

## Remembering the Early Days of the Journal of the Legal Writing Institute:

Volumes 2 through 12

by Kathryn L. Mercer\*

Macros: I remember the day-to-day inputting of articles into the Darby Publishing Company macro to get a volume of the Legal Writing Journal camera-ready for publishing in hard copy. Coding: The hours, days, and even weeks of specialized key strokes that would control the look of each word, sentence, and footnote in an article to be published. Graphics: The impossibility of inserting a picture, table or chart into its proper place in an article. Publishing Errors: The difficulty of correcting an error in the coding that caused the wrong font to be used, the margins to vary, the page numbers to go awry, or the lines in a graph to be wavy or broken.

These were some of the most challenging and unrewarding tasks of an Editor-in-Chief of the Journal in 2004. I knew that the “buck would stop” at my door. There would be no one else to blame for visual errors in the publication. I knew that the authors were relying on me to create a picture-perfect galley proof of their scholarship. I knew that careers and advancement were dependent on articles coming to print in a timely fashion so that they could be reviewed by tenure committees and law school administrators for promotion or contract renewal. I knew that *Legal Writing: The Journal of the Legal Writing Institute* was charged with the mission of being a forum where scholarship on legal writing could flourish. Slow publication and unprofessional appearance could mar these efforts.

The message I sent out to the LWI community in 2004 explained the mission of the Journal:

*Legal Writing* continues to solicit articles, research reports, book reviews, and critical commentary from persons interested in both the theory and the practice of legal writing, in the design of courses and curricula, and in teaching techniques for the classroom and office. We seek articles that contribute to the discipline of legal writing. Generally, such articles should aim to broaden the discipline’s theoretical foundations or pedagogy. We define the discipline of legal writing broadly. It can encompass a broad range of skills, including legal analysis, research, interpretation, drafting, storytelling, and other lawyering skills. It can involve a broad range of related disciplines, including classical rhetoric, linguistics, composition, psychology, communications, and ethics. We welcome articles that extend the definitional

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\* Editor in Chief Volume 6, Co-Editor in Chief 7 (with Diana Pratt), Editor in Chief Volume 10.

boundaries of legal writing, as well as those seek to improve pedagogy and scholarship in the field through interdisciplinary and empirical research.

This mission remained constant through my ten-plus years of serving on the Editorial Board of the Journal, from Volumes 2 – 12.

From the start of my tenure, the Board was concerned about the reputation in the legal academy of *Legal Writing* as a peer-reviewed journal. Many of our authors were first-time scholars, working at schools that saw them as second- or even third-class citizens. As editors charged with the responsibility of reviewing, accepting, and shepherding articles to publication, we stressed and argued about the type of articles the Journal should publish.

Should the Journal include Charles Calleros's Opening Plenary Presentation to The Legal Writing Institute's 1998 Conference, the theme of which was "Advancing Professionalism"; or the Tribute to Mary Lawrence presented by Linda Edwards at of the 2000 LWI Conference; or LWI President Jane Gionfriddo's Opening Remarks on the Status of Legal Writing from 2000; or the 2003 transcript of Linda Greenhouse's (Supreme Court correspondent for The New York Times) receipt of the Third Golden Pen Award, with Introductions by Joe Kimble and Steve Johansen?

Should we accept articles that described "how to teach" and "this is how we do it at my school" or did those less-footnoted and "less"-scholarly articles dilute our goal of respect in the legal academy?

Would it enhance the status of the Journal and of the Legal Writing field to publish papers derived from the presentations of the panelists at the 2003 AALS Joint Program of the Sections on Legal Writing, Reasoning and Research and Mass Communication Law, titled "Op-Eds and Talking Heads: Legal Commentary for a Lay Audience"? This fascinating program explored the role law professors have as public experts for the media, and included luminaries Ian Ayres, Yale Law School; Erwin Chemerinsky, University of Southern California; Linda Greenhouse, Supreme Court Correspondent, The New York Times; Pamela S. Karlan, Stanford Law School; Arthur R. Miller, Harvard Law School; Peggy Robinson, Senior Producer for Legal Issues, The Newshour with Jim Lehrer; Pete Williams, Justice Correspondent, NBC News; and Benjamin Wittes, Editorial Writer, The Washington Post. It was moderated by Amy Gajda, Acting Director of Legal Writing at the University of Illinois College of Law.

Should we make the entire Volume 10 a Proceedings Issue by including the remarks of the AALS 2003 session, "Better Writing, Better Thinking," where Jo Anne Durako moderated a stimulating session on how those charged with teaching writing should learn from learning theory, clinical practice, and educational evaluation and innovation, to help our students become better writers, better thinkers, and better lawyers? Panelists at that session were Mary Beth Beazley, Director of Legal Writing, The Ohio

State University; Kent D. Svverud, Vanderbilt University; and Judith W. Wegner, Dean of the University of North Carolina School of Law.

And should we expand the offerings of Journal by a new Monologue Series on single legal writing subjects? Or a “Best Of” volume?

The Editorial Board also debated if editor term limits were required to allow more members of the ever-increasing LWI community to participate in the work of the Journal. In 2004, we announced procedures to implement term limits and to select new Board members:

These policies and procedures set out (1) the composition of the Editorial Board, (2) the method for selecting its members, (3) the method for selecting Assistant Editors (who are not Editorial Board members), (4) the method for selecting the Editor-in-Chief, the Assistant Editor-in-Chief, and Managing Editor, (5) the terms of service for Editorial Board members, and (6) the method for dealing with the transition from past procedures to new procedures for selecting members of the Editorial Board and ending the terms of current members.

More than 3/4ths of the Board agreed to step down:

Members with more than ten consecutive years on the Board shall step down on September 1, 2004 (Jill Ramsfield and Chris Rideout).

Members with eight to ten consecutive years of service shall step down August 1, 2006 (Lou Sirico and Katy Mercer).

Members with six to seven consecutive years shall step down August 1, 2007 (Jo Anne Durako, Diane Edelman).

Members with four or five consecutive years of service shall step down August 1, 2008 (Kathy Stanchi, James Levy and Grace Tonner).

Members with three or four consecutive years of service shall step down August 1, 2006, or they may reapply for a second four-year term at that time (Darby Dickerson, Elizabeth Fajans, Terri LeClercq, Catherine Wasson, and Craig Smith).

It was a tumultuous time for the Journal, but an era on which I look back fondly. I was surrounded and supported by tremendously dedicated colleagues—luminaries all still today. The macros and coding of the Darby Publishing Company are gone, and the hard copies of the Journal are a relic of the past still sitting on my shelves. My admiration remains for the early legal writing scholars who agreed to publish their writings in the

Journal, and for the members of the *Legal Writing* Editorial Board with whom I labored.