

INTO THE SPOTLIGHT: RALPH BRILL

Mary S. Lawrence*

Karin Mika**

Mary Lawrence began teaching Legal Writing at the University of Oregon in 1978. Mary founded and served as the director of the University of Oregon's Legal Writing program from 1978 until her retirement in 2000.¹ She, along with Marjorie Rombauer and Ralph Brill, was the catalyst for many of the advances to the security and status of Legal Writing professionals in what might be called the "early days" of Legal Writing, prior to the creation of the Legal Writing Institute.² Mary was tenaciously dedicated to the members of the Legal Writing community and devoted her life to those she called her best friends.³ Even after she retired, Mary continued to frequent conferences, providing both professional and personal advice.

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¹ University of Oregon School of Law, Oregon Law Grieves the Loss of Mary S. Lawrence, Founding Director of Its LRW Program (Sept. 29, 2021), <https://law.uoregon.edu/oregon-law-grieves-passing-mary-s-lawrence-founding-director-its-lrw-program> [https://perma.cc/CWE8-KTRY].

² Karin Mika, *The Road Less Traveled: The History of Legal Writing*, YOUTUBE (Jan. 10, 2011), <https://www.youtube.com/watch?v=Oa9q11iFIOo> [https://perma.cc/69AW-4VV6].

³ See Chris Rideout, *Tribute to Mary S. Lawrence*, 16 LEGAL WRITING 508 (2010).

At the time of her retirement, Mary began working on an ambitious history project. She hoped to chronicle the early history of Legal Writing with a series of interviews. The interviewees were to include Marjorie Rombauer, the “founders” of LWI (Laurel Oates and Chris Rideout), and Ralph Brill. Mary was able to complete the first two installments;⁴ however, declining health prevented her from fully completing the third installment, featuring Ralph Brill.

For many years, Ralph Brill was the rock of Legal Writing. Ralph began teaching in 1961, and he continued to teach for 58 years.⁵ He was the director of Chicago-Kent’s Legal Writing program from 1978 until 1993.⁶ In this role, Ralph established a three-year Legal Writing program, which became the gold standard. Remarkably, he developed what continues to be regarded as the ideal Legal Writing curriculum at a time when Legal Writing was not even a subject required to be taught in all law schools.⁷ Ralph was always at the forefront to change the American Bar Association Standards so they would recognize the necessity of Legal Writing to be taught at law schools and give Legal Writing professionals appropriate status and security.

Ralph’s commitment to Legal Writing began prior to the founding of LWI. At this time, Legal Writing was not taught in many law schools, and Legal Writing teachers, if there were any, had capped contracts and unsustainable course loads. From the onset of his career, he sincerely believed that it was Legal Writing (which necessarily included legal analysis) that was the backbone of all legal education and the practice of law. He sought like-minded people to share ideas about the teaching of the subject. In the beginning, these were few and far between, and many who were teaching Legal Writing did not have any mechanism to discover each other.

⁴ Mary S. Lawrence, *An Interview with Marjorie Rombauer*, 9 LEGAL WRITING 19 (2003); Mary S. Lawrence, *The Legal Writing Institute, The Beginning: Extraordinary Vision, Extraordinary Accomplishment*, 11 LEGAL WRITING 213 (2005) [hereinafter Lawrence, *The Legal Writing Institute*].

⁵ Chicago-Kent College of Law, In Memoriam: Professor of Law Emeritus Ralph Brill (June 22, 2019), <https://www.kentlaw.iit.edu/news/2019/in-memoriam-professor-of-law-emeritus-ralph-brill> [https://perma.cc/X7GQ-LGNG].

⁶ *Id.*

⁷ David S. Romantz, *The Truth About Cats and Dogs: Legal Writing Courses and the Law School Curriculum*, 52 U. KANSAS L. REV. 105, 133 (2003).

During the early 1970s, there was a shift in how Legal Writing was treated in legal education. Attorneys began complaining more about the skills of recently hired law school graduates. Legal education responded by starting to “look more into” what was being taught in law schools and how. That was all Ralph needed. After connecting with a few colleagues through the Association of American Law Schools (including Marjorie Rombauer), Ralph bulldozed his way into leading the charge to reconfigure how the academy thought about Legal Writing as a discipline. He worked tirelessly to reshape how the academy thought about those who had once been considered fungible and interchangeable parts of a legal education.

For a time, Ralph was part of nearly every effort of every Legal Writing program attempting to establish itself and every Legal Writing teacher attempting to improve status. He relentlessly lobbied and wrote advocacy pieces whenever possible and confronted deans across the country whenever he believed they might be mishandling a situation regarding their Legal Writing program or personnel. Although he taught other subjects and was very involved in the leadership of his own school, the national Legal Writing community was always on his mind. During the earliest days when Legal Writing programs were often adjunct-based or staffed by contingent faculty, he made himself available 24/7 to strategize, advise, and advocate for anyone who was attempting to improve their own or their program’s situation. As the nature of the field changed, he remained vigilant in attempting to achieve across-the-board respect in the academy for the field of Legal Writing and for Legal Writing professionals. This remained his life’s work for literally every day of his life.

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Mary Lawrence: Ralph, how did you get started in Legal Writing?

Ralph Brill: When I graduated from law school at the University of Illinois at Urbana-Champaign, my intention was to go into the army. We still had to do that back in those days—there was a draft. And I was young, so I really put off any ideas of law practice until I served. But, by chance, I got invitations from a couple of law schools that had Legal Writing programs to interview for instructor positions. That was back when there were a handful of schools that were tinkering with the idea of giving their students some form of practical

experience. These schools solicited recent graduates to teach Legal Writing for a year or two.

I thought I had nothing to lose by at least talking to them. I thought maybe it would be a great experience—I could have it on my resume for whenever I got out of the army and started practicing law. I interviewed at law firms as well, but that was back in the day when firms could decide not to hire you if you were Jewish. I had finished very high in my class but lost out on a couple of positions in favor of non-Jewish candidates. The subject of military service also came up because that's what was the norm at the time. There was often some discussion about re-applying after I served. It was believed that the military created responsible, mature individuals, and that's what law firms wanted. I don't think I was immature in the way it's defined today, but I was so unworldly. I didn't know anything about anything.

But the prospect of getting some experience through teaching appealed to me. One of the schools that contacted me was the University of Michigan Law School. And so I traveled up to Ann Arbor and had a nice interview day, and they offered me the job. I decided that would be a good way to spend the next year before I went into the army and then onto practice. So, I taught at Michigan from 1960-1961.

ML: What kind of a program was being taught at Michigan?

RB: It wasn't a program, but a second-year course rather than the now traditional first-year course. It was called Problems and Research. During the first semester, students primarily drafted one long memorandum over the course of the whole semester—we did several drafts and individual conferences. It was more of a conference course rather than a classroom course. There were four other instructors in the program with me, from all over the country. We each had about 20 students. The second semester was more like a drafting course. Each of us had to create a separate drafting problem that all the students worked on—five assignments over the course of the semester. That one was more of a classroom course than the first semester.

ML: And then you wound up taking a job at Chicago-Kent?

RB: Yes, our contracts at Michigan were for a year and then we were expected to go on and do other things—perhaps teach as a career or go into practice. We'd then be replaced by the next group of recent law grads. I was still planning to go into the army. It's not that I had any desire to be in the military, but I thought that's what was expected. Nonetheless, I enjoyed teaching so much that I replied to an

inquiry from the dean at Chicago-Kent about teaching in Chicago. I thought, “I loved it for this year; maybe I could do it for another year or two there and then go into the army.” I was still young enough that I could do that and then get a job in practice. So I interviewed at Chicago-Kent, and then I took the job.

The dean at the time was William Zacharias,⁸ a stern and serious man. I don’t think we had a word for it at the time, but he was a real micromanager. He monitored toilet paper use in the restrooms and personally did all of the scheduling for the students—by hand—telling them what they could and couldn’t take. He also did things like read all of his mail out loud at faculty meetings to keep us informed. This included things like brochures advertising new books or products. One of the most amazing things he did was to calculate all student point averages by hand, and remember, this was before calculators.

Although Chicago-Kent had been in existence since the late 1800s, Dean Zacharias is credited as getting the Board of Trustees to commit more resources to the law school. This included money for hiring more faculty members.⁹ At the time, Chicago-Kent was essentially a part-time school with a night program. It was known for training practitioners, and, as a result, the school itself was practice oriented. This was ideal for someone like me who had one year of experience teaching Legal Writing and hoped to go into the practice of law. There was no emphasis on anyone’s scholarly record, and no expectation to produce scholarship except as it might relate to the practice of law. Another positive for me is that I could type and, as Dean Zacharias put it, “operate [my] own typewriter.” This minimized the expense for purchasing a typewriter and assigning me a secretary. It would save the College money, which was another big concern for Dean Zacharias.

ML: Were you hired to teach Legal Writing?

RB: I was not hired exclusively as a Legal Writing professor. When I came to Chicago-Kent, I was assigned to teach Legal Writing along with five other courses. We had an awful teaching load back

⁸ William Zacharias served as Dean of Chicago-Kent from 1957-1973. Chicago-Kent College of Law Alumni Association, William Zacharias, Class of 1934: Former Dean of Chicago-Kent College of Law, <https://alumni.kentlaw.iit.edu/alumni-distinction-william-zacharias> [https://perma.cc/WM3W-RNKA] (last visited Feb. 6, 2023).

⁹ *Id.*

then: I taught Agency and Property and Legal Writing in the first semester, and three other courses plus Legal Writing in the second semester. And I had huge classes. In Legal Writing I had 65 in the first semester—because it was only a one-semester course back then—and another 45 or so who took the course in the second semester. So I had all these papers that I was constantly grading while also trying to keep up with Property and Agency, or whatever was additional courses I was teaching in the second semester.

There were also very few resources, and almost no books that could be used as textbooks. There were a couple of books that described what Legal Writing was, but no books that explained how to teach Legal Writing in an organized and effective manner. So we were all on our own in that. I had to figure out what was best and how to teach it. At least I had some experience at Michigan, but others who were assigned to teach Legal Writing had a lot of trial and error going on.

ML: What was happening in Legal Writing nationally at the time? Correct me if I am wrong, but I don't think there was an AALS Section for Legal Writing at that time.

RB: Not Legal Writing, but there was a Section on Legal Research and Writing. The Section mainly consisted of Law Librarians who were teaching a course that was standard in law schools called Legal Bibliography.¹⁰ I had gone to the AALS conference in 1960 with about seven others from Michigan. I attended that Section presentation, and almost everyone there was a Law Librarian. I didn't learn anything about teaching Legal Writing.

Most schools didn't really have Legal Writing programs at the time. If Legal Writing was taught at all, it may have been one semester, or an elective, or maybe just an experiment. It was often taught by recent graduates, students, or some type of contingent faculty member, usually female, who was overworked and underpaid. Many schools thought Legal Writing to be a remedial grammar course. They sometimes hired English teachers, who were often wives of male faculty members. Legal Research was considered the more essential course because even if law students had been in libraries previously, they had never been exposed to law books or learned how

¹⁰ See, e.g., William R. Roalfe, *Some Observations on Teaching Legal Bibliography and the Use of Law Books*, 3 J. LEGAL EDUC. 361 (1949).

to use them. Writing, it was thought, was something that all students had done and should be good at once they arrived in law school.

So, I didn't meet anybody who was in the Legal Writing field at that first AALS conference, nor really for a number of years thereafter. Marjorie Rombauer was teaching at the same time,¹¹ but I don't think I met her until a decade later, when there were some changes happening in legal education and in Legal Writing.

I believe it was 1973 when the Section changed its name to Legal Writing, Reasoning and Research at the suggestion of the Section Chair Peter Gross.¹² By that time, Legal Writing was starting to be regarded as a discipline, or at least a necessity in law schools, and there came to be more of a separation between teaching about how to find books in the library and being able to use books effectively to write well-constructed documents. Shirley Bysiewicz, who was a Law Librarian at Connecticut,¹³ also helped getting the Section started, but I think ultimately the Legal Writing professors may have taken over the entire Section and pushed most of the Law Librarians out. It was Marjorie Rombauer who really wanted the Section name to emphasize that Legal Writing wasn't a typical writing course, but rather a class where students learned how to create written legal analysis. The compromise was adding "Reasoning," which may have been chosen more for its poetic sound than accuracy. Adding "Analysis" would probably have helped politically because so many doctrinal teachers don't think of Legal Writing as a course where students learn legal analysis.

ML: That's true.

RB: Which we know, of course, is the heart of Legal Writing. There's no sense in writing without analyzing the problem.

ML: What were those early meetings like?

¹¹ Marjorie Rombauer began teaching Legal Writing at the University of Washington in 1960. University of Washington School of Law, Marjorie D. Rombauer: Legal Writing and Research Pioneer, Much-Loved Colleague (Sept. 27, 2016), <https://www.law.uw.edu/news-events/news/2016/rombauer> [https://perma.cc/C2PS-PLLD].

¹² An Oxford comma was later added to the name. See Association of American Law Schools, Section on Legal Writing, Reasoning, and Research, <https://www.aals.org/sections/list/legal-writing-reasoning-and-research> [https://perma.cc/M6Z3-B89Y] (last visited Feb. 9, 2023).

¹³ *Memorials: Shirley Raissi Bysiewicz*, 82 LAW LIBR. J. 623 (1990).

RB: At the time, Legal Writing still wasn't a requirement in many law schools. Most of those teaching Legal Writing were faculty members who were drafted into fixing a problem with student writing, and some schools were attempting to do something similar to what was happening at Michigan. Schools also started hiring recent graduates or those with limited contracts to teach a course here or there. Many who attended those early sessions did not remain in the field or were forced out by limited employment opportunities. There wasn't much community or continuity at the time, although people like Marjorie tried to establish both community and continuity.

ML: That's right. It was hard to develop any continuity with the turnover, but that changed somewhat in 1980.

RB: Yes. In 1978 I became Director of the program at Chicago-Kent, which had merged with the Illinois Institute of Technology a decade earlier.¹⁴ I had since become friends with Marjorie. Although we weren't the only two full-time Legal Writing professors in the country, there were only a handful. I know Helene Shapo started teaching at Northwestern about that time,¹⁵ and you started in Oregon in 1978. I'm not sure who initially had the idea to host a workshop, but I teamed up with a person teaching Legal Writing at Albany named Norman Brand.¹⁶ He had already written a book about Legal Writing¹⁷ and was very involved in the Section. We petitioned the AALS to allow the Section to authorize an independent workshop. At the time, it was almost impossible to get this authorization. But apparently we were convincing enough, and we were able to hold the workshop in 1980 in Louisville, Kentucky. I think there were 42 people there, including many who remained in the field. Many of us "discovered" each other at this meeting and remained close friends and colleagues thereafter. We did lose a couple of good ones, however.

¹⁴ Chicago-Kent merged with IIT in 1969. Chicago-Kent College of Law, Chicago-Kent History, <https://www.kentlaw.iit.edu/about/history> [https://perma.cc/CLR9-KUQT] (last visited Feb. 6, 2023).

¹⁵ See Northwestern Pritzker School of Law, Helene S. Shapo: Professor of Law Emerita, <https://www.law.northwestern.edu/faculty/profiles/HeleneShapo> [https://perma.cc/HN5N-4QG3] (last visited Feb. 6, 2023).

¹⁶ See Bloomberg Law, Our Experts: Norman Brand, Esq., <https://authors.bloomberglaw.com/brand-norman-m17179911780> [https://perma.cc/E2PH-FX8N] (last visited Feb. 6, 2023).

¹⁷ NORMAN BRAND & JOHN O. WHITE, LEGAL WRITING: THE STRATEGY OF PERSUASION (1976).

Norm Brand went on to have a lucrative career in mediation, and Peter Gross left the profession.

ML: There were many there who became the nucleus of what was to become of Legal Writing.

RB: Yes. Christina Kunz was there.¹⁸ I remember meeting Chris on a bus by chance, and we obviously have remained friends all these years. At the time, she was working towards building a career where she wouldn't lose her job after two or three years. Helene Shapo was there, as well as Grace Tonner, then at Loyola Law School-Los Angeles,¹⁹ and Marilyn Walter from Brooklyn Law.²⁰ Of course, you and Marjorie Rombauer were there. I had known Marjorie previously, but I think that may have been the first time that you and I formally met.

ML: Yes. It was quite an experience for me. I knew about you and Marjorie, but that was the first time we met.

RB: The Kentucky workshop was the first time the AALS let the Section do anything. I got one more workshop after Louisville, which we hosted at the old Chicago-Kent building in 1985, but we were always making requests. I think for all of us it was a watershed moment to discover others in the field who were having discussions about how to teach Legal Writing. There weren't any real textbooks in the field. West even refused to publish Marjorie's self-written materials, and so she wound up handing out three ring binders with course materials. What we needed were more frequent meetings than the once-a-year Section presentation at the AALS, but the AALS wouldn't sponsor them.

Even in 1985, the AALS wanted more control over what the Sections were doing. They put the former dean from the University of Iowa, David Vernon, in charge of the program planning committee.

¹⁸ See Mitchell Hamline School of Law, Christina L. Kunz: Emerita Professor of Law, <https://mitchellhamline.edu/biographies/person/christina-l-kunz> [https://perma.cc/MKN7-V8QB] (last visited Feb. 6, 2023).

¹⁹ See UCI Law, Grace C. Tonner: Distinguished Professor of Lawyering Skills, <https://www.law.uci.edu/faculty/full-time/tonner> [https://perma.cc/CD9R-2Z66] (last visited Feb. 6, 2023).

²⁰ See Brooklyn Law School, Brooklyn Law School Mourns the Passing of Professor Emerita Marilyn Walter (Oct. 8, 2018), <https://www.brooklaw.edu/News-and-Events/News/2018/2018-10-08> [https://perma.cc/WBD5-8UCN].

He did not teach Legal Writing.²¹ Vernon's only goal was to get Steve Burton from his faculty on the program. Burton had apparently written a book on legal reasoning.²² Once Burton was added, Vernon wasn't all that interested in control and left the rest of the program to me to plan. So luckily, and without checking with the AALS, I brought in Laurel Oates for that one,²³ as well as Terry Phelps from Notre Dame.²⁴ I also invited John White from Michigan who had co-written the book with Norm Brand.²⁵ George Gopen of Duke University was there too; he was an outstanding presenter.²⁶

ML: By the time the rest of us discovered each other, you had already been teaching for over 20 years, and you were also known for the three-year Legal Writing program that you started at Chicago-Kent. How did that come about?

RB: Chicago-Kent in the 1960s was primarily a school that filled the need for those with other jobs (and often families) to get a law degree. Remember, at the time, there weren't a lot of females who were in law school, so we had our share of husbands and fathers who were trying to get a job to support their families. As a result, the school's mission was to educate our students to be able to practice law. We had a lot of faculty members who were pragmatically oriented as opposed to scholars.

Being the type of school we were, I think it's fair to say we didn't always get students who came from backgrounds where they had a lot of writing experience. Because of this, there was a need to ensure the students received the kind of training that would enable them to be successful attorneys. Chicago-Kent wasn't alone in this. Although

²¹ See Iowa Law Library, David H. Vernon: Dean of Law, <https://library.law.uiowa.edu/david-h-vernon> [https://perma.cc/3N6G-MD8R] (last visited Feb. 6, 2023).

²² STEVEN J. BURTON, AN INTRODUCTION TO LAW AND LEGAL REASONING (1985).

²³ See Seattle University School of Law, Laurel Oates: Professor Emerita, <https://law.seattleu.edu/faculty/directory/profiles/oates-laurel.html> [https://perma.cc/VMK3-Z8QK] (last visited Feb. 9, 2023).

²⁴ See American University Washington College of Law, Teresa Godwin Phelps: Professor of Law Emerita, <https://www.wcl.american.edu/community/faculty/profile/phelps/bio> [https://perma.cc/8S3H-L4JA] (last visited Feb. 6, 2023).

²⁵ See *supra* note 17.

²⁶ See George Gopen: Writing Transformed, <https://georgegopen.com> [https://perma.cc/8U7H-T4VR] (last visited Feb. 6, 2023).

many law schools had been trying to argue for decades that it was not their role to teach students how to write, it became evident that students needed a course that taught them how to construct the writing that they would need for practice.

ML: Not just writing, but analysis.

RB: Exactly. Legal Writing was never just about writing, but about cogent legal analysis in a written form. Many law schools somehow could not conceptualize this and retained the belief that offering a Legal Writing course was akin to admitting that your students required remedial training in basic English grammar. But as you'll recall, in the 1960s, there were an awful lot of younger individuals who were speaking their mind. Where law schools were concerned, these same people were speaking up about wanting to learn how to practice law, not just how to think like a lawyer. There was a similar demand from employers who did not want to be solely responsible for having to train employees for several years before they were productive.

Chicago-Kent, like other similar schools, was better at training students for the "real world" than some of the more elite schools. As a result, we were more open to accepting the need for Legal Writing instruction. We also wound up with a remarkable dean after William Zacharias retired. His name was Fred Herzog.²⁷ Fred's father was the rabbi of Graz, and Fred was already a judge in Graz when the family was forced to flee the Nazis in 1940. He had to start all over in law when he arrived in the United States and received his JD from the University of Iowa. Chicago-Kent hired him as a professor in 1947, which means he was already there when I was hired. We became close friends. He was the most brilliant man I ever met. I could listen to him for hours and learn something new every time. Fred became dean in 1970, and I became his assistant dean. In 1972, he was asked to be the first Assistant Attorney General in Illinois, and I was chosen to be interim dean. I continued running the school consistent with its past emphasis on promoting a curriculum that would produce graduates ready to practice law. I worked on enhancing our Clinical program as well as moot court.

²⁷ See Chicago-Kent College of Law, In Memoriam: Fred Herzog, former dean and professor, Chicago-Kent College of Law (Mar. 25, 2008), <https://www.kentlaw.iit.edu/news/2008/in-memoriam-fred-herzog-former-dean-and-professor> [https://perma.cc/3KN2-UHX6].

Although initially I did not want to be the dean permanently, the longer I was in the position, the more I wanted to stay on and shape the future of the law school. I wasn't too happy when the school chose Lew Collens as its new dean.²⁸ Lew was a colleague of mine on the faculty, and he had different plans for the law school. Lew's vision was more traditional as far as acquiring more resources from the University, improving the physical plant, and attracting more credentialed faculty and students.

ML: And that's when you started your now famous three-year Legal Writing program?

RB: Yes. Lew offered me the opportunity to be the Director of Legal Writing and develop my own program. At first, I said no. I knew it would be a lot of work and that I'd have to lobby the faculty to accept whatever I put forward. I had also been doing a lot of writing for an attorney named Leonard Ring and I really enjoyed that work. I didn't want to give it up. But Lew twisted my arm and I finally said yes.

I didn't start out thinking I was going to revolutionize Legal Writing. I just developed a program that I thought was necessary for the education of law students, and this required writing during every year of law school—from basic analysis to persuasive writing to drafting to subject oriented writing, and even scholarly writing for students who would be doing that type of writing in law school. I proposed a three-year program that would have required eleven hours over the ninety hours required at that time for graduation. It was a fair chunk of the curriculum; however, one of the courses proposed was a mandatory seminar and that likely would be taught by a doctrinal teacher. So the faculty was happy about that part for sure. The main thing was that I assured the other faculty that they would have nothing to do with the program; they wouldn't have to worry about supervising it, or anything else. I would take care of all the hiring and all the directing and all the training and anything related to the work of running the program.

I presented it at a faculty meeting. Surprisingly, there was almost no discussion at all, and it passed unanimously. It helped that I had been at the school a long time and had been associate dean and dean.

²⁸ See Chicago-Kent College of Law, Lew Collens: Professor of Law Emeritus, President Emeritus, Illinois Institute of Technology, <https://www.kentlaw.iit.edu/faculty/lew-collens> [https://perma.cc/DPC2-9R4H] (last visited Feb. 6, 2023).

We didn't have that many new faculty at that time. I had been dean from August 1973 until September 1974, and this was in 1977, so most of the faculty were pretty loyal friends of mine. We didn't yet have the kinds of teachers we have now, who are more interested in scholarship and theory. So, it was easier for me to get approval for the three-year program mainly because it was me, and I was going to be running it, and the other faculty didn't have anything to do with it.

Right now, we can debate for days and weeks on the most mundane proposals, on anything. Back then, this major change in the curriculum was probably done in ten minutes. At the time, we were a school that was not afraid to try things because, had there been rankings, we would have been ranked fairly low. We had nowhere to go but up and faculty often supported ideas others had for improving the quality or perception of the school. It wasn't necessarily a done deal for me when I thought up the program, but I figured I would easily get some version of what I was proposing. Afterwards I was, frankly, upset with myself because now I had to implement the darn thing! Immediately, or at least for the next fall semester.

Shortly after we adopted the three-year Legal Writing program, U.S News and World Report began doing rankings and for a couple of years it had a category called "Top Up-and-Coming Law Schools." We were included in the top five for both years, including coming in first one year. That brought in a lot of students, and a lot of it was attributable to the Legal Writing program.

ML: The entire field considered what you had done to be almost unbelievable. Many of us were still trying to get our institutions to acknowledge the need to teach Legal Writing. As a result, you became our hero, and often the person to go to for all issues related to Legal Writing.

RB: Yes, and all we had was a telephone at the time. People would call and ask, "What can I do about this or what can I do about that?" But that was the only way we had of sharing ideas, and it was pretty haphazard. New people in the field surely didn't know whom to call when they had an issue. It was only when those conferences took place that they had a place where they could meet others in the field and get ideas. But, yes, I had my share of people calling me after the conferences asking about strategies regarding their programs, and how to try to get their administrations to allow them to build cohesive programs. I became much more famous after George Gopen

published his 1987 article in which he highlighted my program.²⁹ He made it seem like I had all the answers and was able to work magic with my faculty.

But George's article was also beneficial in a different way. It demonstrated just how much good publicity you could get from a program like the one at Chicago-Kent. We sent the article to prospective students who then came to us because of our program. Other Legal Writing teachers could point to that as a reason why their own institutions should provide more resources for Legal Writing.

ML: It still took a long while for there to be many changes. There weren't even that many books or materials available for prospective teachers.

RB: That's true. I got many requests for materials and book recommendations. As you know, there weren't that many of them. West ultimately published Marjorie's book, but it wasn't until much later that the publishers began to understand the essential nature of having books that explained how to effectively teach Legal Writing. John Dernbach wrote one of the early books that is still used today, and I'm fairly sure Richard Neumann arrived in teaching having already completed a manuscript about how to teach Legal Writing.³⁰ I'm pretty sure he brought it to the first conference where I met him so he could show it to us and ask what we thought.

ML: It's hard to believe how many are available today.

RB: There are now probably more textbooks to choose from in Legal Writing than in any other law school course. It's amazing, given how hard we fought to get publishers to understand that Legal Writing was an important aspect of legal education. I think their initial view was that there would be no money in Legal Writing texts because the course was a passing fad.

ML: Turning back to the AALS workshop in 1985, I recall how impressed we all were when you introduced us to the computers!

RB: Yes. We started the computer program in 1983 at the law school. Remember, Chicago-Kent had merged with IIT in 1969, so we

²⁹ George D. Gopen, *The State of Legal Writing: Res Ipsa Loquitur*, 86 MICH. LAW REV. 333, 357-58 (1987).

³⁰ See Maurice A. Deane School of Law at Hofstra University, Richard K. Neumann, Jr.: Alexander M. Bickel Distinguished Professor of Law, <https://lawcms.hofstra.edu/richard-k-neumann> [https://perma.cc/NN2S-HMZY] (last visited Feb. 6, 2023).

were part of a tech school. What happened was that Robert Galvin, who was CEO of Motorola, was donating what was called a mainframe computer to the university. He was a graduate of IIT. The University told all the departments in all the schools to figure out what they would do if they got the mainframe. Ron Staudt (who was chosen to try develop the law school's plan)³¹ and I got together to see what we would do. We thought the natural use for it would be for word processing and potentially for research. At that time Lexis and Westlaw were stand-alone computers. You may recall they were dedicated terminals that you couldn't use for any other purpose but online research in their own databases. But we envisioned that we would eventually use the mainframe for research as well—and also for document design because we had a drafting course. So we prepared a proposal to teach the students, as part of the Legal Writing course, how to use computers creatively for writing and document design and so forth.

We actually won the bid. But then once we won it, Ron basically decided that the computer that they were offering, which was a Motorola computer mainframe, was not going to work. It was already outmoded by then. We turned down the gift and it went to IIT's admissions department instead.

Ron then went to IBM and got a grant from them that enabled us to buy 35 IBM personal computers. They gave us 16 for free and we bought the others out of our own funds. We set up a computer lab at the law school. At that time, we had a January admissions small class. We decided to use that class as the trial balloon. As part of their orientation, we gave them computer classes. As you recall, few people at the time knew much about computers. Even for those who knew about computers, they might not be able to purchase a home computer because of the cost. Most of the work was done on typewriters.

ML: That's correct. Electric typewriters.

RB: Plus, the early word processing programs were pretty unsophisticated. We used a word processing program called Framework that required you to create these little windows that you

³¹ See Chicago-Kent College of Law, Ronald W. Staudt: Professor of Law Emeritus, <https://kentlaw.iit.edu/law/faculty-scholarship/faculty-directory/ronald-w-staudt> [https://perma.cc/Y2F5-M8TA] (last visited Feb. 6, 2023).

had to put together. But you couldn't actually put together a whole document at one time, only parts. And then one would have to reassemble them by adding window to window to window; frame to frame to frame. It was cumbersome, really cumbersome. It was the state-of-the-art program though, so the students muddled through it.

We also required the students to use computers to write their Legal Writing papers. That was controversial. There were some disasters. Some students lost their work, and we had to come up with emergency plans to make that up for them. And, surprisingly, most of the faculty were upset with us for even doing this. First of all, many thought the plan was taking away from the students' ability to study for their doctrinal classes because they were too busy learning how to use the computer. The admissions people were upset as well. They thought we shouldn't be advertising that we were teaching typing—that's what they thought we were doing with computers. So we had kind of a hard sell to the faculty, but we had these 35 computers. And it worked really well with the one class. By the end of the semester, they were avid fans, at least most of them were.

ML: The Legal Writing community had a different reaction to these developments. It was innovative and exciting!

RB: Yes, at the 1985 conference, our computer staff were able to do a successful presentation. Most Legal Writing teachers had never used computers; the most they knew was how to use Lexis and Westlaw. They now saw what else could be done.

I preached about how one could do things like grade papers on a computer—which everybody does now. You could have students turn in their papers on floppy disks, and I could make corrections on the disk and they could see them right there. They didn't have to struggle with reading my handwriting, and one could easily show them a sample paragraph for comparison. There were all kinds of things you could do. And so, yes, the demonstration went well.

ML: We're talking about 1985. In many ways, that's not that long ago.

RB: Right. I mean looking back, the computers and their programs were fairly primitive, but it was still something that people could begin to experience.

Most teachers didn't know much about using Lexis and Westlaw back then. Lexis only had three states in its database when it first came out: Pennsylvania, Ohio, and New York. But they at least had full text that could be retrieved by using Boolean logic searches.

Westlaw only had the headnotes of cases in its database. Westlaw didn't have the whole text of their materials because they were afraid that if you had access to the full text, you or your library wouldn't buy their books, the reporters.

So, when I was chair of the AALS Section—I was chair for two years—I had Lexis and Westlaw representatives do a demonstration search using their tools. And most of the Legal Writing people, of course, didn't even know about Lexis and Westlaw—many had never even heard of it, or seen it. So we did a search. We got a problem and the two reps did a search. The Lexis rep came out much better because she found, first of all, many more cases on point, plus the full text. Westlaw found too many cases, number one, but also only headnotes. And even the actual physical Lexis terminals were much nicer than the Westlaw terminals. As a result of that demonstration, Westlaw overhauled its entire product to provide information that was comparable to what Lexis made available.

Eventually my own faculty started warming up to the computers. We had let the faculty use the computers for a trial period, and then when we tried to take them back, the faculty objected. We had to start investing in personal office computers and Chicago-Kent started being known as the “tech” school.

ML: There was something else pretty major that happened in 1985.

RB: Yes. In 1984, the group at Puget Sound—Anne, Laurel, and Chris—held a Legal Writing conference with money left over from a grant from the National Endowment for the Humanities.³² There were maybe 50 people who attended? But the conference went so well that those who attended thought they should have repeat conferences. At Chicago in 1985, there was a group of us who got together and talked about creating an organization to support Legal Writing professionals. I think we decided to call it the Legal Writing Institute, or maybe the Seattle group had named it already, but, if I'm recalling correctly, it was in Chicago at the AALS workshop that we put together the Board and signed the Articles of Incorporation.

We determined that LWI would host a conference every two years that would alternate between Puget Sound and another location. Puget Sound ultimately became part of Seattle University. LWI was a game changer for the entire profession.

³² Lawrence, *The Legal Writing Institute*, *supra* note 4, at 214.

ML: It most definitely was. It provided us the opportunity to not only have a place we could go to every two years to exchange ideas about teaching, but to meet others who ultimately became close friends. The AALS was still meeting each year, so we had more opportunities to get together.

RB: Right, and by that time the use of computers and email was slowly making its way into the mainstream. As a result, we weren't completely limited to phoning each other.

ML: There was another game changer in 1993 when you set up the first listserv for Legal Writing.

RB: Yes. When we had the LWI conference here in Chicago, I thought it would be useful for the conference people to share ideas. I had our techies set up the listserv to be used internally at the law school during the conference. Those attending could use all the school's computers. By then we had a hundred computers throughout the school; we had three different labs at that point. Instead of just leaving notes on a bulletin board, which had been the main method of communication at other conferences, everybody was given an internal address so they could get on our computer system. As a result, the attendees could contact others or put their information online. It worked so well, and people thought it was such a good idea, that we then opened it up as the listserv for the profession. I didn't name it, the computer techies did; it was called LEGWRI-L. And I don't know why the "dash-L" is in the name, but somehow in computer-ese that meant something. They still use it in the new one.

ML: It became an incredible asset.

RB: Yes, and it's probably the most active listserv in legal education. Every day there may be 30 or 40 messages with people asking questions or sharing information. We all got to know each other, even if we hadn't met in person. People in the field—even if they haven't written articles—have answered questions on the listserv and influenced others. Many became fast friends in this way and would gravitate to each other at the conferences.

ML: Legal Writing became a more closely bonded profession than the other disciplines. We tend to work together and encourage each other rather than hoard information and keep solutions to problems to ourselves.

RB: I think the downtrodden always congregate. If you have something that you share with someone, you feel a kinship. I also think because of the early turnover in the field, those who stayed on

bonded with each other because they were sharing the same fate at their schools. Even now, new people coming into the field don't know where to turn, especially if there is persecution and denigration going on at one's school. The books are great, but they don't tell you how to handle specific problems in the classroom or otherwise.

On the listserv, you've got various people asking, "What do I do with this student who is having trouble doing X, or Y, or whatever?" There are now lots of experienced teachers throughout the country who are happy to respond. Anyone can also get help on mundane things like, "I need a problem on this," or "I'm having trouble. My TA has prepared a problem on X, but I'm not really happy with it. Has anyone ever used this kind of problem?" Immediately two or three people send an answer or share problems they have used. The immediacy is helpful.

And, of course, the members bond together on status issues with questions like, "How do I get the faculty to approve more credit? How do I get the dean to not do bad things to me?" Everyone who has experienced something similar jumps in. It really is the hallmark of our field. I don't think the listserv created this, but it certainly facilitates it.

ML: As all of this was going on, I recall that the Law Librarians were not happy.

RB: No, they weren't. Law Librarians had been the ones who taught Legal Research, and the innovations in the field began to exclude them. In our first-year program we didn't have Librarians integrated, and Lexis and Westlaw were being taught by company representatives. I integrated Librarians in teaching the databases as time went on; however, at most schools, legal research became the sole responsibility of the Legal Writing teachers. And that naturally raised resentment from the Librarians. From a dean's perspective, they had less to do, and perhaps they're not going to be paid as well; they're not going to get faculty titles; they're going to be treated as secretaries or other administrative staff. I could understand the resentment that they have. And, of course, there were prominent Law Librarians such as Roy Mersky at the University of Texas who thought Legal Research should be taught separately by Librarians.³³

³³ See Texas Law Tarlton Law Library Jamail Center for Legal Research, Directors of the Law Library: Roy Mersky (1965-2008),

I was never in favor of separating out Legal Writing and Legal Research. The problem is, students tend to segment whatever their learning is, whether it's doctrinal or skills. You ask them whether they know anything about the Statute of Frauds, and it's like they'd never heard of it, even though they covered it in Contracts. And so learning is kept in separate folders, in effect. In a separate Legal Bibliography course, you're learning research in a vacuum, unconnected from solving a problem and communicating the analysis to someone else.

But as we innovated, the Librarians just didn't feel part of the new programs. And at the meetings I attended there was little discussion in the Librarian Sections about teaching research and writing. The content was more about running libraries. There were some exceptions. I remember I spoke at one of the meetings of the American Association of Law Libraries about our program. At that meeting, Joan Howland, who was the assistant director at Harvard at the time, had done research on the views of law firms on Harvard students' research abilities. They didn't rate highly while Chicago-Kent was rated as a school whose students came into the profession with good research skills. Joan later published an article about how law schools needed to work on improving the research competency of students.³⁴

ML: As I recall, you talked often about your three-year program at the conferences. What did it look like once you got it going?

RB: We had a standard first year curriculum, and then two semesters in the second year. There was only a one-semester requirement in the third year that was either a seminar or an independent study writing experience.

The students had a few choices in the second year. Half of them took Legal Drafting in the first semester and half of them took Advanced Research, and then they flipped for the second semester. In the drafting course we gave them choices between specialties. It could be general practice, which would include things like pleadings, interrogatories, etc. It could be estate planning: wills and trusts. It could be commercial drafting: commercial leases, things of that sort. They were able to pick up something practical about the actual

<https://tarlton.law.utexas.edu/directors/roy-mersky>

[<https://perma.cc/HLV7-9BMQ>] (last visited Feb. 6, 2023).

³⁴ Joan S. Howland & Nancy J. Lewis, *The Effectiveness of Law School Legal Research Training Programs*, 40 J. LEGAL EDUC. 381 (1990).

transactions while they were learning the drafting skills. I hired adjuncts to teach these courses and the sections were limited to 15 students each.

My vision for the curriculum seemed to work out pretty well. The instructors were required to give four assignments. At least one of them had to be what was called a “drafting from scratch” problem, where there were no existing forms—the students had to create something. It might just be drafting a long paragraph in a document to fit a unique fact situation. One successful assignment was to take an existing document that had not worked and to have the students redraft it with the relevant facts and issues in mind. The other two assignments could be basically anything that the teacher thought was worthwhile.

ML: Were you coordinating all of those sections and planning the curriculum?

RB: Yes, in the first year and in the upper level, except for the seminar courses and independent study. At the onset, I didn’t have much help or any full-time teachers. One of the things I did was to assign the books for all the sections. We didn’t have long-term, continuous serving people, so the idea was not to burden anyone with choosing books or writing a syllabus. I would do that, or at least choose books for everybody. I didn’t write a syllabus for each class, but I had a basic one that was utilized for some element of uniformity. That way students would not have any complaints about differences in assignments and such—they might have some, but not as much as they might have if every teacher was independently designing a curriculum. The teachers were not going to be with us forever. There is much more autonomy these days, but I didn’t really have that luxury in my program.

I tried to supervise as best as possible. Obviously, there were some bugs. Some teachers gave some pretty mundane assignments where students could find existing forms pretty easily. For the most part, however, the drafting courses worked out okay.

ML: And what about the Advanced Research Course?

RB: Advanced Research likewise gave the students multiple options. We had sections devoted to teaching research and writing in international law, environmental law, labor law, securities, taxation, and other fields. The students were required to learn the research tools and techniques used in those fields. At the same time, they would pick up some substantive law that they were interested in.

Those courses were also limited to 15 students. They did two major assignments and they learned loose leaf services and other specialized tools, subject-specific databases in Lexis and Westlaw, and empirical research. The teachers were allowed to assign memos, briefs, or anything else they thought was desirable. Some of them required opinion letters along with a memo, so the students obtained the experience of doing that.

The students came out pretty skilled. The program had immediate results with the graduates. I got reports back from alums who said that, while they hated the program when they went through it, they were so thrilled that we had done that to them because when they started working at the law firms, they found they were able to handle any problem, even if they knew nothing at all about the area.

And then people from the so-called prestige schools who were initially getting the plum assignments stopped getting them. The Harvard people suddenly weren't getting the plum assignments, and the Chicago-Kent people were. It made an immediate difference. Their feedback in turn, therefore, was given to the current students: "You may not like it right now, but you're going to like it later on." To this day, I see people on the street who say, 'Boy I want to thank you for making me learn how to write!' And that was 30 years ago, 40 years ago. It was a stroke of genius, I guess.

ML: It was a terrific program.

RB: Yeah. Now, the staffing, of course, was difficult. When I took it over, we were using adjuncts and they had larger classes. Some programs work well with adjuncts, but we had too many students for adjuncts to teach. So, first, I hired a lot more adjuncts and made the class sizes small. They were given a maximum of 15 students, and I gave each instructor a student teaching assistant. This was something we had never done before. It proved really successful. Because the adjuncts weren't around the school, students couldn't ask them questions easily. They took calls, maybe; but their practices surely came first. So the teaching assistants became, in effect, co-teachers. I was also selective with whom I chose and whom I paired them up with. I was lucky; I had some former English teachers in school and some really dynamic students who were good at teaching. They helped the weaker adjuncts; the good ones didn't need it quite as much.

Second, I gradually worked in having full-time teachers who could teach Legal Writing in the first year.

ML: How long did that take?

RB: I started the program in 1978. By 1983, I think, I had all full-time people in the first year. At first, the Dean gave me an assistant, Carol Vogel, a former student. She taught a section of the first-year class and helped me with training the adjuncts and training the teaching assistants. Later, I doubled that and added two more instructors, so there were four of us teaching it full-time, plus some adjuncts. And then eventually I had eight instructors, and no adjuncts in the first year, with mostly adjuncts in the upper level.

The full-time Legal Writing teachers were instructors, the lowest faculty rank, but they held uncapped appointments. Nobody ever said anything about caps at that point. The faculty just didn't care. They didn't pay much attention to what was going on in Legal Writing at the time. Some of the instructors left, and that was fine, but for the most part I kept good people for quite a while. No one said much as long as we were getting students, the alumni seemed happy, and the rest of the faculty were able to do their own thing.

Then there was boom in what I'll call the recruitment of law school teachers. This was a time when so many people decided that they wanted to teach instead of practice. That is, there were a fair number of students entering law school for the sole purpose of becoming a law school professor and not practicing law. I was on the appointments committee at Chicago-Kent and was seeing all these resumes from the AALS directory, and I knew that a bunch of these people were not going to get tenure track jobs based on what they were then doing—that they needed some other boost. I thought I could capitalize on this for my Legal Writing program, so I proposed the Visiting Assistant Professor Program. This would be a program where we recruited recent graduates for a period of two years. They would get experience teaching Legal Writing while perhaps also teaching a doctrinal class and working on scholarship. My idea was to offer these people apprenticeships in teaching—to give them a start and help them on their way to getting doctrinal jobs, or tenure-track jobs.

The VAP program was highly successful. There are about 40 graduates from our program who are tenured teachers at other schools, including a couple who have become deans. Originally, they were supposed to be with us for two years, and we gradually extended that to a maximum of four. The way I set it up originally was that the VAPs would teach Legal Writing and one doctrinal course during the academic year. And hopefully they would use the summer to start on scholarly research. They would be with us for two years to be able to

get something under way, so when they got a job with another school, they would have something in the works already that could be published pretty quickly at that school.

But an interesting thing happened. After some of the VAPs were with us, they wanted to stay on to teach Legal Writing, but their contracts were capped. It became unfortunate that I had created these capped positions because then I was unable to keep good people. In the meantime, the composition of the full faculty had changed, and many of the more practice oriented professors had been replaced with more “academic” ones who didn’t value the teaching of skills. As a result, all my arguments about how important it was to keep the Legal Writing professionals because of their experience just fell on deaf ears. The faculty and administration said, “No, they have to leave.” The turnover and administrative requirements of my program became impossible for me. At one point, we had as many as 15 teachers, and the class sizes crept up as well.

ML: The number of people who wanted to teach Legal Writing as a career increased phenomenally during this time period, yes?

RB: It’s hard to say whether, in the 1980s, there was specifically an increase in the amount of people who wanted to teach Legal Writing, or whether there were just more opportunities to teach it. Previously, there weren’t many opportunities for continuous or secure employment. It was tough to select a career path that didn’t really exist. That changed in the 1980s.

Remember also that most law schools didn’t have a lot of female students until the end of the 1970s, so there weren’t going to be many female law attorneys. In fact, the Chicago-Kent building of the 1970s didn’t even have a women’s restroom on all its floors! So during the 1970s we had more females entering the profession, but they also weren’t necessarily getting jobs with firms. It was still a male-dominated occupation, and many females gravitated toward teaching at law schools.

Females, when hired at law schools, weren’t often hired for “real” professor slots. Rather, they were hired to do things like teach students how to write. This, we all know, takes a lot of nurturing and patience. But many who wound up entering the field and maybe wanted to do it only for a couple of years found that they had a real knack for teaching Legal Writing and wanted to continue to do so.

ML: That raises the issue of Legal Writing as the “pink ghetto,” a profession dominated by women who have low status and low pay.

RB: Yes, a lot of it relates to intersecting histories. Of course, we all know that for most of history, women have been regarded as patient caretakers relegated to careers where there is nurturing—nurses, teachers, etc. And for a long time, women weren't even allowed to go to school for careers like being doctors and attorneys, and when they did, they weren't often hired for jobs the men had been doing. And then you've got the legal profession which was almost all men for most of its existence. Combine that with the fact that law schools regarded teaching writing as "remedial," and you wind up with a profession dominated by women. I think things have changed somewhat, but most in the profession are still female and still with lower status and pay than their male counterparts. I think given the prejudices, it's amazing what people like you and Marjorie were able to accomplish early on. I know you had to deal with a lot more abuse than I ever did when I was starting out.

ML: Yes, that's true. We were always trying to justify why we were there in the first place. We also weren't allowed to teach "real" classes but were limited to what many considered to be tutoring English.

RB: I didn't have to go through any of that, which was definitely advantageous. Of course, as time went on, it seemed like you and Marjorie were gaining more respect for your programs while some of my colleagues started to question why our school was focusing so much on Legal Writing.

ML: What was your involvement with starting the Association for Legal Writing Directors?

RB: Well, most of the credit there goes to Jan Levine for developing the idea.³⁵ Obviously, I took part in the discussions that planned the organization. I was one of the speakers at our first program. But it was mostly Jan's planning and doing that got it done, although Molly Lien had a lot of involvement in establishing the organization.³⁶ ALWD was developed as a vehicle for directors to get together and to deal with issues unique to directors. These included

³⁵ See Duquesne University, Jan Levine: Director of Legal Research and Writing and Professor of Law, <https://www.duq.edu/faculty-and-staff/jan-levine.php> [https://perma.cc/6UBQ-4VER] (last visited Feb. 6, 2023).

³⁶ See Chicago-Kent College of Law, In Memoriam: Professor Molly Warner Lien (Sept. 16, 2016), <https://kentlaw.iit.edu/law/news-media/news/memoriam-professor-molly-warner-lien> [https://perma.cc/Q9SE-89SN].

running programs where you might have only adjuncts, as well as issues related to navigating administrations when a director might advocate for any number of things, including increased credits, increased personnel, and greater security for the teachers.

As Legal Writing programs have become more developed, ALWD is not as important, but it surely filled a need when it was started. At that point, we still had a situation where most of the people teaching the courses were new. They were not established teachers who had made this their careers. Thus, there was still a lot of turnover. There were caps on how long people could serve as Legal Writing teachers. Even without caps, many were using the experience as a steppingstone to doctrinal teaching. As a result, someone was needed to administer the programs and make sure there was quality control. They needed to make sure that short term teachers were well-trained and had the resources to provide a good experience for the students.

ML: The first ALWD Conference was in 1995. It was in San Diego at California Western, and it was called “The Politics of Legal Writing.”

RB: Yes, it was a two-day conference exclusively for directors of Legal Writing programs, and it covered all of the things that directors should deal with, including Accreditation Standards, training Legal Writing teachers, fighting for curricular change, and the various methods of staffing. This was content that would not normally have been offered in the past at the LWI conference or the AALS Sections.

This first ALWD conference was quite successful. We had a lot of people from all over the country who were directors or assistant directors. I thought it was a very, very, very good program, because—again, it was in the days when a lot of the directors were new to their jobs, and the field was really not yet professionalized. Directors were still struggling to come up with what their program should look like, still trying to attain any kind of recognition from their faculties and deans. The conference was designed to provide information about how to navigate these types of situations.

There was a lot of information that was new, even for those who had become directors. For example, Richard Neumann and I talked about the ABA Standards and what attempts we had made up until that time to try to get the Standards changed. And it turned out that most of the people there did not even appreciate that the ABA accredited law schools and did inspections of law schools every seven years. They didn’t know about that process and what it entailed, and

how important those visits could be for program implementation. So it was quite an eye-opener for some of them when Richard described the process and I described some of the attempts we made at that point—often unsuccessful—to get any changes in the Standards. We did have some luck, which resulted in some positive changes, and we talked about these. We talked about building networks of allies who might be able to help. We talked about how to build allies within one's own faculty as well. This was all much different from LWI, which focused primarily on classroom pedagogy.

In my opinion, the creation of ALWD has been completely successful. I cannot imagine the tremendous growth that has taken place in the field in the last eight or nine years or so could have happened without this nucleus of outstanding directors. In fact, the organization has been so successful, it has almost made itself obsolete. There are so many competent professionals in Legal Writing and more and more programs are becoming directorless, if not tenured. Despite this, the organization is still relevant, especially with respect to the publication of its Journal, its funding of Legal Writing scholarship, and its conferences. The conferences remain much smaller than both LWI and the AALS, which have both become pretty massive. The ALWD conferences still present an opportunity to spend quality time with a smaller group of people.

ML: You mentioned your work trying to enhance the status and security of Legal Writing professionals. I know some of this came about through the ABA, and especially your work in the Section on Legal Education and Admissions to the Bar.

RB: Yeah. I was on that committee when it was called the Legal Writing Committee and then when Helene Shapo was in charge, it was changed to the Communications Skills Committee. Although not generally appreciated, the ABA has the potential for a lot of influence as far as Legal Writing goes. They also host their own conferences. Those are a bit different because they are geared more toward the practice of law and what attorneys would like to have happening in legal education. That's no mystery, of course. Attorneys want law schools to be teaching students how to practice law. It's always amazing to me that we've got this accrediting entity—the ABA—that is always pushing for more pragmatic training, and we've got law schools that are still prioritizing reputation by way of scholarly publications or hiring "credentialed" teachers who neither practiced law nor had any interest in practicing law.

The ABA conferences and committees are a great way to lobby for Legal Writing because they are practice oriented. I was Chair of the Legal Writing Committee for two years, and at an annual conference in San Francisco, we did a presentation on persuasive writing. I was on the program, Terri LeClerc of the University of Texas at Austin was on the program,³⁷ and we had a lawyer from Chicago as well as a judge. We had a large audience—over 100 people—including Justice Kennedy of the Supreme Court. He came up to us after the presentation to talk to us about writing. He especially wanted to talk to Terri and asked her to send him some materials she had prepared. That really was a good way to get Legal Writing on the radar of some people who had the political power to influence issues related to Legal Writing programs.

A lot of the work many of us have been doing for years has related to improving status. Whether it's been through ALWD, the ABA, or other mechanisms, we've tried to figure out ways to improve the status of Legal Writing professionals in order to transform legal education into one that emphasizes skills instruction.

ML: I remember in 1984 when Jill Ramsfield drafted a resolution about teachers' status, and it was endorsed by pretty much everyone.³⁸ But there was no way to do much with it.

RB: Right. A draft proposal from an organization that just came into existence made up of the people who had the least power and status in their various law schools was not going to have much effect. But it was a start, and it was also amazing that so many people signed the petition fearlessly at time when most of them had absolutely no job security. Of course, that may have been the reason for the fearlessness, as they were going to leave in two years no matter what. But that wasn't true for everyone who signed. It was that kind of group. It really did light the fires of a group of people who had the same beliefs and were willing to fight for them. That's one of the things that distinguishes Legal Writing professionals from others

³⁷ See The University of Texas at Austin Department of English, *Alumna Terri LeClerc Fights Uphill Battle to Preserve Prisoners' Rights* (June 19, 2013), <https://cla.utexas.edu/english/news/alumna-terri-leclerc-fights-uphill-battle-to-preserve-prisoners-rights> [https://perma.cc/3HWX-MSW2].

³⁸ See Georgetown Law, Professor Emerita Jill. J. Ramsfield, <https://www.law.georgetown.edu/faculty/jill-j-ramsfield> [https://perma.cc/JC9J-RMPT] (last visited Feb. 6, 2023).

teaching law school. Even the Clinicians are not so tenaciously active in trying to change the very nature of all of legal education. And the core of that original group—which was pretty small and relatively powerless—stuck around for a long time.

It's no secret that the ABA has always advocated the exact same thing that those in Legal Writing are promoting. They have commissioned numerous studies analyzing what should be changed about legal education. They specifically asked that the Sourcebook on Legal Writing be written to set out some uniform standards for Legal Writing. I worked on that with Susan Brody, Chris Kunz, Richard Neumann, and Marilyn Walter.³⁹ In some ways the Sourcebook became a bit too binding on Legal Writing programs, and for much too long before it was revised. I think we advocated that Legal Writing teachers not teach more than 40 or 45 students. We wanted to make the number lower but didn't think anyone would take us seriously on anything else if we made the number too low. So, we wound up benefiting a lot of programs where teachers had 75 or more students, but as time went on, those programs became few and far between. Unfortunately, as Legal Writing became more sophisticated and students required more personal attention from their teachers, administrators would often point to the 40-45 number as gospel. In some respects, 30 students might now be too many. Students seem to require so much more instruction and feedback than the days when I could just write "conclusory" as a comment about a paragraph.

But the Sourcebook accomplished quite a bit. It talked about the best model of instruction being full-time, dedicated teachers. I think many programs were able to point to that as support for their argument that capped contracts should be ended and that the school should invest in hiring full time Legal Writing teachers. I also think many schools that had low or no credit Legal Writing courses graded as pass/fail benefited from the Sourcebook's position that the course should be graded and receive appropriate credit.

³⁹ RALPH L. BRILL, SUSAN L. BRODY, CHRISTINA L. KUNZ, RICHARD K. NEUMANN, JR. & MARILYN R. WALTER, SOURCEBOOK ON LEGAL WRITING PROGRAMS (1997).

The ABA also produced something called the Cramton Report back in the 1970s.⁴⁰ The report specifically addressed deficiencies attorneys were finding in their incoming associates, and all those deficiencies related to being able to do adequate writing and research. The Cramton Report advocated for three-year Legal Writing programs, but that had little impact for a long time. It wasn't until about 20 years later that there was at least some action related to accreditation and practical skills training. Ultimately, the ABA adopted the Standard that required Legal Writing in the first year and one rigorous writing requirement in the upper level.⁴¹ This was significant because until then, many schools had no required Legal Writing curriculum. Yes, there were schools that acknowledged that some of their students would benefit from a Legal Writing course, and various faculty members sometimes taught it. But there wasn't any attempt at consistency or an across-the-board experience.

ML: When I started directing our program, most schools, if they had a Legal Writing program, it was for no credit, or pass/fail, or taught by third year students.

RB: When I started at Chicago-Kent we had no Legal Writing program. There had been one previously back in the thirties and it had somehow disappeared. There was a Legal Bibliography course, but it had no writing component. Moot Court was completely voluntary. They had to pick students who volunteered to try out for moot court teams and that could be anybody, with no special training on how to write briefs. No faculty supervision. So in 1961, when I came on board, the dean assigned me to teach Legal Writing, which was the first time it was being offered in probably 30 years. I had maybe 65 or 75 students. It was difficult to give too much individual instruction.

ML: The Cramton Report was followed by the MacCrate Report.

RB: Yes, again the ABA wanted changes in law schools. The MacCrate Task Force had done an empirical study.⁴² It asked lawyers

⁴⁰ AMERICAN BAR ASSOCIATION SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, REPORT OF THE TASK FORCE ON LAWYER COMPETENCY: THE ROLE OF THE LAW SCHOOLS (1979).

⁴¹ AMERICAN BAR ASSOCIATION SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022-2023 Standard 303(a)(2) (2022).

⁴² AMERICAN BAR ASSOCIATION SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN

what they thought legal education needed to do to better prepare students for the practice of law—what subjects or skills were lacking? What was done well? What was done poorly? And the overwhelming response was that the schools fell down on skills training. Among those skills were the ones taught in Legal Writing: legal analysis and legal reasoning. One of the big ones was oral communication, and another one was written communication, as well as problem solving.

It didn't immediately have an effect on law schools; it was sort of laid on the table until the Clinicians started to use it to try to gain greater consideration for their programs and better security for their faculty. We worked with Clinicians Tom Leahy and Gary Palm who were on the Standards Review Committee to try to connect the Clinicians with Legal Writing. The Clinicians were able to leverage the MacCrate report into creating security under Standard 405(c) of the ABA Standards.⁴³ We weren't quite as successful, only getting to the ABA to adopt Standard 405(d), which penalizes a school if there is a high turnover rate in Legal Writing.⁴⁴ Fortunately, many schools afforded their Legal Writing faculty the opportunity for Standard 405(c) status, but others have not.

The concerns raised by both Cramton and MacCrate still exist for the bar, and we are always working toward changing the Standards to varying levels of success. In recent years there have been more obstacles, especially as they relate to rising tuition, reduced class sizes, and fewer opportunities in the profession. It's tough to lobby for more resources when resources are being cut across-the-board. At one point, an accreditation team could comment on deficiencies in salaries and resources, but now they can't do that. That's definitely a detriment for those teaching Legal Writing who often make much less than their tenured colleagues. In recent years, tenure itself has been under attack at some institutions, and thus it's even more difficult to argue that there is a category of professors who should have increased status and security. Still, the new generation of Legal Writing teachers who have taken on the battle are doing a great job. Both LWI and

EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992).

⁴³ AMERICAN BAR ASSOCIATION SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, *supra* note 41, Standard 405(c).

⁴⁴ *Id.* Standard 405(d).

ALWD have committees that are always monitoring what's happening and advocating on behalf of the community.

ML: What are your feelings about ranking Legal Writing programs in U.S. News and World Report? I remember we had talked about that with a representative from U.S. News and World Report and he wrote a really quite nice, supportive article with a picture of Jill Ramsfield in it.

RB: Yes. The reporter first contacted me about it and said they were considering running an article about Legal Writing programs as part of the issue in which they presented their normal evaluation of law schools and of various specialized programs. And, he said, "Whom should I talk to about evaluating that possibility?" In the course of talking with him, I said, "Well at least you ought to learn what's going on in Legal Writing. If you wrote an article about that it would be beneficial for the field." I'm not sure we even discussed having a separate rating for programs at the time, but he did write an article, and he did highlight a few programs including those at Chicago-Kent and John Marshall.

ML: Eventually, U.S. News and World Report did start ranking the programs.

RB: Yes. That was mostly Jan Levine as well, although a lot of people were involved in the discussion. I have had two minds on the issue. At one point, I actually thought ranking programs might help. It was a time when there weren't too many really great programs. When I say, "not great programs," I don't mean that the teachers were necessarily bad. I mean that the programs didn't always have a lot of resources and had high turnover rates. At that time, I thought that rankings might help boost Legal Writing as a field. I mean first of all, it would show that Legal Writing was a field, and the deans would have to take note. I thought that the incentive of ranking could possibly get the schools to give their programs more of a boost.

But I started to think that the rankings might really be a bad idea. I wrote a number of e-mails opposing it. So many schools were developing decent programs, and I argued that it was impossible, really, to rank them—as it is almost impossible to rank schools. I argued that it was going to get us in the same position the schools are in, trying to manipulate statistics or publicity solely to move up in the rankings. People might vote for whom they know, and that might relate to conferences they attended or some other type of name recognition. I thought that would be bad, in that it would destroy the

cohesiveness that exists right now in the Legal Writing world. I feared that schools with more resources to host conferences or print glossy brochures would ultimately be ranked higher.

ML: I think that's true. Obviously, some schools have spent a lot of money already on brochures. This doesn't help the students much. It just spends money that could be spent on resources.

RB: Exactly. Every day, as you know, we get brochures from all of the schools about their programs in general, their new hires, or their special programs. Now, they add another one—their Legal Writing programs—it's too much to absorb.

I also don't think the rankings produce a valid list anyhow. I mean, there's almost no way to rank programs in an objective way. There are probably some schools that are doing a splendid job, and no one really knows they're doing a splendid job. There are a number of programs that don't take part in the listserv, or they haven't come to LWI meetings and things like that. They may be doing a fine job. Also, there are so many different types of programs that it becomes impossible to compare them. It becomes a popularity contest. We know we like certain people. We see them at the conferences; we appreciate their work. It doesn't mean their programs are better than others that don't get as much attention.

Another problem is that the ranking may have caused the opposite effect of what was intended. Rather than administrations giving resources to their Legal Writing programs to receive enough acclaim to be ranked, they blame the programs for not being recognized.

ML: Yes, I know the rankings have been used adversely by deans in order to either punish or get rid of people.

RB: Yes, and it's even worse if a program goes to a dean asking specifically for resources to improve their ranking and winds up not doing so! There is also a problem with the selection process for the questionnaire. Originally, the questionnaire was randomly sent to those listed as teaching Legal Writing in the AALS Directory. This could have been people who were involved in the field or people who had no idea what was happening. Some may vote for their own school, while others try to look at the factors objectively. I know some receive the ballot but don't fill it out because they don't believe in the rankings or how they are calculated.

ML: You were the director of the Chicago-Kent program from 1978 until 1993. What made you step down?

RB: I didn't want to step down as director. It broke my heart to do so, but I just couldn't manage running the program with the large class size we had while having to hire and train multiple new people every year. Instead of running the program, all I was doing was review resumes, conduct interviews, train new hires, and put out the miscellaneous fires that always occur in a program like that. I was also teaching Legal Writing. The school had hired Richard Matasar to be dean in 1991,⁴⁵ and he pursued a vision that involved increasing enrollment because of the need for tuition dollars. That, of course, necessitated more sections of the second-year courses, which in turn necessitated hiring additional people.

I asked that more full-time instructors be hired, or that more of the capped slots be converted to full-time. He told me no. I asked many times for those slots and told him I would step down as director if I did not get them. He told me it would be terrible if I stepped down, but he refused to give me the slots, so I stepped down. Fortunately, I had tenure, so I was able to return to exclusively doctrinal teaching. I taught Torts, which I had also been doing while teaching Legal Writing.

Molly Lien took my place after having been a VAP at Chicago-Kent.⁴⁶ Ironically, she was given the slots I asked for, but still her job wasn't easy. I was never too far away from Legal Writing and was close friends with Molly. I continued going to the conferences and I participated whenever the ABA Standards Review Committees convened. I continued to fight the good fight, and as most know, had a reputation for being a fighter. Even before I stepped down, various factions of my faculty were working toward reducing the requirements of our Legal Writing program. Some even plotted together in secret strategies behind the scenes, and on one occasion, I was able to capitalize on an errant email that was mistakenly sent to me detailing how I would be handled in a particular faculty meeting.

Unfortunately for Molly, even though she got a couple of other full-time slots, she had to compromise on a lot of the Legal Writing curriculum. I tried to help, but I was no longer the director and felt she needed to do what she thought best to do that job.

⁴⁵ *IIT Picks New Dean for Its Law School*, CHICAGO TRIBUNE (Mar. 28, 1991, 12:00 AM), <https://www.chicagotribune.com/news/ct-xpm-1991-03-28-9101270864-story.html> [https://perma.cc/N9RF-HA4A].

⁴⁶ See *supra* note 36.

ML: Your advocacy on behalf of Molly in 2001 is one of the most famous events in Legal Writing history.

RB: Yes. Molly was exceptionally competent, and she got Chicago-Kent to commit to making her position tenured. In 2001, Molly applied for tenure. The faculty overwhelmingly voted that she receive tenure, but our dean at the time, Hank Perritt, refused to forward the vote to the University. I'm still not sure of his motivation. He denigrated her scholarship but did so partially because he was incorrect as to the identity of one of the peer reviewers.

I was about as angry as I had ever been in my life. I spoke out publicly to students, alumni, and even the media. There was a newspaper article in the Chicago Tribune about what had happened.⁴⁷ My colleagues were upset with me. They said they agreed with me but did not want to harm the school as I was doing. They begged me to stop. Not surprisingly, I didn't. I was given a raise of "o" from the dean even though I had been Teacher of the Year and the dean himself had extolled my teaching abilities on a written evaluation.

Molly appealed the decision and had to testify before a group of administrators at IIT. I did as well. Unfortunately, the decision to deny tenure was upheld on procedural grounds. It was all emotionally taxing, especially for Molly who had a pacemaker because of a genetic heart defect. If I'm recalling correctly, the stress of that hearing put her into the hospital because of an arrhythmia that could not be controlled by her pacemaker.

Interestingly, the dean did not want Molly to leave Chicago-Kent. He just did not want to give her tenure. I think many people were surprised when she immediately resigned. She was beloved and no one wanted her to go. Many of Molly's colleagues told her she could just go up for tenure again, but she stuck to her principles. The students were devastated. Many wore black armbands to commencement. A couple of years later, Molly went on to become director of John Marshall's program. She was, of course, very successful there. In John Marshall's program, all Legal Writing teachers had tenure, and Molly was easily awarded tenure. She never set foot in Chicago-Kent again.

⁴⁷ J. Linn Allen & Tribune Higher Education Reporter, *Professor's Exit Spars Uproar at Law School*, CHICAGO TRIBUNE (May 21, 2001, 12:00 AM), <https://www.chicagotribune.com/news/ct-xpm-2001-05-21-0105210176-story.html> [https://perma.cc/4NDL-M3JA].

ML: Your actions sealed your legacy as our hero. There were so many who were being abused in their programs, and even supportive colleagues would often say or do nothing. You came to represent the action everyone wished would be taken on their behalf. Terri LeClerc funded the Courage Award based on what happened with Molly.

RB: Yes, she did, and Molly and I were both given the first Courage Award, which included a statue of the Cowardly Lion.⁴⁸

ML: I think Terri was hoping the award would promote more actions like yours but being that courageous is difficult to do.

RB: Yes. In a field that has so few tenured people, it's tough to put everything on the line. There's always a worry that you could lose your job or hit a brick wall in terms of career advancement, or not get a raise or promotion. There are some people who won't even admit to any abuse suffered at a previous position out of fear that they won't ever get hired again. There are some who won't be vocal as it is going on out of fear of retaliation.

When I stood up for Molly, I had been teaching for 40 years and I had tenure. There was little I could lose, but I was treated like a pariah by many colleagues, even those I considered friends. Having the courage to speak up can be emotionally debilitating, even if your job is not at stake. In my case, I'm not exactly sure I ever felt the same way about many colleagues again. I had gone from a person who put my heart and soul into the school to someone many wished would just go away. I understand why people don't want to voluntarily jump into the fire as I did.

ML: You've won a lot of awards from the Legal Writing community, haven't you?

RB: Yes, but keep in mind that at one time there were only a handful of us, so we were all winning awards. But it is always nice to be acknowledged.

ML: Do you have a favorite award?

RB: Probably the Burton Award, which I won in 2006. The award, as you know, is given by Bill Burton, a practitioner in New York City who wanted to host an event dedicated to improving the quality of Legal Writing. The award given to a member of the Legal Writing community is called the "Legends in Law Award," and award winners

⁴⁸ Legal Writing Institute, Courage Award, <https://www.lwionline.org/awards/terri-leclercq-courage-award> [https://perma.cc/TW62-RCGN] (last visited Feb. 6, 2023).

are treated to an extravagant party in Washington, D.C. each year. I still don't know who nominated me, but the best part was getting to know Bill Burton who became a good friend.

Of course, it was an honor to receive the Blackwell Award, which is named after Tom Blackwell who was killed in a shooting at Appalachian Law School. Tom was one of my VAPs at Chicago-Kent and a good friend. He was a dedicated professor, and the award is given to those who are helpful to others in the profession.

Chicago-Kent also funded a chair in my honor. It is currently the only endowed chair at Chicago-Kent. It is humbling to have that many alumni contribute money for an award in your honor. The campaign was chaired by one of my former students, Tom Demetrio, who went on to a lucrative career as a personal injury attorney with the law firm of Corboy & Demetrio.⁴⁹ He credits his career to the fact that I gave him a D grade in Torts. Apparently, it woke him up.

ML: Looking back, you've seen a lot of changes in both legal education and Legal Writing. What are some of the good things you've seen and what are some of the not-so-good things?

RB: Well, I suppose the primary thing that's good is that we even have a profession and that law schools have programs. Even if some of the programs lament not having more credits, or more teachers, or higher status, it would now be unheard of for a law school to argue that Legal Writing should not be taught or that we should not have Legal Writing teachers. Legal Writing is often said to be "the most important course in law school" by attorneys and the law schools themselves. Although there are still some capped positions, for the most part Legal Writing is taught by professional full-time teachers who work tirelessly to develop curriculums and enhance their teaching. We're no longer trying to explain to our peers that the course is not about teaching nouns and verbs. Instead, we're sharing ideas with other faculty about how to improve proficiency in writing legal analysis.

The professionalism of Legal Writing has expanded exponentially, and by professionalism, I mean that most who teach Legal Writing are not trying it out for a little while before attempting to become a "real" member of a doctrinal law faculty. Like with others who decide early

⁴⁹ See Corby & Demetrio, Thomas A. Demetrio: Partner, <https://www.corboydemetrio.com/attorneys-thomas-demetrio> [https://perma.cc/FY4X-698M] (last visited Feb. 6, 2023).

on that they want to be professors, there are many who decide they want to pursue careers teaching Legal Writing. They apprentice in situations where they learn how to teach writing. They read about Legal Writing and how to teach it, and they write scholarship on these subjects. It's a real discipline.

Resources have grown exponentially. When we first started teaching, we didn't have many books to look at and publishers weren't sure those were even necessary. Now there are hundreds and not just limited to the first year. There are textbooks written on everything: basic contract drafting, business drafting, how to write a lease, pretrial litigation. For anyone who will be teaching a course in any of these subjects, there are limitless resources. The listserv is also still an extraordinary resource. If a new teacher needs a syllabus for any course, someone will reach out in minutes. If anyone needs statistics about salary, status, or credits in Legal Writing, someone will provide a graph or chart within the hour. To that end, the Annual Survey has been invaluable.

ML: Yes. The Survey. I remember when LWI was first holding conferences, Jill Ramsfield passed around a survey so the participants could provide information about their program, from type of program to salary to credits. The object was to compile the information so our members could use it when making an argument for improving a program. It was all compiled by hand then.

RB: I think the survey has been the major reason that so many have been able to improve their situations—well, that, and the ability and willingness to communicate quickly. For whatever reasons, deans and law faculties like to know what everyone else is doing. They don't want to innovate too much, but they also don't want to be left behind. The survey has been used by so many programs to advocate for increasing credits or lifting caps from contracts. It is now being used to argue about the need for improving the status of Legal Writing teachers; that is, tenure for all. It really makes little sense that you have one group doing the same job as another group and there is a distinction in status.

I think there was always a fear that if Legal Writing professors were allowed to have tenure, then they would simply decide to stop teaching it and want to teach something else. It is onerous to teach Legal Writing. You don't have much time to do more than critique papers, and who would want to have a career doing that? But it turns out that an awful lot of people do, and now the fear really is

unfounded. The status distinction makes no sense, especially in the scholarship productivity realm. Legal Writing professors tend to outwrite their doctrinal colleagues because they are good writers.

ML: Some people say it's better for Legal Writing Professors to publish in other areas. Otherwise, your faculty is not going to want you to stay.

RB: It's a tough call. I don't think the field is ever going to be recognized unless people continue to publish in the field, and somehow convince everybody that these are worthy pieces. But I don't know what I would advise people. It probably depends on the individual school. Also, deans change, so what one dean has told you isn't necessarily going to be true when you are up for tenure. I suppose you have to cover your bases by writing something that isn't in your field, just to show that you can do it. But I would not abandon the idea of writing things that are going to be helpful in the field.

ML: You have to not denigrate the field you've chosen.

RB: That's right, exactly.

ML: And it's disparaged by other faculty.

RB: It sure is. But Legal Writing professors seem to be good at everything and many are now going into positions as associate deans and deans. It's hard to know whether those who go into Legal Writing are just more organized, or whether that's the way we built the profession. Essentially, we have three organizations—the AALS Section, LWI, and ALWD—that are extremely active in the academy. The organizations efficiently run programs and conferences, publish journals, conduct surveys, provide almost immediate information for their members, lobby for positive change in status and security, and take on forward-thinking initiatives, such as connecting with the global community, using tech in the classroom, and increasing diversity in the legal profession. Legal Writing professors tend to be the ones competently moving into leadership positions in law schools, and often become involved in the leadership of other organizations, such as SALT, and the Institute for Law Teaching & Learning. They dominate the membership of the AALS Section on Teaching.

When we first started, there was only one conference (AALS) where we could connect. That changed with LWI and, to an extent, with ALWD, but there still weren't an awful lot. Now there are regional conferences, and one-day workshops, and subject matter conferences. There is probably a conference every week where a Legal Writing professor can go to either learn more or network with peers

on any number of subjects. The networking aspect has become pretty important. It has given many the opportunity to work on various projects they might not otherwise have encountered, and it has given many the opportunity to change jobs in order to increase status and security.

ML: Have you experienced any negatives?

RB: One downside is that we are often impeded by sheer size. When we first started out, there really were only a handful of us—less than five at one point. We knew each other and we knew each other well. We could count on each other just like family. This held true for a while with LWI, especially during the early conferences when there were fewer than 100 people there. We knew each other by name as well as about our families and school situations. If we were planning an event, we could all fit on a couple of buses, or reserve rooms in just a couple of hotels. Everything was logistically easier.

ML: It was all just more intimate.

RB: Yes, and keep in mind that by the time LWI started, Marjorie and I had been teaching for close to 25 years. We were secure in our positions at our law schools while so many were young, brand new, and often poorly treated. So by virtue of our longevity, I suppose, we, and then later you, were the visible leaders of the field toward whom everyone gravitated at conferences. I can't say I'm great with names, but I started feeling an obligation that I was responsible for the fate of all of these people who sought me out for support and guidance. I may not have known everyone's name, but I "knew" everyone and what they were experiencing.

I tried to do my best for them, and this included helping to organize conferences where they would feel welcomed and valued. I remember that I suggested that we eliminate titles from name tags: no designation of "Professor" or "Associate Professor," or worse yet, "Lecturer" or "Instructor." I wanted to eliminate the very class distinctions many were being subjected to in their own law schools. To this day, I will rarely use the title of Professor when referring to myself on any type of correspondence. It has always been a false classification in the legal academy that has done so much damage to those teaching Legal Writing. But if we're talking about negatives, I suppose the increasing class distinction is one of them. As our profession has grown, we are becoming more like the "them" who initially put Legal Writing professionals at the bottom of a caste system. That's not to say that we are anywhere close to that at this

point, but there has been more pride in title, and more personal interest preserving one's own "piece of the pie" at the expense of others. I've heard a lot more about professional competitiveness and jealousies, and even situations where some individuals (and groups) are undermining others for personal gain.

I suppose that becomes pretty natural when you go from a group of 50 to a group of several thousand. In the first place, not everyone knows each other personally given the number of conferences one can choose to attend. Secondly, with that big of a group, there's almost no way you can get any unity of purpose or ideals. And, of course, I'm sure I'm romanticizing the past to an extent. The people I spent time with or who spent time with me did so because we saw things in the same way. If there were others who did not, I'm sure I would have had limited interaction with them.

But all things considered, I think we're doing pretty well. I think we've retained the heart and the cooperative spirit that we attempted to set up in the early days. I haven't taught Legal Writing for over 25 years, and I still consider them my community. I still enjoy going to conferences and seeing what the next generation is doing in the classroom. Some of it is reinventing the wheel, but an awful lot of it is innovative in a way that I wish I had thought of decades ago. I surely could have used the massive amount of resources! We really do have a group of people who are constantly thinking about how to teach better and, for me, that's what legal education has always been about.

ML: Do you have any regrets?

My biggest regret is that my parents named me Ralph instead of Robert. I always kind of hated my name and I have always imagined how my life would have been different had my parents named me Robert. I could have been Robbie Brill, which I always thought was a great name for a shortstop. But my mother wanted to name me after Raphael the angel, so I wound up a law professor instead.

In terms of professional regrets? It's not so much a regret, but I'm disappointed that I could never do for my department what so many other schools are now doing. Chicago-Kent remains an untenured Legal Writing Department. In fact, when the school decided to fund a chair in my name, they first talked about filling it with a Legal Writing professor. As great as it would have been for my chair to be filled with a Legal Writing professor, I thought that was tremendously unfair to the people who were already there and existing within a lower status. But I wasn't successful in convincing my administration that there

was an inappropriate contradiction. Rather than raising the status of the Legal Writing teachers, the solution became that the chair would go to an outside applicant who was a reputable scholar.

There is real frustration, and not just for me, when you've got a program that's being publicized to the world as great and innovative but at your home school, you're always fighting for it. After the three-year program was approved at Chicago-Kent, I was always fighting—with faculty colleagues who thought it took up too many credits (or even too much of the student's time), or with administrators who did not want to commit additional resources or who wanted to cut resources. It was exhausting as I'm sure it is for others in that position. I still think it would have been great to now be able to point to Chicago-Kent as the first three-year Legal Writing program taught entirely by tenured professors.

I am also disappointed by what I was not able to do for Molly. What happened to her was tremendously unfair and just plain wrong. It was an example of the worst that a law school can do to a person. It wasn't just that Molly didn't get the tenure that she deserved, it was seeing that so many of her friends failed to stick up for her. She ultimately landed on her feet at another school, but there was such incredible harm at the time that I know she never got over.

But overall, I count myself lucky. I didn't get to play shortstop for the Cubs, and I didn't wind up in the military—thankfully. But I've had a great career and I have found myself surrounded by a group of people I consider the best of the best. It is nice to attend the conferences and meet up with old friends as well as see the new leaders who have taken up the cause that meant so much to me. Not only that, but it is nice that so many care about the work we did and want to know more about it. We're getting to the point now where there are many in the field who were born 20 years after I started teaching, but some still want to hang out with me and hear what I have to say—or at least humor me with their interest! I couldn't have asked for much more than that.