

EDITOR'S NOTE

Welcome to the twenty-first volume of *Legal Writing: The Journal of the Legal Writing Institute*.

“Oh, the places you’ll go!”¹ This is the title to a popular Dr. Seuss book that is usually given as a gift for graduations. But this title is also a good theme for volume 21, our second online volume, and the end of my ten years of service to the Editorial Board of this Journal.

“Oh, the places [technology will] go!”² Volume 21 begins with three essays written by distinguished jurists who are thinking about technology and its impact on their courtrooms and chambers. As we saw with this Journal when we transitioned to publishing exclusively online with volume 20, technology is impacting legal education and the profession in different ways. And our jurists discuss how technology has changed everything from our “workplace,” to the dissemination of information through court websites, to the decision to read and edit documents in hard copy or electronically. Our Assistant Editor in Chief for Essays, Terry Pollman sums it best when she said, “[T]hese essays illuminate the complex interaction between the medium and the message.”³

“Oh, the places [our ideas will] go!”⁴ The authors of the articles featured in volume 21, make us think further about persuasion, attorneys’ skills, and visual rhetoric. The first article in this Volume, “*Ethos*, Character, and Discoursal Self in Persuasive Legal Writing,”⁵ is written by this Journal’s first Editor in Chief, Chris Rideout. Character plays a primary role in persuasion, but “[h]ow does a writer or speaker evince, or create, a convincing character?”⁶ The answer is through *ethos*. However, looking throughout history, a dichotomy appears between whether *ethos* is seen in the credibility of the advocate’s character (the “qualities of the actual

1. DR. SEUSS, OH, THE PLACES YOU’LL GO! (1990).

2. *See id.*

3. Terrill Pollman, *Introduction to Essays on Technology in Courtrooms and Judicial Chambers*, 21 LEGAL WRITING 1, 3 (2016).

4. *See* DR. SEUSS, *supra* note 1.

5. J. Christopher Rideout, *Ethos, Character, and Discoursal Self in Persuasive Legal Writing*, 21 LEGAL WRITING 19 (2016).

6. *Id.* at 19, 20.

speaker”⁷) and the words of the advocate.⁸ Chris argues “that the *ethos* of a legal writer is best understood discursively.”⁹

“Oh, the places [our students will] go.”¹⁰ And the skills our students will need to have learned in order to be successful is a common thread in our next two articles. Contributing to the global discussion of how to best prepare law students for the practice of law, Ann Sinsheimer and David Herring’s article, “Lawyers at Work: A Study of the Reading, Writing, and Communication Practices of Legal Professionals,”¹¹ provides “the results of a three-year ethnographic study of attorneys in the workplace.”¹² Ann and David’s goal “was to learn more about the types of texts that junior associates encountered in the workplace and to isolate the strategies that these lawyers used to read and compose these tests.”¹³ The results? Read the article, but a spoiler—reading skills are important and our students need more instruction on reading.¹⁴

And more on, “Oh, the places [our students will] go,”¹⁵ as volume 21 continues the theme of how to best prepare law students to practice law, Jeremy Francis, Daphne O’Regan, and Ryan Black’s article, “Designing Success: Motivating and Measuring Successful 1L Student Engagement in an Optional, Proficiency-Based Program Teaching Grammar and Punctuation,”¹⁶ focuses on the lawyering skill—using correct grammar and punctuation.¹⁷ Responding to a gap between the entering students’ grammar and punctuation skills and how to address those needs, the authors collected data¹⁸ in a five-year study of almost 1,500 students, who completed the first-year curriculum at Michigan State University College of

7. *Id.* at 23.

8. *Id.* at 59.

9. *Id.* at 23.

10. See DR. SEUSS, *supra* note 1.

11. Ann Sinsheimer & David J. Herring, *Lawyers at Work: A Study of the Reading, Writing, and Communication Practices of Legal Professionals*, 21 LEGAL WRITING 63 (2016).

12. *Id.* at 63.

13. *Id.*

14. *Id.* at 127.

15. See DR. SEUSS, *supra* note 1.

16. Jeremy Francis et al., *Designing Success: Motivating and Measuring Successful 1L Student Engagement in an Optional, Proficiency-Based Program Teaching Grammar and Punctuation*, 21 LEGAL WRITING 129 (2016).

17. *Id.* at 129.

18. The data collected included, assessing the entering students’ grammar and punctuation skills, monitoring the students’ “attendance at optional writing seminars and office hours,” assessing the students’ attainment of proficiency on a final assessment, and factoring in the students’ law school GPA and bar results, whenever possible. *Id.* at 131.

Law, which includes instruction on grammar and punctuation. And the results and the authors' conclusions are fascinating!

"Oh, the places [visuals will] go!"¹⁹ The fourth article continues a thread started in volume 20 in Steve Johansen and Ruth Anne Robbins's article—using visuals.²⁰ Michael Murray's article, "Visual Rhetoric: Topics of Invention and Arrangement and Troupes of Style,"²¹ further discusses how visuals can be used to explain legal analysis and how this visual explanation can be particularly persuasive. And to demonstrate the potential of adding visuals to a written document, Mike "perform[s] a rhetorical analysis of the verbal topics of invention and tropes of style in the text" of Reverend Dr. Martin Luther King, Jr.'s "Letter from Birmingham Jail." And by doing so, "simultaneously demonstrate[s] the use of images and visual elements in an 'illustrated' form of the letter."²² This thread started in volume 20, continued in volume 21, and we are excited to see where the thread will go in the future.

And finally, "Oh, the places [we all will] go!"²³ After ten years on the Editorial Board, reviewing almost 4,000 pages of text and almost 12,700 footnotes, I just wanted to take a moment to thank some very important people not only in my "editorial" life, but also for this Journal.²⁴ First and foremost, Darby Dickerson at Texas Tech University School of Law—thank you, Darby, for encouraging me to be an Assistant Editor for the Journal and allowing me to serve as an Assistant Managing Editor under you. Thank you to Mary Beth Beazley, Jim Levy, and Kristin Gerdy, the Editors in Chief that I was honored, and humbled, to work with and to learn so much from. Thank you to David Richie, Karen Sneddon, Pamela Lysaght, and Terry Pollman, who served as

19. See DR. SEUSS, *supra* note 1.

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

21. Michael D. Murray, *Visual Rhetoric: Topics of Invention and Arrangement and Troupes of Style*, 21 LEGAL WRITING 185 (2016).

22. *Id.* at 186.

23. See DR. SEUSS, *supra* note 1.

24. Kristin Gerdy said it best, "A peer-edited Journal in legal academia really is a labor of love." Kristin B. Gerdy, *Editor's Note*, 18 LEGAL WRITING xi, xii (2012).

Assistant Editors in Chief, and Darby Dickerson, Lindsey Gustafson, and Kimberly Holst, who served as Managing Editors, and who all helped to keep track of every little detail of the publication process and so much more. A very special thank you to the Journal's first Senior Editor, Mary Lawrence, who graciously shared her time and wisdom with so many of us.

And of course, I have been blessed to work with so many assistant editors, and I had the opportunity to watch you grow to become authors and Editorial Board members. And last but not least, for the authors of articles submitted in the last ten years—it has been a joy to review, comment on, and edit your submissions. Whether the articles were published in this Journal or another one, we on the Editorial Board learned so much by reviewing your articles. Thank you!

And I am excited to watch to see where the Journal will go under the leadership of my colleague and friend, Karen Sneddon. This has been a wonderful journey!

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Editor in Chief

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