

THE RISING TIDE IN THE LEGAL WRITING COMMUNITY: LIFTING ALL BOATS OR CHANGING CLIMATE?

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One of the defining characteristics of the legal writing discipline has long been our sense of community.¹ Our commitment to community—and to each other—has allowed us to make remarkable strides since stalwart legal writing pioneers set out four decades ago.² Highly regarded national reports recognize that that we teach skills that are crucial to the practice of law.³ We are accomplished teachers and scholars, and we often carry significant service and

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¹ Mary S. Lawrence, *The Legal Writing Institute, The Beginning: Extraordinary Vision, Extraordinary Accomplishment*, 11 LEG. WRITING 213 (2005) (describing legal writing as “a community, a family”).

² For a glimpse into the early days of legal writing, see *id.*; see also *Tributes to Mary Lawrence*, 16 LEG. WRITING 493 (2010).

³ ABA Sec. Leg. Educ. & Admis. To the Bar, *Legal Education and Professional Development - An Education Continuum, Report of the Task Force on Law Schools and the Profession* (MacCrate Report) (1992); *Educating Lawyers: Preparation for the Profession of Law* (Carnegie Report) (2006). Legal writing is one of few courses required for law school accreditation. American Bar Association Standard 303(A) (requiring that the curriculum include professional responsibility, legal writing, and experiential learning), available at https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2019-2020/2019-2020-aba-standards-chapter3.pdf (last visited Sept. 8, 2019).

administrative assignments.⁴ We are frequently recognized for these accomplishments, not only at our home institutions, but nationally.⁵ Increasingly, legal writing faculty have attained more job security and higher status, more legal writing courses are available to our students, and many of those courses receive more credits than in the past.⁶

But these advancements are not uniform; some of us sail ahead, while others work hard to stay anchored or find themselves constantly bailing water to stay afloat (through no fault of their own). The rising tide is bringing risks and new challenges to us, independently and as a community. Facing them openly, and together, can create a stronger community that better enables us to serve our students and our schools.

Community starts with mentoring, so this essay begins there with how we mentor new colleagues and how we might mentor all colleagues in new ways. Next, I look at how we build our community through national organizations and national service, and I identify some things that we could do better to build on our tradition of collegiality. Then, I address some of the negative competition that has developed in our community over the past decade, resulting from the squeeze we still feel from budget crises and ongoing angst about national rankings. Ever hopeful, I suggest ways to be collaborative even in an increasingly competitive environment. The rising tide in legal writing can benefit all of us, without changing the climate of our collegial community.

⁴ An informal summary shows that an increasing number of deans and associate deans began their academic careers teaching legal writing. Compiled by Rebecca Scharf (on file with the author).

⁵ In addition to recognition within our own schools and universities, we are recognized by bar associations and national organizations. As just one example, since 2005, each recipient of the prestigious Burton Award for Outstanding Contributions to Legal Writing Education has been a current or former legal writing professor.

<https://www.burtonawards.com/winners/outstanding-contributions-to-legal-writing-education-award/> (last visited Sept. 9, 2019).

⁶ Annual surveys by the Association of Legal Writing Directors and the Legal Writing Institute track these changes back to 1999. The surveys are available at <https://www.alwd.org/resources/survey> and <https://www.lwionline.org/resources/surveys> (last visited Sept. 9, 2019); see also Karin Mika, *Acknowledging Our Roots: Setting the State for the Legal Writing Institute*, 24:2 THE SECOND DRAFT 4 (Spring 2010).

I. Mentoring in Community

Mentoring of legal writing faculty has changed dramatically in the last ten years. In prior decades, legal writing mentoring was about pedagogy. With the revolving door that resulted from no job security and no status, we had to mentor our newest colleagues as they took on the mantle of teaching the hardest—and arguably the most important—class with the most intensive techniques.⁷ We saw waves of new colleagues in those early years. At each national conference of the Legal Writing Institute (LWI), the Association of Legal Writing Directors (ALWD), and the AALS Section on Legal Writing, Reasoning, and Research (AALS), an organizer would ask new colleagues to stand, and one-third of the room would rise while two-thirds of us applauded in welcome. As schools have provided increased job security and status, the revolving door of legal writing has been replaced with a more open door to the academy. That means we have fewer new colleagues. When someone recognized new colleagues at an AALS luncheon five years ago, just three people stood, in a room of almost one hundred. This demographic shift raises four new challenges.

A. Becoming a Mentor

An initial challenge is identifying mentors. There once was a clear line between “new” and “seasoned” legal writing professors, making it easy for many of us to continue thinking of ourselves as “too new to be a mentor” for a long time.

Now I propose that we are all mentors. If you have been teaching for three years, you are ready to be a mentor. You might still need mentoring for a new course, for scholarship, or for a new administrative assignment. But after teaching a legal writing course a few times, writing a couple of articles, or chairing a few committees, you can mentor those who have not. In addition, new teachers can

⁷ The legal writing professor typically spends more time marking papers and interacting with students than the typical doctrinal professor. In 2015, the last date for which statistics are available, legal writing professors on average reported reading 1540 pages of student work per semester, spending 47.5 hours meeting individually with students, and devoting over 100 hours creating assignments and preparing for class. Ass’n of Legal Writing Dirs. & Legal Writing Institute, *Report of the 2015 Survey*, Q 82(e)-(h), available at [https://www.alwd.org/images/resources/2015%20Survey%20Report%20\(AY%202014-2015\).pdf](https://www.alwd.org/images/resources/2015%20Survey%20Report%20(AY%202014-2015).pdf).

become mentors immediately when they bring skills that law professors typically don't have. If, for example, you come from a practice area with a unique doctrinal focus, or from a nonprofit organization where strategic planning was both ingrained and successful, or where you developed survey instruments, you might arrive in the legal academy as an expert who is ready to be a mentor.

Even while you are a mentee, you can mentor your mentors. Nothing makes me happier than when someone I have been mentoring says, "Do you remember telling me. . ." and repeats my advice to her. It keeps me honest and grounded and helps me move forward.

B. Mentoring New Colleagues

Recognizing that we do have new colleagues, though fewer than in the past, we need strategies to help us connect with the few newcomers who join us in the academy and make them feel welcome. On an individual level, we each need to explore ways to connect with people in this growing community we haven't met yet.

For the newcomers who are novices, our national legal writing organizations have taken several steps to be welcoming. We have planned special gatherings at conferences and arranged both formal and casual mentoring groups. Sometimes organizational leaders wear ribbons on their conference badges to identify themselves as board members or conference planners.⁸ But then the people at the gatherings and the leaders wearing the beribboned badges need to walk up to the attendee standing alone and say, "Welcome! Have we met?" Yes, many of us are introverts.⁹ And, yes, occasionally someone will respond to "Hi, have we met?" with "Yes. Yesterday." But most often, that person will be happy to talk. I still remember being that person, standing alone at my first LWI conference in 1994. I knew no one when I arrived. I'm an introvert. I knew no one when I left.

If we don't reach out, then our belief that we are a collegial community is based on history, not fact. It's based on those years when legal writing conferences were so small that participants had talent shows to entertain each other. When we have 600 people at an LWI conference, when we go to AALS and see hundreds of legal

⁸ My southern roots, emphasizing the role of the host, embrace the idea that the officers of our organizations and those planning conferences should lead in creating community. While new leaders sometimes feel awkward in this role, new members of national organizations will naturally look to leaders to learn the culture of the group.

⁹ HEIDI K. BROWN, *THE INTROVERTED LAWYER* (2017).

writing colleagues mixed in with a few thousand other law faculty and administrators,¹⁰ we have to be more intentional about reaching out. We cannot delegate collegiality. Each one of us has to reach out to bring new colleagues in.

We also must be more intentional in our efforts to meet each other. Two seasoned legal writing professors who haven't met are still "new" to each other. The following suggestions can help us as we mentor new colleagues, whether they are new to the academy or new to us.

First, enhance lanyard "technology" at every conference. Put names on both sides of nametags. Inevitably nametags flip around on the lanyard, and that prevents the sideways glance that might confirm that I did meet you briefly, just yesterday. That glance might remind me that I saw your name introduced on a listserv when you were hired. Or maybe you're that new person who was featured in *LWI Lives*,¹¹ and I can start the conversation with, "I didn't know you were a tap dancer, too!" Then, find a way to shorten lanyards. I want to quickly glance down from your chin to a nametag at neck level. Staring at a nametag next to your navel is awkward.

Second, set a goal that will make you intentional about meeting colleagues. You could challenge yourself to meet a new person for each five years you've been teaching legal writing. I've been teaching 25 years; at each conference, I should try to meet five new people. Some of them might have been teaching for years, but we've never had a conversation. We should have that conversation.

Third, don't sit with your friends throughout each conference. Walk in together, and then spread out. Catching up with national colleagues in person is important, and conferences are our place to do it, but not at every panel and every lunch. When I walk into a room to hear a panel or a discussion group, I try to sit by someone I don't know. I especially try to sit by the person I don't know who is sitting alone. My mother, perhaps recognizing my introvert tendencies, suggested a strategy for feeling comfortable in new spaces: She urged me to resist the temptation to try to join a group that's already deep in conversation; those people don't need me and could find my effort to join disruptive. Instead, look for another solo soul, who will be eager to have someone to talk to. When scanning the room for that solo soul, don't look for a mirror. Our implicit biases or personal

¹⁰ Around 2500 faculty, librarians, and administrators attend the annual meeting. See "About the AALS Annual Meeting" at <https://am.aals.org/about/> (last visited Sept. 8, 2019).

¹¹ This publication profiles individual members of the Legal Writing Institute. The website is <https://www.lwionline.org/publications/lwi-lives>.

experiences might steer us towards the people in the room who look like us based on gender, race, age, or some other demographic. Reach beyond that. You might find that the people who have fewer superficial similarities are kindred spirits. Or you might meet someone whose friendship will stretch you in meaningful ways.¹²

Afterwards, stay in touch. A quick email after you get home will both help you remember this person the next time you see each other and make that person feel the collegiality we claim as our common heritage.

C. Mentoring in New Ways

As legal writing professors have become expert teachers through years of experience, our mentoring needs to shift beyond pedagogy, and in many exciting ways, it already has. The Sirico Writing Workshops started by LWI and recently renamed for Professor Lou Sirico have been instrumental for many of us developing early articles.¹³ The ALWD Scholars Forum and Scholars Workshops—bringing together groups to share scholarly ideas and to workshop draft articles—are so easy and valuable that every national or regional gathering of legal writing colleagues should have one.¹⁴ Other new initiatives that support our scholarship include We Write weekends, providing dedicated time for writing, and the AALS new scholars panels, showcasing legal writing faculty and scholarship to a wider academic audience.¹⁵ I applaud these organizations for generating new ideas and supporting them financially. Now, we need to do more.

¹² One of the most successful times I did this was the 2017 ALWD conference. An amazing plenary speaker had us do a role play. Because I wasn't sitting only with my best friends, I did that role play with some people I didn't know. Afterwards, one of those people and I kept talking. And talking. I was so struck by that conversation and how much I learned. A few months later, I realized that this person had been attending her first conference and hadn't yet been in the classroom as a professor. If I'd stuck with my friends, I'd have missed an opportunity to meet an amazing person, and she might not have felt so included as she joined the legal writing community.

¹³ The Sirico Scholars' Workshops are explained on LWI's website at <https://www.lwionline.org/conferences/sirico-scholars-workshop>.

¹⁴ These scholarly events are described on ALWD's website at <https://www.alwd.org/about/alwdcommittees>.

¹⁵ This list of initiatives is not exhaustive, as organizations have also held conferences addressing leadership, applied storytelling, and global engagement.

1. Mentoring Scholarship

Building on this foundation, we need to become even better about sharing our scholarship informally.¹⁶ Maybe the new person you met could become a writing buddy. Or perhaps you can connect that new person with someone else writing in the same area.¹⁷ We could also create virtual writing groups, offering moral support, willing reviewers, and group deadlines. Because writers need different things at different times, these virtual writing groups can be nimble in mentorship. Sometimes I just need a sounding board for a new idea, or someone to help me remember what it was I wanted to say. Sometimes I need a gut check to tell me that that this new piece of writing is working. I might need someone to help me for just an hour, right now, not through a three-day retreat months in the future. In each of these situations, a virtual writing group could provide a mentor immediately. A virtual writing group could help in other ways. Often, the best thing anyone can do for my scholarship is set a deadline. If I tell someone I respect that I'm going to send a draft, I do. Other times, I need mentoring in the form of wordsmithing. This happens when I have the idea, and I've got a decent draft, but I can't see through the idea to the writing itself. A virtual writing group could provide these deadlines and these quick reviewers.

Next, as we publish our scholarship, we must cite each other more. With the announcement in February 2019 that US News would start ranking schools based on scholarship citation counts,¹⁸ we have another way to demonstrate our value to our schools. Our community can lead the way. Because we can never read absolutely everything citable, we can collaborate. I suggest a new listserv, just for cites, called "Cite Team." Here's how it could work: When you begin work on an article and again right before publishing it, you would write to the list and ask who else has written on the topic. Colleagues from around the country would reply, eager to have their work cited while

¹⁶ One of the most helpful initiatives recently is ALWD's summary of recent publications. The Publications Digest is circulated monthly by the Publications Committee, gathering in one place both new articles and books as well as publications that have been discussed in the national legal writing listservs. ALWD's Diversity Committee has also shared monthly readings on topics of diversity, inclusion, and equality.

¹⁷ LWI's scholarship committee seems to be moving in this direction.

¹⁸ Robert Morse, "U.S. News Considers Evaluating Law School Scholarly Impact," <https://www.usnews.com/education/blogs/college-rankings-blog/articles/2019-02-13/us-news-considers-evaluating-law-school-scholarly-impact> (Feb. 13, 2019).

offering you support. Their suggestions would likely produce a few articles you hadn't found through your own research, alerting you to a few more colleagues you can support by citing their work. You could then fill the footnotes of your article with *see also* cites to all of your national colleagues who have written in the area, as well as the new people you met at the last conference who have similar scholarly interests.

Mentoring scholarship honestly means calling out your mentee (or your colleague, or your mentor) when she makes decisions that self-sabotage her scholarship. We are familiar with students who self-sabotage. They pile on extra-curricular activities, schedule doctors' appointments during classes and office hours, wait until the last minute to begin writing their appellate brief, and then justify their lower-than-hoped-for grades with, "But I didn't have time." I see some of us who teach legal writing self-sabotaging our scholarship.

For us, self-sabotage might come in the form of overpreparing for class, then justifying our lack of scholarship with that same excuse, "But I didn't have time."¹⁹ For years, I've called myself a "productive procrastinator." I have taken pride in the fact that I get a lot done when pushing off the article I need to be writing. But, despite being excessively productive with teaching, I'm not writing. In my fourth year of teaching, a colleague told me that I should spend no more than 30 minutes preparing for class. I was still spending hours, but eventually I learned to trust that sometimes I can get by on just 30 minutes of preparation. Of course, sometimes I need to read new cases carefully a third or fourth time. And, it is time-consuming to find inclusive photos to use in my PowerPoint, demonstrating that the legal field is open to students of all backgrounds. Or, I may need to create a new exercise to address the particular challenges of this year's class. But there are also times when I can look at last year's notes, tweak a bit, and be fully prepared.²⁰ We might also self-sabotage our scholarship through excessive service, as I discuss next.

¹⁹ Self-sabotage may also result from arguing that scholarship isn't required by some academic positions, *see* ALWD/LWI 2017-18 survey, Question 11.34 (showing that legal writing faculty are less likely to have scholarship requirements or expectations unless they are on a unitary tenure track), and it not a good investment of time.

²⁰ An approach that makes that possible is updating my notes the moment I leave class. I can do more to improve next year's class in the 10 minutes after I teach than I can do in three hours next year.

2. Mentoring Service

How we mentor colleagues about their service opportunities depends on where they are in their career. Mentoring someone new to service²¹ often means finding out what interests them, learning what their strengths are, and connecting them with the right committee or the leader who is appointing committees. Sometimes, it is just supporting colleagues who are uncertain whether they have anything to offer. In 2017, when the person sitting next to me at a conference dinner mentioned that she enjoys working with surveys and wondered if she'd be a good fit for the ALWD/LWI survey committee, I found the person who'd be making committee appointments and introduced them. We can all help link people like that.

But there comes a time, typically later in the career, when service can be overwhelming and detrimental to scholarship. Colleagues in this situation need different mentoring. They need to learn to say, "No." Saying no is hard for all of us. We want to please. We might have waited a while for this invitation. We are probably afraid we'll never be invited again.²² This four-step formula provides a good foundation to share with a colleague you are mentoring who is stretched too thin and should decline an opportunity.²³

1. Express gratitude
2. Explain the situation
3. Defer the invitation
4. Offer to help (a bit, perhaps)

In the first step, you show that you genuinely appreciate someone thinking of you and trusting you with this work. The second step describes your situation generally; you aren't just declining this work, but all new obligations. You keep the door open to the future in the third step. The last step is optional. If you can offer a bit of assistance, without being swept up in the overall project you've just declined, you

²¹ The person is not necessarily someone new to our community, but someone who has decided to branch out into service, hopefully because of more job security or better status.

²² For community-wide reasons to decline in this instance, see *infra*, Part B.1.

²³ I am grateful to Sue Archbald, a friend and former kindergarten teacher, who shared this strategy with me after she had retired and was inundated with requests for service.

might identify that limited way to help.²⁴ A response to an invitation to serve on a national committee might sound like this: “Thank you for asking me to be on this new committee. It sounds important, but I’m unable to take on any more obligations this semester. I hope you’ll think of me when you appoint committees next year or mention me to the new president.”

When a colleague summons the courage to decline an opportunity, the rest of us must respect the decision. Don’t even consider asking the person to reconsider, twisting her arm, or exclaiming, “You’re the only person possible!” Just say, “I appreciate the position you’re in, I respect your decision, and I will definitely remember you in the future.”

II. Building Community

Mentoring creates community; so do our various legal writing organizations, their committees, and their conferences. In this part, I examine ways we can use each of those to build community more effectively.

A. Building Community Among National Organizations

We experience our community in large part through our organizations. Serving on committees and editorial boards, attending conferences, and reading listservs allow us to meet national colleagues and connect with their work. The organizations serve different goals, and all are important. Here’s my 30,000-foot overview of the three most important legal writing organizations, with some history that remains important to the present. The AALS Section on Legal Writing, Reasoning, and Research is the oldest legal writing organization.²⁵ It gives us unparalleled opportunities to be part of the broader academy, through the annual meeting, webinars, and publications. Legal writing must be represented as a discipline,

²⁴ The following example includes that optional fourth step, in the context of declining an opportunity to plan a bar event: “I really appreciate you asking me to plan the upcoming banquet. I am not taking new opportunities, mostly because the dean has just asked me to chair the self-study committee for our school. I’ve always enjoyed attending the banquet, and I’d love to be more involved in planning in the future. This year, perhaps I could contribute by helping check people in that night, since of course I’ll be attending.”

²⁵ Karin Mika, *Acknowledging Our Roots: Setting the State for the Legal Writing Institute*, 24:2 *THE SECOND DRAFT* 4 (Spring 2010) (explaining that the AALS section’s name was changed in 1980).

and we should each strive to make individual connections with colleagues in other doctrinal areas. The Legal Writing Institute (LWI) was created in the 1980s with extra money from a national grant.²⁶ The recipient of that grant found out that returning unused money was frowned upon, so he threw a party and invited legal writing colleagues from other schools.²⁷ Voila, LWI was born.²⁸ For decades it focused on pedagogy, then broadened to include scholarship with its journal,²⁹ and more recently with efforts to enhance status of legal writing faculty and professionalism of the legal writing discipline.³⁰ The Association of Legal Writing Directors (ALWD) emerged in the early 1990s. Legal writing directors at an LWI conference realized they were dominating conversation with talk about program development, faculty status, and administrative challenges. Respecting the focus of LWI, then on pedagogy, directors held a separate conference.³¹ For decades, ALWD's focus has been on leadership, and it has financed the legal writing presence in the ABA accreditation process.³²

I explain this history because sometimes I feel negative competition among these legal writing organizations. Why? We have lots of work, and there are many of us. If we spread the work among us, the rising tide will lift all boats. We don't need to poke holes in other boats.

²⁶ *Id.* Chris Rideout (then of Puget Sound, which became part of Seattle U) had completed the project under budget. Interview with Chris Rideout, January 2019, in New Orleans, LA.

²⁷ Interview with Chris Rideout, January 2019, in New Orleans, LA.

²⁸ The Legal Writing Institute's website is <https://www.lwionline.org/about>.

²⁹ The journal's website is <http://www.legalwritingjournal.org>. LWI also publishes a monograph series that collects seminal articles, a semi-annual magazine called *The Second Draft*, and a new publication called *LWI Lives* that highlights individual members.

³⁰ Members of LWI's Professional Status Committee have published articles on related topics. *See, e.g.*, Melissa H. Weresh, "Best Practices for Protecting Security of Position for 405(c) Faculty," 66:3 *J. LEGAL EDUC.* 538 (2017); Kristen K. Tiscione et al., "Treating Professionals Professionally: Requiring Security of Position for All Skills-Focused Faculty under ABA Accreditation Standard 405(c) and Eliminating 405(d)," *OR. L. REV.* __ (forthcoming 2020).

³¹ The website of the Association of Legal Writing Directors is <https://www.alwd.org>. That site also links to the scholarly journal, *LEGAL COMMUNICATIONS & RHETORIC: JALWD*.

³² ALWD did this primarily by sending legal writing delegates to quarterly meetings of the ABA Counsel of the Section on Legal Education and Admission to the Bar and to meetings of the Standards Review Committee.

This mutual support for organizations and their work ties back to saying, “No.” There are community-based reasons to say no: Some of us are working too hard while, at the same time, others lack opportunities to be involved. It is very hard to serve well on two organizations’ boards while planning a national conference and publishing enough to get tenure. I tried. I’m reminded of Steve Jamar’s piece in *The Second Draft* years ago, “Doing it all . . . over time,”³³ in which he advised, “[D]o not burn yourself out. We need you and your energy and ideas over the long term.” We can do it all, but we don’t need to do it all in a three-year period. The conundrum is that it takes a new leader several years to be noticed, and then that energetic new leader is noticed by everyone at once. She is elected to LWI’s board, while serving on the AALS executive committee and organizing a biennial ALWD conference. If she is breathless from all of that national work, she might recognize that someone else is excited to carry some of the load now.

She could space out her involvement over time, saving her own sanity while mentoring others. As I’ve gotten more “seasoned,” I’m more inclined to say no (using the steps above), but now I add a suggestion, “Have you thought about . . . ?” or “Do you know . . . ?” Often, I can point to someone who was *not* just elected to a board (meaning she has time and energy), or someone who has *exactly* the technical skills you need, or is so *creative* that the project would be better with her, not me. Yes, I have experience, and I’m reliable. But no one knew that 20 years ago when a few talent scouts first invited me to join the game. We need to make space for new leadership by not exhausting ourselves; we can all win.

B. Building Community Through Committee Service

Committees are the lifeblood of our organizations—or they should be. Committee service allows you to build your reputation while building our discipline and supporting our community. Note the emphasis on committee *service*, not merely committee *appointment*. We each have to follow through to serve not only ourselves but also our community. Your reputation at your school might benefit if you just list the national committees to which you were appointed this year. That might raise your boat at your school, but if you don’t follow through as an active committee member, then you aren’t building our national network or building our discipline. I’m always disappointed

³³ Steve Jamar, “Doing It All . . . Over Time,” 16 *THE SECOND DRAFT* 15 (Dec. 2001), available at <https://www.lwionline.org/sites/default/files/2016-09/deco1.pdf>.

when I realize at the end of the year that a couple of committee members haven't been engaged at all. I wonder why they joined. Were they "strongly encouraged" by their school? Maybe they simply lose control of the influx of email.³⁴ Or, maybe they've had huge challenges that we could have helped with.

The following ideas could help our boards and committee chairs ensure active committee membership and service. First, when recruiting committee volunteers, ask a few questions:³⁵ Here are the two most basic questions: Why do you want to join this committee? What ideas do you have for this committee's work? Bad answers include, "I need something on my CV before promotion"; "My mentor made me do it" and "Everyone at my school has to be on a committee for every legal writing organization." Good answers might be, "A listserv thread last fall prompted ideas, and this committee seems the best place to perhaps implement them"; and "I've been on the state bar's diversity committee, and some of its work could help our organization." Another question might ask whether the person has sufficient time for that committee's work, particularly at the time the committee anticipates being busiest. This question should make everyone aware that committee work actually includes some work (no free riders) while encouraging those who are reluctant to overextend that they can take on this opportunity (please join us).

Let me describe a dream committee: Within a week of the committee being announced, the co-chairs sent an email to all committee member, introducing themselves and the committee's charge. They gathered our teaching schedules, and using those as a guide, developed a Doodle Poll for times when we might all be available. We miraculously found a date and time.³⁶ A few days before a conference call meeting, one co-chair circulated an agenda telling us what we'd talk about and attaching documents to provide

³⁴ One of my colleagues tells her research assistants to answer emails within 24 hours, even if to say, "I got your message, and I hope to be able to respond thoughtfully after my exam on Wednesday." Another colleague, who is literally changing the law on climate change, sometimes gets so busy that she has to set an automatic reply saying, "I'm experiencing a high volume of email and will reply as soon as possible." It may be a little off-putting, but it's better than radio silence for three weeks.

³⁵ The Legal Writing, Reasoning, and Research Section of the AALS incorporated many of these ideas in its January 2019 call for participants.

³⁶ For large and labor-intensive committees, the chairs might set a standard time each month for a ninety-minute call. While not everyone would be able to join every month, the chairs and committee members would save time and tedium completing monthly Doodle polls for availability. In months when no call is needed, canceling it would be a ninety-minute gift to busy colleagues.

background. During the conference call, everyone was encouraged to participate. If we hadn't heard from someone, we'd hear a gentle nudge, "Do you have thoughts?" When we veered off course, they nudged us back on topic. At the end of the conference call, the co-chairs asked for volunteers to take on tasks, involving everyone instead of doing it themselves, and gave us a reasonable deadline. A few weeks after that call, we got minutes from the call and another poll for the next. We had five meetings in the first semester of our existence, we accomplished a great deal, and it seemed easy.³⁷

Encouraging active committees like this will have a number of positive results. Our organizations are going to accomplish more. Our leaders aren't going to get burned out, ignore their personal lives, or fail to be promoted or get tenure. More colleagues will have opportunities to be involved and begin to prove their mettle for leadership. And more schools will be engaged in legal writing work.

If you look at our national board memberships and our conference locations, a few schools are disproportionately represented. But diverse views and experiences often lead to better results. So, let's ask: Are there other programs that would gain respect from deans and faculty colleagues if their legal writing professors were on boards or led major committees? Are there other schools that would benefit from hosting a conference? Often those opportunities start with committee work, getting to know national colleagues, and proving to them that they can count on you. Here's one of these instances. At the Leadership and Legal Writing conference in 2015,³⁸ someone suggested that we hold conferences at schools that haven't ever hosted a legal writing event. In response, a colleague from one of the newest law schools in the country hosted at One-Day workshop the following December in the Pacific Northwest. People flew in from Georgetown and Northwestern—from as far away as Ohio and Texas, and as close as Oregon—for the very first national conference the school had ever held. I got to school early the morning of the workshop, and that colleague had a bottle of wine on her desk congratulating her. In 2017, she was the site chair for ALWD's national conference at Minneapolis. That's how service can build leadership.

C. Building Community in Conferences

Legal writing conferences are superb venues for building community, but they can be even more relevant and include more

³⁷ This is not a hypothetical. The chairs were Brenda Gibson and Greg Johnson.

³⁸ Conference program on file with the author.

people and more viewpoints, making our community ever stronger. The 2017 ALWD conference showed one way, though at the time it seemed a big risk. *Acknowledging Lines: Talking about What Unites and Divides Us* was not the typical legal writing conference.³⁹ Instead of following the usual pattern in which we speak to ourselves on a variety of topics, the conference organizers invited nationally recognized experts on diversity and inclusion to teach us. We spent four plenary sessions together, and we met in small groups for discussion. We were asked through role play to live for a moment the experiences of someone very different from us and then to reflect on that experience. The conference opened new doors, sparked scholarship, and created new friendships.⁴⁰ We could use more out-of-the box conferences, especially as many legal writing professors spend decades in the discipline and seek new inspiration.⁴¹

Given the importance of conferences to our community, we must include more colleagues. There are a number of ways to do this, even with most schools requiring participation on the program to warrant travel funding. The simplest way is to encourage colleagues to accept an offer to make a poster or media presentation. Instead of viewing

³⁹ Conference program on file with the author.

⁴⁰ The 2019 conference built on that innovative structure. The program for “A Time for Transformative Leadership: Teaching and Learning” is on file with the author.

⁴¹ For the address at UNLV, I was asked specifically to explain how I come up with conference themes. The answer is simply to identify a need in the national community or a need that I have. For example, in 2018, I organized an LWI One-Day workshop called “Teaching Scholars.” I’d been talking with newer scholars, at home and nationwide, who needed a boost. They were nervous about getting started, they weren’t sure they’d have something to say, and they were reluctant to sign up for a Scholars Forum or longer writing encounter. To be honest, I knew I needed to focus more on my scholarship, and I knew there were great ideas for teaching scholarly writing that I needed to hear. So, we had a conference about scholarship. The name had a double meaning: Teaching Scholars – We are teaching students to be scholars, and we are scholars who are teaching. One presentation was, “Scholarship is not a four-letter word.” One presenter talked about junior faculty “picking up the mantle” of scholarship, taking ownership to enhance the discipline. Several people shared ideas for teaching scholarship, creating scholars, smashing silos between academic areas, and finding sources for creativity.

Here’s a second example: the theme of our 2013 LWI One-Day Workshop was “Innovation and Leadership.” It was at a time when “Practice Ready” was the new catch phrase, but it was not resonating with me. I wanted to hear innovative ideas and be inspired by new leadership. So, the conference theme was “Innovation and Leadership,” and colleagues from across the country came to share innovative ideas about leadership.

this format as a second-rank option, we could recognize that some topics are better suited to these casual conversations than to formal panel presentations. Making a poster is easy and inexpensive, and standing next to your poster can lead to dynamic conversations. Another possibility is to add discussion groups as the last sessions of conferences, building on a model used by the Southeastern Association of Law Schools (SEALS) for many years and recently incorporated by AALS for its annual meeting. A discussion group includes around a dozen people who speak to a common theme. The participants each prepare two-minute remarks and then engage in a discussion. In some instances, these participants might be people whose conference proposals were not selected, or they might be people who didn't have time to write a full proposal. With twelve of them sitting around a table, the conversation is sure to be dynamic and produce new insights. Each participant gets a "presentation" to support travel funding and a resume line. Sometimes observers come to hear the discussion, and sometimes they join in; even when only the participants are present, the discussion group is valuable.

Another way to include more colleagues in conferences is to send a call for proposals closer to the conference date. As conferences have grown larger and conference organizers have become busier, the deadline for submitting a proposal to speak at a national conference has come earlier and earlier. For the 2020 biennial conference of the Legal Writing Institute, the program deadline was 13 months before the conference.⁴² A second call, just a few months before the conference, could fill out the agenda and encourage a broader group of colleagues to attend. These late-coming presentations might be the most dynamic, given that presenters would be currently engaged with the topic rather than predicting a year in advance what might excite them. On a practical level, the late-coming presenters could be colleagues who found out closer to the conference date that they had travel funding. They could be discussion group participants if other presentation spots had been filled through the earlier call.

Earlier I suggested adding a Scholars Forum or Scholars Workshop before or after every national or regional conference. Colleagues participating in these events may be more likely to secure travel funding, enabling them to stay for the conference even without a conference presentation. Each Forum or Workshop could allow a

⁴² Call for proposals on file with the author. I admit my role in the movement of deadline away from the conference date as one of the organizers for the 2002 conference. The conference chair and my program co-chair were both going to be on sabbatical the spring semester before the summer conference, so we had the call deadline in the fall.

limited number of colleagues as “recorders” who would keep detailed notes as papers are discussed. With this role, the recorders could be colleagues who have never written and are uncertain of the atmosphere in workshop settings. With their role, they may be more likely to secure funding, and again they might be able to stretch their funding to include the conference.

Finally, more colleagues might participate in conferences if their presentations were more likely to result in publication. While some presentations are based on full-length articles, many others could be the foundation for short essays. The Second Draft once published conference proceedings, but that niche is now open to other venues. The conference organizers could post proceedings on the organization’s website, ensuring that the rich breadth of ideas was not lost when the conference ended. Combining two of my suggestions, a Scholars Forum could be held immediately after a conference, with experienced scholars or editors from our peer-reviewed journals ready to help colleagues turn their presentation, poster, or discussion group ideas into essays or articles.

D. Building Community for All

So far, this essay has discussed community as it exists through our legal writing organizations, their committees, and their conferences, as though all members of our community teach in similar settings and have similar access to national organizations and events. We don’t. And although some act as though the existence of adjunct-based legal writing programs is a dirty secret, we have colleagues whose schools have decided that legal writing will be taught by adjuncts. We need to support members of our community at those schools—both the adjunct teachers and the directors who lead them. If we are truly a community, we can’t ignore them while we celebrate the success of the next program to transition to tenure-track or the program that just hired its eleventh full-time legal writing faculty member. Instead of insisting that the adjunct model is an ineffective way to teach legal writing, emphasizing that it takes advantage of women even more than full-time positions do, and concluding that no school should follow that model, those of us with more status and leverage should help.

To begin, we can change our attitude from exclusion to acceptance. We can try to get to know these colleagues and learn about the herculean efforts they make to prepare their students for practice. Then we can find ways to bring them into the heart of our community and support them with our programming. One example is the programming for adjunct-based programs at the 2019 ALWD

conference. I proposed four panel presentations, found colleagues at adjunct-based programs to fill them, and came up with snappy titles. Two panels were selected, along with a poster presentation. At that point, my role ended and others started taking over. One director of an adjunct-based program created the poster for that presentation; another organized a meeting of all adjunct-based directors at the conference; and yet another created a listserv. I wasn't on any of the panels, and now I'm out of the picture; they don't need me. But thinking of those colleagues as the conference program was being built created an opportunity for community.

As long as our community exists, different groups will need extra support and recognition. Instead of shunning anyone, we should strive to bring everyone in.

III. Competition in Community

Competition for legal writing ranking is one of the greatest challenges to our community. The most recent financial crisis hit law schools in ways I don't need to enumerate. Suddenly, those of us who blissfully assumed a new class would show up each fall and pay the tuition that paid our salaries—we became concerned. Sometimes the news from the administration at our schools made us worry about our own jobs and our colleagues' jobs. Each school needed an edge to compete for students, and maybe to survive. Indeed, a few schools closed, and some of our colleagues lost jobs, lost status, or had greater workloads. Some are still in those circumstances. Although we are loath to acknowledge competition, it exists.

Obviously, a big source of competition is law school ranking by a news magazine that no longer exists. While I opposed ranking of legal writing programs when it was proposed fifteen years ago and do not believe that ranking actually reflects the quality of legal writing programs,⁴³ I have seen the rankings used to bring positive change to the curriculum and to the status of legal writing faculty. But at what cost? Have our community and our collegiality suffered?

The honest answer is yes: We are diverting our time and creative energy from building community to competing with each other. Some of us now spend our time designing promotional material we send to

⁴³ I tell my students each spring, a week or two before rankings come out that our school will be the same the day after the new rankings are released as it is today. We will have the same faculty, students, building, alumni, networks, and challenges. If our ranking decreases, the only impact will be the difficulty (or expense) of bringing in the next class. If our ranking increases, that task is easier (or less expensive).

each other and our deans. That is time we are spending not in community, but perhaps undermining community. Instead of lifting each other up, we are trying to inch our school ahead. A sense of competition has developed, even among friends, especially if a friend's administration is pushing for a higher legal writing ranking.

Public relations and publicity used to be anathema in legal writing; now they are routine. We do it nicely: We say congratulations on the listserv for every good thing that happens to every person and every school.⁴⁴ We send postcards touting a colleague who has done something great. We post lists of our scholarly accomplishments and impressive service contributions. This public relations push feels like climate change. Our collegial community could fracture as we place more value on competition and rankings. While I wish rankings would disappear, they won't. So we are left with the conundrum of public relations and community values.

I suggest that we do not have to choose between collegiality and competition. We can be collegial and supportive while still touting our own schools. This approach requires asking two questions as we create each public relations document: First, how will this help my colleagues, here and at other schools? Second, how will this advance student success?

Helping colleagues at home is easy. Whenever we design a postcard, brochure, or email announcement, one audience should be our own law school colleagues, administrators, and staff. That lifts up colleagues at home. Sending those documents to alumni can help create valuable support for an individual colleague and the school's collective efforts.

The document or announcement can also have an impact on national colleagues, within their schools. When that document or announcement arrives, is a dean likely to ask those colleagues, "Why can't you do this?" Or to dismiss those colleagues as unimportant to the school's reputation? Instead, the promotional material we send each other could be tools to convince our deans and faculties of our community value. You should be able to take my program's postcard to your dean and say, "Look how much support those legal writing faculty get! Here's what we could do if we had the same support." Our promotional materials can also promote colleagues at other schools when they have come to give lectures, to teach as visitors, or to co-author scholarship. Oregon Law is fortunate to have a large endowment dedicated to enhancing legal writing, and one of our

⁴⁴ I appreciate the move to including the email addresses of individuals to whom we can send a thoughtful, private message, and the moderators who remind us of that.

initiatives has been the Galen Distinguished Guest in Legal Writing. We've invited outstanding faculty and practitioners to our school to present papers, lead classes, and interact informally with faculty, students, and administrators. Our school is stronger because of these distinguished guests, and we highlight them on our promotional materials.⁴⁵

Here's another example of building community while promoting your school: Instead of just listing publications by your legal writing faculty, highlight those publications that were supported by summer research stipends, or note which colleague has an endowed position. Go beyond saying, "Look at us!" and show "And here's how we did it." We can use that to prove to our deans that legal writing professors and their scholarship deserve support and should be considered for endowed positions. Similarly, when a colleague has a sabbatical for producing scholarship or receives course relief for exceptional service (e.g., leading a national organization or chairing the ABA self-study committee), find a way to include that detail in your promotional materials. Your brochure can convince another dean to provide similar support to a colleague at another school.

The second public relations question to ask is, "How will this enhance student success?"

In an era of tight budgets, the legal writing curriculum can benefit from fundraising for additional faculty, new programming, and innovative events. Some deans and development officers don't see the fundraising potential of legal writing, and our promotional materials can help change their view. Each program that enjoys outside funding from donors should make that clear in every publication.⁴⁶ Whenever I send a message about an event supported by a donor, I hope that

⁴⁵ One example is an email brochure from Oregon Law in fall 2018, on file with the author. Just after a photo of the Oregon Law legal writing faculty is a section celebrating our Galen Distinguished Guests in Legal Writing, practitioners and professors from other schools. The brochure connects us with other people at other schools and with innovative ideas, and their schools are going to think more highly of them because of this publicity. Then the brochure highlights Galen Scholars in Legal Writing, a combination of legal writing faculty and doctrinal law faculty who support legal writing in innovative ways. Your colleagues who teach in their doctrinal law areas might think differently about you, seeing the legal writing-doctrinal connection at Oregon.

⁴⁶ This line appears often in Oregon Law's materials: *All Galen initiatives are funded through the generous support of alumnus Morris J. Galen (Oregon Law 1950) and friends and colleagues who wished to honor him.*

someone is sharing it with a development director, along with a list of ideas that could become reality with outside support. That list might include three things: a small one-time gift, a medium project, and a shoot-the-moon dream (new wing of the building, a state-of-the-art courtroom). Note that the dean doesn't have to be on board yet. As soon as the development director starts talking to the dean about bringing in big money for legal writing, the dean is likely to get very interested.

Another way to enhance student success through promotional materials is to share the programming that directly impacts student learning. If you include students as participants in legal writing's national or regional conferences, or in scholar's workshops, brag about that in your promotional material.⁴⁷ Others might start to do the same. If you have a unique legal writing program or event that benefits students, share that as your promotional news. We have used donor funds to provide a free, one-week, residential experience for a self-selected group of 1Ls. Dean Michael Hunter Schwartz (then of Arkansas-Little Rock, now at McGeorge) was so gracious when I called and asked about pre-orientation. Our program ended up looking nothing like at one his school, but it suits our students perfectly. We are enhancing our students' experience, and I hope that our news about the success of this program will help students at other law schools, too.

Conclusion

What's the best response to the rising tide? Your role is to pick a few things that resonate with you, that feel authentic to you, that would make a difference in your school and in our community, and just do those. We are a big group, and others will also be doing a few things to build our community, to mentor you in your next venture. Through our connections, through our mutual support, the rising tide can lift us all.

⁴⁷ In a One-Day Workshop and Scholars Forum at Oregon Law in 2018, we included students as observers and notetakers. The experience enhanced the interest of these students in scholarly writing. Hopefully, it helped build the next generation of legal writing scholars and teachers. To help that generation be more diverse, we reached out to talented students who might not have considered themselves professor material. Particularly, we contacted first-generation law students and those who identified with diversity that was not widely reflected on the faculty or in the student body.