys Today and by Educated Women Twenty Years Ago, 18 Women's Rights L. Rptr. 17 (1996).

An Institutional Commitment to Minorities and Diversity: The Evolution of a Law School Academic Support Program, 12 Thomas M. Cooley L. Rev. 559 (1995).

Comma Abuse: A Comma Can Cause Trouble by Its Absence, Its Presence, Its Incorrect Placement, 4 Persps. 16 (Fall 1995).

Smith, Craig T.

Equality Rights, in *Fundamental Rights in Europe and North America* (forthcoming Albrecht Weber ed., Kluwer L. Intl.).

The Uncertain Limits of the European Court of Justice's Authority: Economic Freedom Versus Human Dignity, 10:3 Colum. J. Eur. L. (2004) (co-author Thomas Fetzer).

Report B Bundesverwaltungsgericht (*German Federal Administrative Court*), in *Annual of German & European Law* (forthcoming Berghahn Bks. 2004) (co-author Irene Schlünder).

Teaching Students How to Learn in Your Course: "The Learning-Centered" Course Manual, 12 Persps. 1 (Fall 2003).

New Transatlantic Tension and the Kagan Phenomenon: A Primer, 6 German L.J. no. 9 (Sept. 1, 2003).

More Disagreement over Human Dignity: The Federal Constitutional Court's Most Recent Benetton Advertising Decision, 6 German L.J. No. 4 (June 1, 2003).

Technology & Legal Education: Negotiating the Shoals of Technocentrism, Technophobia, & Indifference, 1 J. ALWD 247 (2002).

An American's View of the Federal Constitutional Court: Karlsruhe's Justices "Speak Softly but Carry a Big Stick", 2 German L.J. no. 9 (June 1, 2001).

Synergy and Synthesis: Teaming "Socratic Method" with Computers and Data Projectors to Teach Synthesis to Beginning Law Students, 7 Leg. Writing 113 (2001).

Teaching Synthesis in High-Tech Classrooms: Using Sophisticated Visual Tools Alongside Socratic Dialogue to Help Guide Students through the Labyrinth, 9 Persps. 110 (Spring 2001).

Published Translation: Decisions of the Bundesverfassungsgericht Federal Constitutional Court—Federal Republic of Germany: Freedom of Speech (1998) (co-translator).

Specifics of Justice: Inga Markovits's Firsthand Account of German Unification, 11 Emory Intl. L. Rev. 761 (1997) (reviewing Inga Markovits, *Imperfect Justice: An East–West Diary* (Clarendon Press 1995)).

Depositions and the Court, 32 Tort & Ins. L.J. 635 (1997) (co-author Hon. James G. Carr).

Published Translation of *Municipality and County Code of the Free State of Thuringia, Germany* (1995).

Einseitige prajudizielle Rechtskraftwirkungzugunsten Dritter im US-amerikanischen ZivilprozeBrecht [Non-Mutual Issue Preclusion in U.S. Civil Procedure], 73 Deutsche Richterzeitung 94 (1995) (presented at Germany's Supreme Court (Bundesgerichtshof), May 1994).

Book Review, 88 Mich. L. Rev. 1963 (1990) (reviewing Louis Henkin, *Right v. Might: International Law and the Use of Force* (Council on For. Rel. Press 1989)).

Smith, Michael R.

Alternative Substantive Approaches to Advanced Legal Writing Courses, 54 J. Leg. Educ. 119 (2004).

The Next Frontier: Exploring the Substance of Legal Writing, 2 J. ALWD 1 (2004).

Advanced Legal Writing: Theories and Strategies in Persuasive Writing (Aspen L. & Bus. 2002).

Playing God: A Critical Look at Sua Sponte Decisions by Appellate Courts, 69 Tenn. L. Rev. 245 (2002) (co-author Adam A. Milani).

Student Author, *Considering the "Totality of the Circumstances," in Determining Probable Cause for a Search Warrant Based on Informant's Tip*, 36 U. Fla. L. Rev. 325 (1984).

Smith, Robert Barr

The Judge's Evidence Bench Book (Thomson 2004) (co-authors Leo H. Whinery and Theodore P. Roberts).

Last Hurrah of the James-Younger Gang (Okla. Press 2001).

Daltons! The Raid on Coffeyville, Kansas (Okla. Press 1999).

Men at War: True Stories of Heroism and Honor (William Morrow & Co. 1997 & Euromedia 2001).

Practical Legal Writing for Legal Assistants (West-Delmar 1996 & forthcoming 2d ed.) (co-author Celia C. Elwell).

To the Last Cartridge (William Morrow & Co. 1994 & Robinson 1996).

The Literate Lawyer: Legal Writing and Oral Advocacy (3d ed., Michie-Butterworth 1995).

The Best of Wild West (Natl. Historical Socy. 1996) (four chapters).

All Alone, the Death of HMS Glowworm, World War II History (Mar. 2004).

Revenge for Cawnpore, Mil. History (Feb. 2004).

Bank Robbery in Meeker, Wild West (Dec. 2003).

HMS Upholder, World War II History (Nov. 2003).

Wellington's Camp Followers, Mil. History (June 2003).

Murder by Moonlight, Wild West (June 2003).

The Greatest Raid of All: St. Nazaire, World War II (Feb. 2003).

Strike from the Sea. The Vaagso Raid, World War II History (Jan. 2003).

Britain's Bastard River War, Mil. History (Oct. 2002).

The Sinking of Scharnhorst, World War II History (Sept. 2002).

Strike from the Sky, the Assault on the Orne Bridges, World War II (July 2002).

The Raid on Bruneval, World War II History (July 2002).

PIAT, World War II History (May 2002).

A Sinking off Sumatra: The Tragic Voyage of Junyo Maru, World War II (Mar. 2002).

Silent Blitzkrieg: The Fall of Eben Emael, World War II History (Mar. 2002).

Blackpool: Darkest Hour for the Chindits, World War II (May 2001).

Born Bad: The Outlaw Christian Brothers, Wild West (Dec. 2000).

In Order to Die: The Legion at Tuyen Quang, Vietnam (Feb. 2000).

A Second Career: The Odyssey of Elmer McCurdy, Wild West (June 1999).

Interview: Mad Mike Calvert, World War II (Feb. 1999).

When Outlaws Ruled No Man's Land, Wild West (Feb. 1999).

When the Paths of Glory Led but to the Pulpit, 26 Okla. City U. L. Revue (1998).

Book Review, Vietnam (Dec. 1998) (reviewing *Vietnam Stories*).

The Victoria Cross, World War II (Mar. 1998).

Kill the Gringos! The El Paso Salt War, Wild West (Feb. 1998).

Tu-Le: Retreat from Hell, Vietnam (Oct. 1997).

The Great Western, Wild West (Aug. 1997).

Miracle at Albuera, Mil. History (Mar. 1997).

Introduction to Feuer, Commando! The M/Z Units' Secret War against Japan (Praeger 1996).

King Fisher, Wild West (Dec. 1996).

Final Verdict at Nuremberg, World War II (Nov. 1996).

Judgment at Tokyo, World War II (Sept. 1996).

The Short, Nasty Life of Dave Rudabaugh, Wild West (June 1996).

When Mad Mike Calvert Took Umbrage, World War II (May 1996).

Introduction to Imperato, into Darkness (Howell Press 1995).

Nuremberg: Final Chapter for the Thousand-Year Reich, World War II (Nov. 1995).

Critters, in Perspectives, Vietnam (Oct. 1995).

The Dalton Gang's Mystery Rider, Wild West (Oct. 1995).

Madame la Parachutiste, Vietnam (Aug. 1995).

Lawyers and Judges, Badmen and Lawmen: Law Enforcement in Early Oklahoma (Carl Albert Ctr., U. Okla. July 1995).

"A Damned Nice Thing" at Waterloo, Mil. History (June 1995) (reprinted in *The Age of Napoleon* (Summer 1998), and *Great Battles of the 19th Century* (Mar. 2004)).

Bad Night in Newton, Wild West (Apr. 1995).

Bass Reeves, Wild West (Feb. 1995).

A Century of French Conquest in Vietnam, Vietnam (Dec. 1994).

Fate and Glory, Mil. History (Oct. 1994).

Jeff Milton, Wild West (July 1994).

The Doctor of Dien Bien Phu, Vietnam (June 1994).

The West's Deadliest Dentist, Wild West (Apr. 1994).

The James Boys Go to War, Civil War Times Illustrated (Feb. 1994).

Susan Travers, World War II (Jan. 1994).

The Angel of Dien Bien Phu, Vietnam (Dec. 1993).

Texas John's Odyssey, Wild West (Dec. 1993) (reprinted in *Best of Wild West* (Cowles History Group 1996)).

A Matter of Honor, Wild West (Oct. 1993).

The Calcutta Light Horse at Marmagoa, World War II (Mar. 1993).

To Die Alone in the Silence, Vietnam (Oct. 1992).

Shootout at Ingalls, Wild West (Oct. 1992) (reprinted in *Best of Wild West* (Cowles History Group 1996)).

Battle of Pierre's Hole, Wild West (June 1992).

Killer in Deacon's Clothing, Wild West (Aug. 1992) (reprinted in *Best of Wild West* (Cowles History Group 1996)).

Battalion Meat Grinder, Vietnam (Apr. 1992) (reprinted in Great Battles (Sept. 1993)).

Biggest Indian Fight, Wild West (Apr. 1992) (reprinted in Great Battles (Jan. 1995), and in *Best of Wild West* (Cowles History Group 1996)).

Hot Shot, Cold Steel, Mil. History (Dec. 1991) (reprinted in Great Battles (July 1993)).

No God West of Fort Smith, Wild West (Oct. 1991).

Volunteer Force's Epic March, Wild West (June 1991).

Trail of Black Hawk, Wild West (Apr. 1991) (reprinted in Great Battles (Mar. 1993)).

The Death of Groupe Mobile 100, Vietnam (Apr. 1991).

Gamble for Needed Victory, World War II (Mar. 1991).

Walther Wenck at Stalingrad, World War II (Nov. 1990).

Prelude to Disaster, Vietnam (Feb. 1990).

May God Strike Me Dead If I Did It, British Heritage (Feb. /Mar. 1989).

Run down in Neutral Waters, World War II (July 1988).

When the Bugle Sounded, Wild West (June 1988).

Commentary: Persuasion on Appeal, 41 Okla. L. Rev. 463 (1988).

Making Sense: Some Reflections on Legal Writing, 56 Okla. B. J., 2563 (1985) (reprinted in ABA B. Leader (Autumn 1985)).

Soonpaa, Nancy

Content in First-Year Courses, in *Sourcebook on Legal Writing Programs* (forthcoming 2d ed., ABA 2004).

Goals of a First-Year Legal Writing Course, in *Sourcebook on Legal Writing Programs* (forthcoming 2d ed., ABA 2004).

Pedagogical Methods in First-Year Courses, in *Sourcebook on Legal Writing Programs* (forthcoming 2d ed., ABA 2004).

Pop Culture Prognostication, in *Teaching the Law School Curriculum* 272 (Carolina Academic Press 2004).

Stress in Law Students: A Comparative Study of First-Year, Second-Year, and Third-Year Law Students, 36 Conn. L. Rev. 353 (2004).

Whom Are We Teaching? Independent Students Who Defy Categorization, 18 Second Draft (newsltr. of Leg. Writing Inst.) 7 (Dec. 2003).

What Are We Teaching Our Students? Competence and Confidence, 17 Second Draft (newsltr. of Leg. Writing Inst.) 1 (July 2003).

Fifth Circuit Survey: Civil Rights Cases, 34 Tex. Tech L. Rev. 597 (2003).

A Retrospective on Three Teaching Experiences and Resultant Ideas about Structuring a Three-Semester Course, 16 Second Draft (newsltr. of Leg. Writing Inst.) 1 (May 2002).

Strategies for Enhancing the Status of Legal Research and Writing and of Legal Research and Strategies to Improve Writing Faculty's Status, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 3 (Spring 2002).

Five Simple Exercises for Teaching Persuasion, 16 Second Draft (newsltr. of Leg. Writing Inst.) 13 (Dec. 2001).

The Art of Legal Analysis in the Legal Writing Classroom, 14 Second Draft (newsltr. of Leg. Writing Inst.) 10 (May 2000).

Some Thoughts on Commenting, 14 Second Draft (newsltr. of Leg. Writing Inst.) 9 (Nov. 1999).

Considering Audience: Using a Writing Concept to Enhance Legal Learning, in Gerald F. Hess & Steven Friedland, *Techniques for Teaching Law* (Carolina Academic Press 1999).

Variety—The Spice of Teaching Life, 12 Second Draft (newsltr. of Leg. Writing Inst.) 9 (Nov. 1997).

Using Composition Theory and Scholarship to Teach Legal Writing More Effectively, 3 Leg. Writing 81 (1997).

The Continued Vitality of IRAC, 10 Second Draft (newsltr. of Leg. Writing Inst.) 15 (Nov. 1995).

The Pill in the Applesauce: Making Grammar, Punctuation, and Usage Palatable, 9 Second Draft (newsltr. of Leg. Writing Inst.) 5 (Nov. 1994).

Spanbauer, Julie M.

Employment Law Practice Flashpoints, Ill. Inst. for CLE (June 2003–present) (available at www.iicle.com/flashpoints).

Kimel *and* Garrett*: Another Example of the Court Undervaluing Individual Sovereignty and Settled Expectations*, 76 Temple L. Rev. 787 (2003).

Labor Law, in *Law Manual for Community Developers and Social Workers* (13th ed., John Marshall L. Sch. 2002) (co-author Gerald Berendt).

Scarlett O'Hara as Feminist: The Contradictory, Normalizing Force of Law and Culture, 5:2 L./Text/Culture 45 (2001).

Teaching First-Semester Students That Objective Analysis Persuades, 5 Leg. Writing 167 (1999).

Biography of Cora B. Hirtzel, in *Bar None: 125 Years of Women Lawyers in Illinois* (Chi. B. Assn. Alliance for Women 1998) (co-author Patricia R. McMillen).

The First Amendment Right of Petition in the Constitution and Its Amendments (Roger K. Newman, ed., Macmillan 1998).

Her Say Editorial, *Making Cosmetic Changes Alone Won't Ensure Safety of Breast Implants*, Chi. Trib. Womanews 8 (Sept. 6, 1998).

Breast Implants as Beauty Ritual: Woman's Sceptre and Prison, 9 Yale J.L. & Feminism 157 (1997).

Current Developments in Federal Employment Discrimination Law, 15 N. Ill. U. L. Rev. 307 (1995).

The John Marshall Manual for Community Developers and Social Workers (11th ed. 1993) (updated portion of a chapter).

The First Amendment Right to Petition Government for a Redress of Grievances: Cut from a Different Cloth, 21 Hastings Const. L.Q. 15 (1993).

Sparling, Tobin A.

Judicial Bias Claims of Homosexual Persons in the Wake of Lawrence v. Texas, 46 S. Tex. L. Rev. 225 (2004).

All in the Family: Recognizing the Unifying Potential of Same-Sex Marriage, 10 L. & Sex. 187 (2001).

Sparrow, Sophie M.

Describing the Ball: Improve Teaching by Using Rubrics—Explicit Grading Criteria, 2004 Mich. St. D.C. L. Rev. 1.

Notice Students' Similarities—Not Differences, 18 Second Draft (newsltr. of Leg. Writing Inst.) 10 (Dec. 2003).

Why I Teach, 10 L. Teacher 16 (Spring 2003).

Citation Form in New Hampshire: You May Want to Consult the New ALWD Manual, N.H. B.J. (Sept. 2002).

Using a Civil Procedure Exam Question to Teach Persuasion, 16 Second Draft (newsltr. of Leg. Writing Inst.) 12 (Dec. 2001).

Book Review, 12 Risk: Health, Safety & Envt. 339 (Fall 2001) (reviewing *Tales of the Guyaki Indians*).

The Lawyer as Supervisor, Manager and Motivator (Natl. Assn. for L. Placement 2000) (co-author Mary B. Sheffer).

Using Rubrics, 14 Second Draft (newsltr. of Leg. Writing Inst.) 16 (Nov. 1999).

More Steps to Improve the Quality of Life for Lawyers, N.H. B. News (Apr. 19, 1995).

Giving Women Positive Role Models, N.H. B. News (July 6, 2001).

Book Review, 6 Risk: Health, Safety & Envt. 89 (Winter 1995) (reviewing Lawrence J. Kaplan & Rosemarie Tong, *Controlling Our Reproductive Destiny: A Technological and Philosophical Perspective*).

Spencer, Shaun B.

Anonymity in Online Communications, in *Encyclopedia of American Civil Liberties* (forthcoming Paul Finkelman ed., Routledge 2006).

Dr. King, Bull Connor, and Persuasive Narratives, 2 J. ALWD 209 (2004).

Electronic Surveillance, in *Ethics* (forthcoming John K. Roth ed., Salem Press 2004).

Nevada Case Threatens to Expand Terry Stops, Boston B.J. 27 (Mar.–Apr. 2004).

Security vs. Privacy: Reframing the Debate, 79 Denv. U. L. Rev. 519 (2002).

Reasonable Expectations and the Erosion of Privacy, 39 San Diego L. Rev. 843 (2002).

CyberSLAPP Suits and John Doe Subpoenas: Balancing Anonymity and Accountability in Cyberspace, 19 John Marshall J. Computer & Info. L. 493 (2001).

Student Author, *Does Crime Pay—Can Probation Stop Katherine Ann Power from Selling Her Story?* 35 B.C. L. Rev. 1203 (1994).

Stanchi, Kathryn M.

Engaging the Mind and Heart: A Tribute to Justice Stewart G. Pollock, 36 Rutgers L.J. ___ (forthcoming 2005).

Dealing with Hate in the Feminist Classroom: Re-Thinking the Balance, 11 Mich. J. Gender & L. 173 (2004).

Feminist Legal Writing, 39 San Diego L. Rev. 387 (2002).

Women, Writing & Wages: Breaking the Last Taboo, 7 Wm. & Mary J. Women & L. 551 (2001) (co-author Jan M. Levine).

Gender and Legal Writing: Law Schools' Dirty Little Secrets, 16 Berkeley Women's L.J. 3 (2001) (co-author Jan M. Levine).

Exploring the Law of Law Teaching: A Feminist Process, 34 John Marshall L. Rev. 193 (Fall 2000).

Resistance Is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices, 103 Dick. L. Rev. 7 (1998).

From Product to Process: Evolution of a Legal Writing Program, 58 U. Pitt. L. Rev. 719 (1997) (co-authors Jo Anne Durako, Diane Penneys Edelman, Brett M. Amdur, Lorray S.C. Brown, and Rebecca L. Connelly).

The Paradox of the Fresh Complaint Rule, 37 B.C. L. Rev. 441 (1996).

Stein, Amy R.

What Are We Teaching? Form, Substance, and Personal Responsibility, 17 Second Draft (newsltr. of Leg. Writing Inst.) 5 (July 2003).

Stephenson, Gail S.

A Proper Proffer Primer, 180 Around B. 16 (Oct. 2003).

Sailors' and Soldiers' Civil Relief Act of 1940, 177 Around B. 14 (May 2003).

A Cure for Black Robe Envy, 49 La. B.J. 441 (2002).

Frequently Asked Questions about Burial Law in Louisiana, 160 Around B. 21 (Oct. 2001) (co-author John McLindon).

Termite Liability—What You Don't Know Can Hurt You, 155 Around B. 14 (Mar. 2001) (co-author Mary Beth Arceneaux).

Appealing Partial Summary Judgments—Avoiding the Article 1915 Trap, 149 Around B. 16 (Sept. 2000).

Jury Duty: Attorneys Who Have Lived to Tell, 120 Around B. 18 (Oct. 1997).

The Law of Crawfish, 97 Around B. 12 (Apr. 1995) (co-author Mary Beth Arceneaux).

Trap for the Verbose Unwary, 76 Around B. 10 (Mar. 1993).

Selective Publication—A Plot? Not! 70 Around B. 10 (Sept. 1992).

Appeal and Error, 79 Around B. 10 (Jan. 1992).

Loitering, Lollygagging, and Lawyering, 69 Around B. 14 (Nov. 1990).

Sex, Services and Society, 63 Around B. 10 (Mar. 1990).

Student Author, *Damages for Frivolous Appeal*, 45 La. L. Rev. 137 (1984).

Student Author, *Police Expert Witnesses and the Ultimate Issue Rule*, 44 La. L. Rev. 211 (1983).

Stinson, Judith M.

IRLAFARC! Surveying the Language of Legal Writing, 56 Me. L. Rev. 239 (2004) (co-author Terrill Pollman).

"Depth" or "Breadth"—Or Can You Have Both? 18 Second Draft (newsltr. of Leg. Writing Inst.) 21 (Dec. 2003).

Student Author, *Who's Been Sleeping in Your Bed? An Analysis of the Government's Approach to the Sexual Orientation of Its Employees*, 30 Ariz. L. Rev. 155 (1988).

Stratman, James

How Legal Analysts Negotiate Indeterminancy of Meaning in Common Law Rules: Toward a Synthesis of Linguistic and Cognitive Approaches to Investigation, 24 Lang. & Commun. 23 (2004).

When Law Students Read Cases: Exploring Relationships between Professional Legal Reasoning Roles and Problem Detection, 34:1 Discourse Processes 57 (2002).

Readers' Perception of Bias in Public Education Documents: The Case of Ballot Booklets, 17:4 Written Commun. 520 (2000).

Contract Disclaimers in ERISA Summary Plan Documents: A Deceptive Practice? 10 Indus. Rel. L.J. 350 (1988).

Readers' Comprehension of Temporary Restraining Orders in Domestic Violence Cases: A Missing Link in Abuse Prevention? 3:2 Forensic Linguistics 211 (1996) (co-author Patricia Dahl).

Legal Rhetoric, in *Encyclopedia of Rhetoric and Composition: Communication from Ancient Times to the Information Age* 383–385 (Theresa Enos ed., Garland Publg., Inc. 1996).

Investigating Persuasive Processes in Legal Discourse in Real-Time: Cognitive Biases and Rhetorical Choices in Briefs, 17:1 Discourse Processes 1 (1994).

Explorations into Law School Literacy, 15:4 Professions Educ. Researcher Q. 2 (1994) (co-authors Dorothy Deegan and Chris Rideout).

Staying Out of Court by Making Coverage Exclusions Clear: Insights from Empirical Research for Medical Plan Insurance Writers 323–328 (Intl. Prof. Commun. Conf. 1992).

Teaching Lawyers to Revise Legal Documents: A Role for Reader Protocols, 1 Leg. Writing 35 (1992).

Adversarial and Scholarly Theories of the Appellate Court Brief: Implications for Appeal Court Judges and Their Staff Attorneys as Audiences, in *A Sense of Audience in Written Communication* 115–139 (Duane Roen & Gesa Kirsch eds., Sage Publications 1990).

The Emergence of Legal Composition as a Field Of Inquiry: Evaluating The Prospects, 60:2 Rev. Educ. Research 153 (1990).

Where Do Theories of Instruction in Legal Writing Come from? An Exploration, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 17 (Oct. 1986).

Studying the Appellate Brief and Opinion Composing Process: A Window on Legal Thinking, 19:1–2 Juris (Duq. L. Sch.) (Fall & Winter 1985).

Strong, Michael Wade

Federal Sentencing Guidelines in Fourth Circuit, http://www.fpdsdwv.org (co-authored).

Rethinking the Federal Reserve—A Monetarist Plan for a More Constitutional System of Central Banking, 34 Ind. L. Rev. 371 (2001).

Strubbe, Mary Rose

The Faragher and Ellerth Cases Create a Liability Shield for Employers, 1:3 Employee Rights Q. 39 (2001).

Implied Contracts of Employment: What Does "Good Cause" Mean after Cotran*?* in *2000 Employment Law Update* (Henry J. Perritt, Jr. ed., Panel 2000).

1999 Cumulative Supplement to Lindemann & Kadue's Treatise Sexual Harassment in Employment Law (BNA 1999) (principle author).

Sexual Harassment Developments in the Law, 16 Ill. Pub. Empl. Rel. Rep. no. 2 (1999).

Traps for the Unwary Employee: The Intersection of the ADA, FMLA, SSA, and Workers' Compensation Acts, 13 Ill. Pub. Empl. Rel. Rep. No. 4 (1996).

2001 Cumulative Supplement, Employment Discrimination Law ch. 20 (3d ed., BNA 1996) (co-editor/author).

2000 Cumulative Supplement, Employment Discrimination Law ch. 26 (3d ed., BNA 1996) (co-editor/author).

Securities Law, 59 Chi-Kent L. Rev. 709 (1983) (co-author Thomas R. Meites).

Practice and Procedure in Employment Discrimination Litigation, Including Class Action Principles, in *Employment Discrimination* (Ill. Inst. Continuing Leg. Educ. 1981 & 1984) (co-author Thomas R. Meites).

Student Author, *Section 1983 and the Limits of Prosecutorial Immunity*, 56 Chi-Kent L. Rev. 1029 (1980).

Su, Lynn Boepple

The Lawyer's Craft: An Introduction to Legal Analysis, Writing, Research, and Advocacy (Anderson Publg. Co. 2002) (co authors Cathy Glaser, Jethro K. Lieberman, and Robert A. Ruescher).

Sullivan, Charles A.

The Law and Genetics of Racial Profiling in Medicine, 39 Harv. Civ. Rights-Civ. Libs. L. Rev. 391 (2004) (co-author Erik Lillquist).

The World Turned Upside Down? Disparate Impact Claims by White Males, 98 Nw. U. L. Rev. 1505 (2004).

Cases & Materials on Employment Discrimination (6th ed., Aspen L. & Bus. 2003) (co-authors Michael J. Zimmer and Rebecca Hanner White).

Judging Judgments: The 1991 Civil Rights Act and the Lingering Ghost of Martin v. Wilks, 57 Brook. L. Rev. 995 (1992) (co-author Andrea Catania).

Accounting for Price Waterhouse*: Proving Disparate Treatment under Title VII*, 56 Brook. L. Rev. 1107 (1991).

Federal Statutory Law of Employment Discrimination (2d ed., Little, Brown/Aspen 1988) (co-authors Michael J. Zimmer and Richard F. Richards).

Breaking Up the Treble Play: Attacks on the Private Treble Damage Antitrust Action, 14 Seton Hall L. Rev. 17 (1983).

The Herfindalh-Hirschman Index and the New Antitrust Merger Guidelines: Concentrating on Concentration, 62 Tex. L. Rev. 453 (1983) (co-author Neil B. Cohen).

The Equal Pay Act of 1963: Making and Breaking a Prima Facie Case, 31 Ark. L. Rev. 545 (1978).

Revisiting the "Neglected Stepchild": Antitrust Treatment of Postemployment Restraints of Trade, 1977 U. Ill. L.J. 621 (reprinted in 1978 Corporate Counsel's Annual).

Consent Decree Settlements by Administrative Agencies in Antitrust and Employment Discrimination: Optimizing Public and Private Interests in Antitrust and Employment Discrimination Enforcement, 1976 Duke L.J. 163 (co-author Michael J. Zimmer).

The Enforcement of Title VII: Meshing Public and Private Efforts, 71 Nw. U. L. Rev. 480 (1976).

Enforcement of Government Antitrust Decrees by Private Parties: Third Party Beneficiary Rights and Intervenor Status, 123 U. Pa. L. Rev. 822 (1975).

The South Carolina Human Affairs Law: Two Steps Forward, One Step Back? (II), 27 S.C. L. Rev. 1 (1975) (co-author Michael J. Zimmer).

The South Carolina Human Affairs Law: Two Steps Forward, One Step Back? (I), 26 S.C. L. Rev. 1 (1974) (co-author Michael J. Zimmer).

Swift, Kenneth

Argue the Case Law, Bench & B. (Minn.) (Mar. 2004).

Presenting Case Law Effectively, Bench & B. (Minn.) (Oct. 2003)

Workin' Weekends, 18 Second Draft (newsltr. of Leg. Writing Inst.) 9 (2004).

Teitcher, Carrie

Teaching Traditional Legal Research to the Google Generation: Are We Fighting a Losing Battle? 18 Second Draft (newsltr. of Leg. Writing Inst.) 15 (Dec. 2003).

Temm, Wanda M.

New Kid on the Block: The ALWD Citation Manual, 59 J. Mo. B. 16 (Jan.–Feb. 2003).

Out of Sight, Out of Mind, but Not Out of Duty: Adoption Agency's Duty to Disclose Medical Information to Birth Parents Post-Relinquishment, 63 UMKC L. Rev. 359 (1995).

The Craft of Legal Writing, 8 Second Draft (newsltr. of Leg. Writing Inst.) 4 (Oct. 1993) (co-author Julie M. Cheslik).

Creditor Beware: From Default through Deficiency Judgment, 60 J. K.B.A. 17 (Oct. 1991).

Temple, Hollee S.

Here's a Scoop for the Law Profs: Teach Your Students to "Think Like a Journalist", 82 U. Det. Mercy L. Rev. 175 (2004).

Thyfault, Roberta

Legal and Systems Issues in the Assessment of Family Violence Involving Adults, in *Assessment of Family Violence: A Legal and Clinical Sourcebook* 73 (Robert T. Ammerman & Michel Hersen eds., 2d ed., Wiley 1999).

Self-Defense: Battered Woman Syndrome on Trial, 20 Cal. W. L. Rev. 485 (1984) (reprinted in part in *Representing . . . Battered Women Who Kill* 27 (Sara Lee Johann & Frank Osanka eds., Charles C. Thomas Publishers Ltd. 1989)).

When Battered Women Kill: Evaluation and Expert Witness Testimony Techniques, in *Domestic Violence on Trial: Psychological and Legal Dimensions of Family Violence* 71 (Daniel Sonkin ed., Springer Publg. Co. 1987) (co-authors Angela Browne and Lenore E. A. Walker).

Battered Women in Court: Jury and Trial Consultants and Expert Witnesses, in *Domestic Violence on Trial: Psychological and Legal Dimensions of Family Violence* 55 (Daniel Sonkin ed., Springer Publg. Co. 1987) (co-authors Cathy Bennett and Robert B. Hirschhorn).

Beyond the Juror's Ken: Battered Women, 7 Vt. L. Rev. 1 (1982) (co-authors Lenore E. Walker and Angela Browne).

Tjaden, Ted

Legal Research and Writing (2d ed., Irwin L. 2004).

The Law of Independent Legal Advice (Carswell 2000).

Effective Use of Online Resources for Legal Research, in *OBA/LSUC Technology for Lawyers 2003—Electronic Research: Get Caught in the Web* (Ontario B. Assn. 2003).

The Impact of Web Technology on Law Librarianship, 27 Can. L. Libs. 8 (2002).

Finding Case Law and Legislation on the Internet, in *Where Do I Find That? Internet Legal Research* (Ontario B. Assn. 2002).

Thoughts on the Joint Study Institute 2000: Yale University, Faculty of Law, 26:1 Can. L. Libs. 14 (2001).

Book Review, 26 Can. L. Libs. 66 (2001) (reviewing Frank Bennett, *Bennett on Receiverships* (2d ed., Carswell Leg. Publications 1999)).

Book Review, 26 Can. L. Libs. 24 (2001) (reviewing David Loukidelis, *Visions of Privacy: Policy Choices in a Digital Age* (Colin J. Bennett & Rebecca Grant eds., U. Toronto Press 1999)).

Researching Canadian Law, 5 Spectrum 14 (2000).

How to Overcome Your Online Research Fears, Laws. Wkly. (Feb. 4, 2000).

A Guide to Legal Research for Non-Lawyers (pamphlet adapted with permission from a United States content guide of the American Association of Law Libraries, geared towards pro se litigants and other non-lawyer patrons of the library).

Finding Legal Help: A Guide to Sources of Legal Help in Ontario (companion pamphlet to *A Guide to Legal Research for Beginners*, providing an extensive list of sources of legal help for patrons needing legal advice).

The Digital Law Library? Is it Time to Byte, 4:7 LawLink (Bora Laskin L. Lib. Newsltr.) (1999).

An Overview of the Quebec Legal System, 4:5 LawLink (Bora Laskin L. Lib. Newsltr.) (1999).

The Role of the Law Librarian in the Design, Maintenance and Promotion of Internet Sites, 18 Toronto Assn. L. Libs. Newsltr. 1 (1997).

Electronic and Online Law Journals, 3:4 LawLink (Bora Laskin L. Lib. Newsltr.) (1997).

Legal Issues in Using the Internet for Law-Related Work and Research, 21 Can. L. Libs. 180 (1996).

Todd, Adam G.

Exam Writing as Legal Writing: Teaching and Critiquing Law School Examination Discourse, 76 Temp. L. Rev. 69 (2003).

One Down One to Go: Supreme Court Clarifies PLRA's Exhaustion Requirements, 8 Correctional L. Rptr. 76 (Feb./Mar. 2002) (co-author Mark Stavsky).

Academic Support Programs: Effective Support through a Systematic Approach, 8 Gonz. L. Rev. 187 (2002–2003).

Tonner, Grace C.

Bye-Bye Bluebook*?* 79 Mich. B.J. 1058 (Aug. 2000) (co-author Pamela Lysaght).

Legal Writing Scholarship: Point/Counterpoint, 7 Persps. 68 (Winter 1999) (co-author Jan M. Levine).

Selecting and Designing Effective Legal Writing Problems, 3 Leg. Writing 163 (1997) (co-author Diana Pratt).

Walter Trinkaus, 29 Loy. L.A. L. Rev. 1387 (1996).

Toppins, Paul

Alternatives to Westlaw and LEXIS, Ala. St. B. Addendum 2 (Apr. 2002).

Finding What You Need, Ala. St. B. Addendum 2 (Dec. 2001).

The Intruder at the Door, Ala. St. B. Addendum 2 (Oct. 2001).

Cookies . . . Tell-Tale Crumbs That Lead to You, Ala. St. B. Addendum 2 (June 2001).

Residential Sign Ordinance Violates the First Amendment, Tuscaloosa News 6D (May 20, 2001).

The Standard of Review, Ala. St. B. Addendum 2 (Feb. 2001).

Three New Ideas for Technophiles, Ala. St. B. Addendum 2 (Oct. 2000).

Someone to Watch over Me, Ala. St. B. Addendum 2 (Aug. 2000).

On the Road Again, Ala. St. B. Addendum 2 (Apr. 2000).

Keeping Up with E-Mail, Ala. St. B. Addendum 2 (Feb. 2000).

Gazing into the Future, Ala. St. B. Addendum 2 (Dec. 1999).

More Alabama Lawyers on the Web, Ala. St. B. Addendum 2 (Oct. 1999).

Alabama Law Firms on the Web, Ala. St. B. Addendum 2 (Aug. 1999).

Establishing an Internet Web Page, Ala. St. B. Addendum 2 (Apr. 1999).

What Happens to Those "Deleted" Files? Ala. St. B. Addendum 2 (Feb. 1999).

Keep That Copyright, Birmingham B. Assn. Bull. 10 (Winter 1999).

On-Line Case Information, Ala. St. B. Addendum 3 (Dec. 1998).

"The Year 2000 Problem", Ala. St. B. Addendum 2 (Aug. 1998).

Who Owns Your Web Page? Ala. St. B. Addendum 2 (June 1998).

Personal Jurisdiction and the Web, Ala. St. B. Addendum 4 (Apr. 1998).

Voice Recognition Software, Ala. St. B. Addendum 2 (Dec. 1997).

More Resources for Lawyers, Ala. St. B. Addendum 2 (Aug. 1997).

How Many kbps Can You Do? Ala. St. B. Addendum 3 (Apr. 1997).

Tyler, Barbara J.

Active Learning Benefits All Learning Styles: 10 Easy Ways to Improve Your Teaching Today, 11 Persps. 106 (Spring 2003).

The Stolen Museum: Have United States Art Museums Become Inadvertent Fences for Stolen Art Works Looted by the Nazis in World War II? 30 Rutgers L.J. 441 (1999).

Cyberdoctors: The Virtual Housecall—The Actual Practice of Medicine on the Internet is Here; Is It a Telemedical Accident Waiting to Happen? 31 Ind. L. Rev. 259 (1998).

Holt v. Grange Mutual Casualty Co.*: Children Not "Insured" under Policy Are Entitled to Death Benefits*, 45 Clev. St. L. Rev. 699 (1997) (co-author Thomas Tyler).

Blinded by the Hype: Shifting the Burden When Manufacturers Engage in Direct to Consumer Advertising of Prescription Drugs, 21 Vt. L. Rev. 1073 (1997) (co-author Robert A. Cooper).

Vance, Ruth C.

Latent Heart Injury Following Vehicular Impact or Other Blunt Chest Trauma, 35 Tr. Laws. Guide 249 (1991) (co-author David W. Holub).

Recent Developments in Workers' Compensation, 24 Ind. L. Rev. 975 (1991).

Vocational Rehabilitation Benefits under Indiana's Workers' Compensation Law, 24 Val. U. L. Rev. 255 (1990) (reprinted in the 13 Workers' Compen. L. Rev. 1 (1990)).

Interviewing and Counseling Skills, and *Negotiation Skills*, in *Practice Skills* (ICLEF 1990) (Indiana CLE manual).

Book Review, 11 U. Puget Sound L. Rev. 211 (1987) (reviewing Mary Barnard Ray & Jill J. Ramsfield, *Legal Writing: Getting It Right and Getting It Written* (West Publg. Co. 1987)).

Securing a Loan by Assignment of Beneficial Interest in a Land Trust, 28 Res. Gestae 583 (1985).

Preparing the Client for Mediation, 38 Res Gestae 39 (Jan. 1995).

Workers' Compensation and Sexual Harassment in the Workplace: A Remedy for Employees, or a Shield for Employers? 11 Hofstra Lab. & Empl. L.J. 141 (1993).

The Use of Student Teaching Assistants in the Legal Writing Course, 1 Persps. 4 (Fall 1992).

Vance, Shawn D.

Trying to Give Private Sector Employees a Break: Congress's Efforts to Amend the Fair Labor Standards Act, 19 Hofstra Lab. & Empl. L.J. 311 (2002).

Vaughan, Stephanie A.

Yes, You Will Really Use Algebra When You Grow Up: Providing Law Proof That Legal Research and Writing Is Essential in the Real World, 10 Persps. 105 (Spring 2002) (co-author Kelly M. Feeley).

One Key to Success: Working with Professors . . . Outside the Classroom, 29 Stetson L. Rev. 1255 (2000).

A Tribute to Cal, 28 Stetson L. Rev. 1011 (1999).

Student Author, *Municipal Immunity: A Historical and Modern Perspective*, 19 Stetson L. Rev. 997 (1990).

Vinson, Kathleen Elliott

You Are Not in Kansas Anymore: Ten Tips to Succeed in Law School, http://www.lawschool.com (Aug. 2002).

What is the Point? Teaching Ideas for Thesis Sentences, Learning Curve (Spring 2002).

Martindale-Hubbell Federal Law Digest (2000) (associate compiler).

Martindale-Hubbell Massachusetts Law Digest (1999–2000 eds.) (assistant reviser).

Interactive Class Editing, 14 Second Draft (newsltr. of Leg. Writing Inst.) 10 (Nov. 1999).

Who Will Publish My Manuscript? 7 Persps. 31 (Fall 1998) (co-author David S. Romantz).

Legal Analysis: The Fundamental Skill (Carolina Academic Press 1998) (co-author David S. Romantz).

Book Review, 9 Bimonthly Rev. L. Bks. 9 (Jan./Feb. 1998) (reviewing Stephen Elias et al., *Legal Research: How to Find and Understand the Law* (6th ed., Nolo 1998)).

Book Review, 9 Bimonthly Rev. L. Bks. (Jan./Feb. 1998) (reviewing Brad Meltzer, *The Tenth Justice* (William Morrow & Co. 1997)).

Drafting Effective Litigation Documents, in *Legal Analysis: The Fundamental Skill* (MCLE 1998).

Book Review, 8 Bimonthly Rev. L. Bks. 19 (Sept./Oct. 1997) (reviewing Patricia T. O'Connor, *Woe Is I? The Grammarphobe's Guide to Better English in Plain English* (G.P. Putnam's Son 1996)).

New LR&W Teachers Alert! 14 Ways to Avoid Pitfalls in Your First Year of Teaching, 6 Persps. 6 (Fall 1997).

Alien Who Attains Permanent Resident Status Cannot Be Deported for Preconceived Intent to Remain Indefinitely, 18 Suffolk Transnatl. L. Rev. 787 (1995).

No Due Process Right to a Speedy Extradition, 18 Suffolk Transnatl. L. Rev. 347 (1995).

Vorspan, Rachel

"Rational Recreation" and the Law: The Transformation of Urban Popular Leisure in Victorian England, 45 McGill L.J. 891 (2000).

The Political Power of Nuisance Law: Labor Picketing and the Courts in Modern England, 1871–Present, 46 Buff. L. Rev. 593 (1998).

Freedom of Assembly and the Right to Passage in Modern English Legal History, 34 San Diego L. Rev. 921 (1997).

Waggoner, Michael J.

Guaranteed Individual Retirement Accounts: A Way to Fix Social Security, 90 Tax Notes 1883 (Mar. 26, 2001).

The Roth IRA Cuts Federal Revenues, with No Benefit to Taxpayers, 1999 L. Rev. Mich. St. U. Det. C.L. 39.

Fifty Years of Bernhard v. Bank of America *Is Enough: Collateral Estoppel Should Require Mutuality but Res Judicata Should Not*, 12 Rev. Litig. 391 (Spring 1993).

New Rule 50 May End Directed Verdicts for Plaintiffs, 22 S.w. U. L. Rev. 389 (1992).

Section 1404(a), "Where It Might Have Been Brought": Brought by Whom? 1988 BYU L. Rev. 67.

Log-Rolling and Judicial Review, 52 U. Colo. L. Rev. 33 (1981).

Civil Procedure, 1977 Annual Survey of Colo. L. 23–49.

Eliminating the Capital Gains Preference. Part II: The Problems of Corporate Taxation, 49 U. Colo. L. Rev. 9 (Fall 1977).

Eliminating the Capital Gains Preference. Part I: The Problems of Inflation, Averaging and Lock-In, 48 U. Colo. L. Rev. 313 (Spring 1977).

Civil Procedure, 1976 Ann. Survey of Colo. L. 23–49.

Civil Procedure, 1975 Ann. Survey of Colo. L. 17–43.

Neighborhood Law Offices: The New Wave in Legal Services for the Poor, 80 Harv. L. Rev. 805 (1967) (co-authored).

Developments in the Law: Confessions, 79 Harv. L. Rev. 935 (1966) (co-authored).

Student Author, 79 Harv. L. Rev. 841 (1966) (reprinted in Thomas Irwin Emerson, David Haber & Norman Dorsen, *Political and Civil Rights in the United States: A Collection of Legal and Related Materials* vol. 2, 1276 (3d ed., student ed., Little, Brown & Co. 1967)).

Walter, Marilyn R.

Writing and Analysis in the Law (rev. 4th ed., Found. Press 2003) (co-authors Elizabeth Fajans and Helene S. Shapo).

Erasing Lines between the Law School and the Liberal Arts Curricula: A Comment on "A Liberal Education in Law", 1 J. ALWD 153 (2002).

Writing and Analysis in the Law (4th ed., Found. Press 1999) (co-authors Elizabeth Fajans and Helene Shapo).

ABA Sourcebook on Legal Writing Programs (LexisNexis 1997) (co-authors Ralph L. Brill, Susan L. Brody, Christina L. Kunz, and Richard K. Neumann, Jr.).

Writing and Analysis in the Law (3d ed., Found. Press 1995) (co-authors Elizabeth Fajans and Helene Shapo).

Retaking Control over Teaching Research, 43 J. Leg. Educ. 569 (1993).

Writing and Analysis in the Law (2d ed., Found. Press 1991) (co-authors Elizabeth Fajans and Helene Shapo).

Writing and Analysis in the Law (Found. Press 1989) (co-authors Elizabeth Fajans and Helene Shapo).

The Ku Klux Klan Act and the State Action Requirement of the Fourteenth Amendment, 58 Temp. L.Q. 3 (1985).

Book Review, N.Y. L.J. 2 (Mar. 12, 1982) (reviewing *A Uniform System of Citation* (13th ed., Harvard L. Rev. Assn. 1981)).

The Alien's Right to Work and the Political Community's Right to Govern, 25 Wayne L. Rev. 1181 (1979).

Wanderer, Nancy A.

Writing Effective Law Court Briefs, in Donald G. Alexander, *Maine Appellate Practice* ch. 5 (2003).

Uniform Maine Citations (Nancy A. Wanderer, Michael D. Seitzinger & Charles K. Leadbetter eds., 3d ed., Maine L. Rev. 2003).

Writing Better Opinions: Communicating with Candor, Clarity, and Style, 54 Me. L. Rev. 48 (2002).

Culture and Crime: Kargar *and the Existing Framework for a Cultural Defense*, 47 Buff. L. Rev. 829 (1999) (co-author Catherine R. Connors).

Maine Refuses to Recognize a Cause of Action for Loss of Parental Consortium: Durepo v. Fishman, 41 Me. L. Rev. 165 (1989).

Wasson, Catherine J.

The Minnesota Workers' Compensation Act: Amendments by the 1995 Legislature, 22 Wm. Mitchell L. Rev. 1493 (1996) (co-author Thomas L. Johnson).

Practice before the Workers' Compensation Court of Appeals (Minn. Inst. Leg. Educ. CLE July 1996) (co-authored).

Practice before the Workers' Compensation Court of Appeals (Minn. Inst. Leg. Educ. CLE July 1995) (co-authored).

Wawrose, Susan

Griswold v. Connecticut*: Contraception and the Right of Privacy* (Franklin-Watts 1996).

Weigold, Ursula

A New Approach to Legal Citation Form, 13 App. Advoc. 17 (Fall 2000).

Protecting the Record (Rutter Group 1993) (co-authors David Keltner and Lynne Liberato).

Discrimination in Judicial Elections: A New Application of the Federal Voting Rights Act, 13 Parascope 15 (Winter 1990).

The Impact of Bankruptcy on State Appellate Proceedings: What Happens Now? 27 Hous. L. 61 (1989).

The Effect of a Party's Bankruptcy on an Appeal, 1 App. Advoc. 12 (Summer 1988).

Wellford-Slocum, Robin

The Law School Student-Faculty Conference: Towards a Transformative Learning Experience, 45 S. Tex. L. Rev. 255 (2004).

Legal Reasoning, Writing and Persuasive Argument (LexisNexis 2002).

Legal Analysis & Writing (LexisNexis 1997).

Weresh, Melissa H.

Brownfields Redevelopment and Superfund Reform under the Bush Administration: A Refreshing Bipartisan Accomplishment, 25 W. New Eng. L. Rev. 193 (2003).

The ALWD Citation Manual*: A Superior Resource for Legal Citation*, Iowa Law. (May 2003).

The Unpublished, Non-Precedential Decision: An Uncomfortable Legality? 3 J. App. Prac. & Process 175 (2001).

The ALWD Citation Manual*: A Coup de Grace*, 23 UALR L. Rev. 775 (2001).

The ALWD Citation Manual*: A Truly Uniform System of Citation*, 6 Leg. Writing 257 (2000).

Choosing Good Topics for Scholarship, Leg. Writing, Reasoning, & Research (AALS sec. newsltr.) 7 (Fall 2000).

Teaching Legal Analysis in Components, 14 Second Draft (newsltr. of Leg. Writing Inst.) 16 (May 2000).

Score Sheets, Templates, Marginal Notes, Peer-Editing and More, 14 Second Draft (newsltr. of Leg. Writing Inst.) 18 (Nov. 1999).

Wharton, Cathleen S.

Citation Form for Briefs and Memoranda (CALI) (co-authors Daisy Hurst Floyd and Bertis E. Downs IV).

White, Libby A.

Touring Company, in *Theater Law: Cases and Materials* (Carolina Academic Press 2004).

Treating Students as Clients: Practical Tips for Acting as a Role Model in Client Relations, 12 Persps. 24 (Spring 2003).

White, Prentice L.

Stopping the Chronic Batterer through Legislation: Will It Work This Time? 31 Pepp. L. Rev. 709 (2004).

Whitney, Jean

LEAP: A Successful Partnership between the Law School and the Nevada Department of Corrections, 12 Nev. Law. 18 (June 2004).

Wigal, Grace

Appellate Procedure in West Virginia: Why Rule 4A's Expedited Petition Process Isn't Attractive to Attorneys, 4 J. App. Prac. & Process 289 (2002).

Repeaters in LRW Programs, 9 Persps. 61 (Winter 2001).

Issues in Physician Licensure, in *The Physician's Perspective on Medical Law* vol. II, 317 (Howard Kaufman & Jeff Lewin eds., Am. Assn. Neurological Surgeons 1997).

Issues in Hospital Privileges and Peer Review, in *The Physician's Perspective on Medical Law* Vol. II, 293 (Howard Kaufman & Jeff Lewin eds., Am. Assn. Neurological Surgeons 1997).

Hospital Staff Privileges: What Every Health Care Practitioner and Lawyer Needs to Know (Health Admin. Press 1996) (co-author Marcia Pollard).

Who Owns the Records? SCSM Bull. 32 (May/June 1993) (reprinted in Ontario Land Surveyor 7 (Fall 1993); Treasure St. Surveyor 25 (Apr. 1996); Ariz. Surveyor 12 (June 1995); Ga. Land Surveyor 13 (Mar.–Apr. 1995)) (co-author Knud Hermansen).

Building Codes and Building Permit Issues, in *Major Land Use Laws in West Virginia* 169 (Natl. Bus. Inst. 1990).

Wihnyk, Henry T.

Appellate Practice and Procedure, 14 Nova L. Rev. 655 (1990).

Williams, Joseph M.

So What? Why Should I Care? And Other Questions Writers Must Answer, 9 Persps. 136 (Spring 2001) (co-author Gregory G. Colomb).

Well Begun Is Half Done: The First Principle of Coherent Prose, 8 Persps. 129 (Spring 2000) (co-author Gregory G. Colomb).

The Writer's Golden Rule, 7 Persps. 78 (Winter 1999) (co-author Greg Colomb).

Shaping Stories: Managing the Appearance of Responsibility, 6 Persps. 16 (Fall 1997) (co-author Gregory G. Colomb).

Telling Clear Stories: A Principle of Revision That Demands a Good Character, 5 Persps. 14 (Fall 1996) (co-author Greg Colomb).

On the Maturing of Legal Writers: Two Models of Growth and Development, 1 Leg. Writing 1 (1991).

Wing, F. Georgann

Putting the Brakes on Carjacking or Accelerating It? The Anti Car Theft Act of 1992, 28 U. Rich. L. Rev. 385 (1994).

Good Grief! The Court Needs a Brief (Part 2), 70 Mich. B.J. 190 (1991).

Good Grief! The Court Needs a Brief (Part 1), 70 Mich. B.J. 74 (1991).

Where's the Verb? 68 Mich. B.J. 150 (1989).

Protecting Your Writing from Law School: An Open Letter to Law Students, 65 Mich. B.J. 576 (1986) (co-authored).

Woods, Phillip K.

Computer-Assisted Legal Research Problem Set to Accompany McKinney Legal Research: A Practical Guide and Self-Instructional Workbook (4th ed., West 2003).

Wojcik, Mark E.

International Health Law, 37 Intl. L. 589 (2003) (co-authors Jill D. Rhodes, Edmund G. Howe, Julie Greenburg, and Ezio E. Borchini).

Discrimination after Death, 53 Okla. L. Rev. 389 (2000).

Lawyers Who Lie On-Line: How Should the Legal Profession Respond to eBay Ethics? 18 John Marshall J. Computer & Info. L. 875 (2000).

Recent Development in the International Health, 33 Intl. L. 617 (1999).

Practical Career Advice for Young International Lawyers: How to Build a Killer Resume, Network Effectively, Create Your Own Opportunities, and Live Happily Ever After, 5 ILSA J. Intl. & Comp. L. 455 (1999).

On the Sudden Loss of a Human Rights Activist: A Tribute to Dr. Jonathan Mann's Use of International Human Rights Law in the Global Battle against AIDS, 32 John Marshall L. Rev. 129 (1998).

International Health Law, 31 Intl. Law. 645 (1998) (co-authors Maureen Bezhuly, David P. Fidler, and Allyn L. Taylor).

Drug Policy and Drug Culture: National Experiences from the United States and Micronesia, in *Global Drugs Law* (D.C. Jayasuriya, R.K. Nayak & A. Wells eds., India L. Inst. 1997).

Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Law Students and Law Graduates, 3 Leg. Writing 127 (1997) (co-author Diane Penneys Edelman).

Global Aspects of AIDS and International Travel, in *Aids and the Law* (David W. Webber ed., 3d ed., Wiley Law Publications 1996).

International Human Rights Law, in *AIDS Law and Policy: Cases and Materials* (Arthur S. Leonard et al. eds., John Marshall Publg. Co. 1995).

International Travel and Immigration, in *AIDS Law and Policy: Cases and Materials* (Arthur S. Leonard et al. eds., John Marshall Publg. Co. 1995).

Education and Advocacy to Bury AIDS Discrimination, 3 AIDS L. & Humanity 66 (Indian L. Inst.) (1995) (co-author Davide Austin).

Arthur Ngiraklsong, *The Quest for Harmony: A Pictorial History of Law and Justice in the Republic of Palau* (Off. Ct. Counsel, Sup. Ct. Republic of Palau 1996).

AIDS: Coping with HIV on Campus, 27 John Marshall L. Rev. 449 (1994) (co-authors Jane D. Oswald and Robert Gilbert Johnston).

Book Review, 3 Persps. 16 (Fall 1994) (reviewing David Stott, *Legal Research* (Cavendish Publg. Ltd. 1993)).

Using International Human Rights Law to Advance Queer Rights: A Case Study for the American Declaration of the Rights and Duties of Man, 55 Ohio St. L.J. 649 (1994).

AIDS and Funeral Homes: Common Legal Issues Facing Funeral Directors, 27 John Marshall L. Rev. 411 (1994).

Book Review, 16 Hous. J. Intl. L. 713 (1994) (reviewing *AIDS in the World* (The Global AIDS Policy Coalition: Jonathan Mann, Daniel J.M. Tarantola & Thomas W. Netter eds., Harv. U. Press 1992)).

Book Review, 27 John Marshall L. Rev. 949 (1994) (reviewing David Stott, *Essential Legal Skills: Legal Research* (Cavendish Publg. Ltd. 1993)).

Promises to Keep: American Views of Developments in Chinese Copyright Law, 6 Software L. J. 273 (1993) (co-author Michael J. Osty).

The Global Challenge of HIV/AIDS: The Future of World Health Law, 1993 Proc. of 87th Annual Meeting Am. Socy. Intl. L. 534.

The Internationalization of Domestic Law: The Shrinking Domestic Reserve, 1993 Proc. of 87th Annual Meeting Am. Socy. Intl. L. 553.

Living with HIV and Without Discrimination, in *International Law and AIDS: International Responses, Current Issues, and Future Di-*

rections (Lawrence Gostin & Lane Porter eds., ABA 1992) (co-author Michael L. Closen).

The Perilous Process of Protecting Process Patents from Infringing Importations, 14 Loy. L.A. Intl. & Comp. L.J. 207 (1992).

To Tell the Truth: Should Attorneys Be Directly Accountable for the Content of Applications for New Radio and Television Broadcast Stations? 41 DePaul L. Rev. 307 (1992).

HIV Antibody Testing of Immigrants and International Travelers, in *AIDS: The Legal Issues—A Guide for the Public* (Dewey Caton et al. eds., AIDS Leg. Council Chi. 1992) (co-authors Ignatius Bau and Patricia Dunn).

Computer Software as Articles of Commerce in International Trade: The Surprising Study of Singapore's Software Subsidies, 3 Software L.J. 399 (1991) (co-author Lawrence M. Friedman).

Customs and International Trade Law, in *New York Law and Practice* (Matthew Bender 1991) (co-authors Harold I. Loring and Michael P. Maxwell).

International Health Law, International Travel Restrictions, and the Human Rights of Persons with AIDS and HIV, 1 Touro J. Transnatl. L. 285 (1990) (co-author Michael L. Closen).

An Introduction to Trade Adjustment Assistance in the United States, 27:2 Globe (Ill. St. B. Assn.) (1990).

Freedom in Eastern Europe and the Spread of HIV/AIDS: The Unnoticed Story, 1 Touro J. Transnatl. L. 307 (1990) (co-author Michael L. Closen).

Immigration Issues [and HIV], in *AIDS: Cases and Materials* (Michael L. Closen et al. eds., John Marshall Publg. Co. 1989 & Supps. 1990 & 1992).

International Efforts to Control the [AIDS] Pandemic, in *AIDS: Cases and Materials* (Michael L. Closen et al. eds., John Marshall Publg. Co. 1989 & Supps. 1990 & 1992).

Lawyers out in the Cold, 73 ABA J. 94 (Nov. 1987) (co-author Michael L. Closen).

AIDS in America: The Test: Is It Accurate? Is It Legal? 14 Hum. Rights 30 (Summer 1987).

AIDS in America: Death, Privacy and the Law, 14 Hum. Rights 26 (Summer 1987).

Tracing the Fibers of Asbestos Litigation: When Do an Insurer's Duties of Defense and Indemnity Arise? 36 Fedn. Ins. & Corp. Counsel Q. 283 (1986).

AIDS: Testing Democracy—Irrational Responses to the Public Health Crisis and the Need for Privacy in Serologic Testing, 19 John Marshall L. Rev. 835 (1986) (co-authors Michael L. Closen, Susan Marie Connor, and Howard L. Kaufman).

Wydick, Richard C.

California Legal Ethics (3d ed., West 2001) (co-authors Rex R. Perschbacher and Debra Lyn Bassett).

Problems in Legal Ethics (5th ed., West 2001) (co-authors Rex R. Perschbacher and Debra Lyn Bassett).

California Evidentiary Foundations (3d ed., Michie Publications Co. 2000) (co-authored).

Book Review, 7 Scribes J. Leg. Writing 165 (2000) (reviewing Peter M. Tiersma, *Legal Language* (U. Chi. Press 1999)).

The Attorney-Client Privilege: Does It Really Have Life Everlasting? 87 Ky. L.J. 1165 (1999).

Plain English for Lawyers (4th ed., Carolina Academic Press 1998).

The Ethics of Witness Coaching, 17 Cardozo L. Rev. 1 (1995).

Should Lawyers Punctuate? 1 Scribes J. Leg. Writing 7 (1990).

Zimmerman, Clifford S.

From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom, 9 Leg. Writing 185 (2003) (co-authors Elizabeth L. Inglehart and Kathleen Dillon Narko).

From the Jailhouse to the Courthouse: The Role of Informants in Wrongful Convictions, in *Wrongly Convicted: Perspectives on Failed Justice* (Saundra D. Westervelt & John A. Humphrey eds., Rutgers U. Press 2001).

Back from the Courthouse: Corrective Measures to Address The Role of Informants in Wrongful Convictions, in *Wrongly Convicted: Perspectives on Failed Justice* (Saundra D. Westervelt & John A. Humphrey eds., Rutgers U. Press 2001).

Creative Ideas and Techniques for Teaching Rules Synthesis, 8 Persps. 68 (Winter 2000).

A (Microsoft) Word to the Wise—Beware of Footnotes and Gray Areas: The Seventh Circuit Continues to Count Words, 2 J. App. Prac. & Process 205 (2000).

In-Class Editing Sessions, 13 Second Draft (newsltr. of Leg. Writing Inst.) 7 (May 1999).

"Thinking Beyond My Own Interpretation:" Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum, 31 Ariz. St. L.J. 957 (1999).

The Scholar Warrior: Visualizing the Kaleidoscope That Is Entity Liability; Negotiating the Terrain and Finding a New Paradigm, 48 DePaul L. Rev. 773 (1999).

Toward a New Vision of Informants: A History of Abuses and Suggestions for Reform, 22 Hastings Const. L.Q. 81 (1994).

Zimmerman, Emily

"Toto, I Don't Think We're in Practice Anymore: Making the Transition from Editing as a Practitioner to Giving Feedback as a Legal Writing Professor", 12 Persps. 2 (Winter 2004).

The Proverbial Tree Falling in the Legal Writing Forest: Ensuring That Students Receive and Read Our Feedback on Their Final Assignments, 11 Persps. 7 (Fall 2002).

Keeping It Real: Using Contemporary Events to Engage Students in Written and Oral Advocacy, 10 Persps. 109 (Spring 2002).

Zorn, Jean

Custom Then and Now: The Changing Melanesian Family, in *Passage of Change: Law, Society and Governance in the Pacific* 95–124 (T. Newton Cain & A. Jowitt eds., Pandanus 2003).

Issues in Contemporary Customary Law: Women and the Law, in *Passage of Change: Law, Society and Governance in the Pacific* 125–142 (T. Newton Cain & A. Jowitt eds., Pandanus 2003).

Bavara Tok: Judicial Approaches to the Pleading and Proof of Customary Law, 51 Intl. & Comp. L. Q. 611 (2002).

Proving Customary Law in the Common Law Courts of the South Pacific (British Inst. of Intl. & Comp. Law 2002).

Everything Old Is New Again: Critiquing the Underlying Law Act, 2002 L. Asia 61.

Legislating Pluralism: Statutory Developments in Melanesian Customary Law, 46 J. Leg. Pluralism 49 (2001).