

EDITOR'S NOTE

As Oliver Wendell Holmes once said, “Man’s mind, once stretched by a new idea, never regains its original dimensions.”¹ The minds of the Editorial Board members have been stretched by so many wonderful and fresh ideas over the past six months, and we know that we will never be the same. Our hope is that your minds will be stretched by all the ideas, not only found in the essays and articles in our newest volume, Volume 20, but also by the *Legal Writing Journal’s* new website and online publication.

Volume 20 starts with a series of essays. As Terry Pollman discusses in her introduction to the essays on technology and changes in legal research,² to celebrate the Journal’s first digital volume, the Editorial Board “invited a distinguished group of librarians, textbook authors, and research scholars to contribute essays.”³ The members of the Journal’s Editorial Board hope that essays, such as these, on timely topics will be a regular feature in future Journal volumes, providing all of us with additional new ideas that will stretch our minds to new dimensions.

And the authors of the articles in this Volume do the same thing—provide new ideas that will challenge us, make us think about old topics in a new way, and inspire us to do things differently in our legal research and writing classrooms. Volume 20 starts with an article written by Steve Johansen and Ruth Anne Robbins, entitled, “Arti-culating the Analysis: Systemizing the Decision to Use Visuals as Legal Reasoning.”⁴ In Steve and Ruth Anne’s article, they discuss how visuals can be used to explain legal analysis, and this explanation can be particularly persuasive.⁵ “As legal writing moves towards a more digital medium, it is time for lawyers to incorporate visual persuasion in their documents.”⁶ The Editorial Board was excited about this article because not only does it include visuals to support the text,

1. BARTLETT’S ROGET’S THESAURUS 327 (2003).

2. Terrill Pollman, *Introduction to Essays on Technology and Changes in Legal Research*, 20 LEGAL WRITING 1, 1 (2015).

3. *Id.*

4. Steve Johansen & Ruth Anne Robbins, *Art-iculating the Analysis: Systemizing the Decision to Use Visuals as Legal Reasoning*, 20 LEGAL WRITING 57, 59 (2015).

5. *Id.*

6. *Id.*

but Steve and Ruth Anne partnered with a second-year student from Lewis and Clark Law School to create visuals that might have been used in a motion filed in a case involving the Dallas Mavericks basketball team.⁷

Next comes Terri Enns and Monte Smith's article, entitled, "Take a (Cognitive) Load Off: Creating Space to Allow First-Year Legal Writing Students to Focus on Analytical and Writing Processes," in which Terri and Monte encourage us to focus the students' attention away from the documents they write—the *products*—and focus on writing and analysis—the *processes*.⁸ Terri and Monte's article provide us with a discussion of the cognitive blocks that "impede[] first-year law students' ability to learn analytical and writing processes at the same time that the students are producing written analysis for a grade," as well as describing exercises that Terri and Monte have used in class to assist the students in refocusing on the writing and analytical processes, instead of the products.⁹ And Terri and Monte's article concludes with a proposal of devoting a portion of class to processes,¹⁰ in hopes that "[g]reater understanding and the adoption of that doctrine [the processes] should improve the students' ability to transfer their new knowledge to new analysis and writing tasks."¹¹

During a time when more and more professors are writing scholarship about empirical studies, the goal of the next article by Shaun Spencer, "Using Empirical Methods to Study Legal Writing," "is to promote an emerging field of legal writing scholarship: the empirical study of legal writing."¹² Shaun's article introduces us to the three empirical research strategies and how to apply those strategies to the study of legal writing, provides advice to new empirical researchers, and concludes with

7. *Id.* at 93 (seeing the visuals added to the motion, which is linked in the article in two places—one within section 6.0, "Second Case Study of **How**: *Hillwood Investment Properties v. Radical Mavericks Management*," and the second from the Appendix at the end of the article).

8. Terri L. Enns & Monte Smith, *Take a (Cognitive) Load Off: Creating Space to Allow First-Year Legal Writing Students to Focus on Analytical and Writing Processes*, 20 LEGAL WRITING 109 (2015).

9. *Id.* at 110.

10. *Id.*

11. *Id.* at 140.

12. Shaun B. Spencer, *Using Empirical Methods to Study Legal Writing*, 20 LEGAL WRITING 141, 141 (2015).

a bibliography containing a list of general resources on empirical research, as well a list of the legal writing empirical studies that have been done.¹³ Whether you wish to embark on a journey and write scholarship containing empirical research or not, as Shaun states in the introductory paragraph, “this Article should make you a more informed consumer of empirical scholarship.”¹⁴

And if your mind was not stretched by the new ideas in the first three articles, the next two articles will provide new ideas! The fourth article, “Understanding Voice: Writing in a Judicial Context,” by Andrea McArdle, introduces us to judicial voice, and does so by leading off with a number of questions, including “does a judicial opinion have a ‘voice,’ and if so, what are its attributes? Is voice defined by the opinion’s genre (that is, the writing), the writer, or both? What is the relationship between voice and rhetoric?” and many more.¹⁵ Andrea’s article provides a framework for understanding judicial voice. Throughout the article, she uses examples to describe and illustrate how judicial voice is a powerful and important analytical tool that can aid legal readers in discovering the meaning of judicial opinions.

And the last article in Volume 20 is “Flexible IRAC: A Best Practices Guide,” by Tracy Turner.¹⁶ In this article, Tracy argues that IRAC should not be rigid; instead, students should learn that IRAC is flexible “because few legal questions can be evaluated by a single rule paragraph and a single application paragraph.”¹⁷ Tracy’s article provides a “‘best practices guide’ to IRAC,”¹⁸ by providing the variations of IRAC and discussing what a legal writer should consider when selecting which variation of IRAC to use. The article illustrates four variations of IRAC and provides the benefits and drawbacks of each, and ends with a discussion of how the different variations can be incorporated into legal documents.

And, after picking up new ideas from the content of Volume 20, explore the *Legal Writing Journal’s* new website at www.legalwritingjournal.org! The website contains a wealth of

13. *Id.* at 141–42.

14. *Id.* at 141.

15. Andrea McArdle, *Understanding Voice: Writing in a Judicial Context*, 20 LEGAL WRITING 189, 189 (2015).

16. Tracy Turner, *Flexible IRAC: A Best Practices Guide*, 20 LEGAL WRITING 233 (2015).

17. *Id.* at 234.

18. *Id.* at 236.

information from all the Journal archives to the newest volume and its accompanying flipbook, as well as a wealth of scholarship resources and new ideas.

This website was truly a labor of love for our team. Our team includes Linda Berger and the members of the LWI Board; Sam Moppett, our LWI Board liaison; the Journal's Committee for an Electronic Journal, led by Terry Pollman, including Ted Becker, Ellie Margolis, Megan McAlpin, Karen Sneddon, and me; members of the Journal's Editorial Board; Emma Blakely and the Faculty Support team at Stetson University College of Law; and most importantly, Chris Caswell and his team at Apex Production.¹⁹

Words cannot express my appreciation for this team of extraordinary individuals! We started with a new idea—an electronic journal—and trust me, our new ideas and thoughts forever changed us!

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Legal Writing: The Journal of the Legal Writing Institute

19. For more information about Apex Productions, see the company's website at <http://www.apexproduction.com/>.