

A CHALLENGE FOR LWI: RETAINING AND VALUING OUR ROOTS

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I attended the recent AALS national conference in San Diego for the first time in many years. The conference presentations were erudite and esoteric and most were highly enjoyable. I remember being struck by how different the conference was from a legal writing conference. Six months later I attended, for the first time in four years, the 2018 LWI Biennial Conference in Milwaukee and was struck by how similar the conference was to AALS. Like the presentations at AALS, those at the LWI conference were erudite and esoteric. Every session I attended was interesting and enjoyable. But on average they were different, in title and content, from my recollection of past LWI conferences. Those conferences were filled with nuts and bolts, practical presentations on how to teach legal writing and other skills.

One of the primary challenges facing the legal writing academy is to make sure that we do not become what gave rise to our existence in the first place: law school faculty too disconnected from the practical legal skills that employers want and that our students need upon graduation. *The legal writing academy grew not because students could not write, but because students were graduating without the practical ability to use the theoretical law they were learning. Students were unable to effectively apply the law to the facts of the case to advise a client or argue on behalf of a client—skills that firms demanded and were no longer willing to spend several years to develop in their employees.*

That the intellectual depth and theoretical nature of legal writing professors' writing and presentation has evolved in this manner is not surprising. As the teaching of legal writing has become a lifelong career for more and more people over the last two decades, it is natural that their intellectual thoughts and pursuits would evolve in

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the same way as other scholars in legal doctrine or any other academic discipline. Further, the advancements in salary and security of position, although not sufficient, have attracted well-pedigreed individuals into the profession (I'm not sure the me of twenty-plus years ago could obtain a position today!). Finally, and perhaps even most importantly, too many doctrinal faculty members and deans, who make the decisions on hiring and promotion, still value the theoretical scholarship and presentations—whether they admit it or not—more than the nuts and bolts of how to teach, say, how to paraphrase a rule of law.

The battle over the value of writing and presenting on what some faculty members refer to as “non-doctrinal” skills is not new, but we as a group should continue to value and produce these writings and presentations. If we do, the battle will be won by continuing to increase the number of legal writing faculty who become deans and associate deans. It will be won by the legal writing faculty on hiring committees and law school committees who draft tenure and promotion standards for legal writing faculty that value practical scholarship and presentations alongside the theoretical and cutting-edge pursuits. This battle must be won, or at least continue to be waged, for the new legal writing faculty members who enter the academy every year and need the same fundamental presentations and scholarship veteran teachers were afforded. And for our students.