

SHARING THE BATON: INTERGENERATIONAL ADVANCES IN THE LEGAL WRITING COMMUNITY

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Each generation goes further than the generation preceding it because it stands on the shoulders of that generation. You will have opportunities beyond anything we've ever known.

*Ronald Reagan*¹

On a winter day in January 2020, members of the legal writing community met at the Association of American Law Schools (AALS) conference in Washington, D.C., to consider intergenerational issues in legal writing. While some of the discussion related to curricular innovation, there was also a robust conversation about how different views on status inequity in our cohort reveal diverse intergenerational objectives and approaches.

Contemplating multigenerational approaches to teaching legal writing is, within the legal academy, a relatively recent and potentially unique opportunity. This is true for two reasons. First, while other subdisciplines within the legal Academy have existed since the inception of legal education, legal writing as a professionalized subdiscipline is a more recent addition.² In this respect, legal writing

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¹ Ronald Reagan Quotes. BrainyQuote.com, BrainyMedia Inc., 2020. https://www.brainyquote.com/quotes/ronald_reagan_402022, accessed July 30, 2020. It is my sincere wish that the latter statement is prescient, and that future generations of legal writing faculty will enjoy greater professional opportunities, the foundation of which rests upon the groundwork that has been laid in this community.

² See David S. Romantz, *The Truth About Cats and Dogs: Legal Writing Courses and the Law School Curriculum*, 52 U. KAN. L. REV. 105, 127-36 (2003) (tracing the professionalization of legal writing).

professionals may be experiencing more delayed and therefore more recent multigenerational pressures and opportunities. Second, the legal writing cohort did not historically have access to the same perquisites as other members of the Academy including, importantly, status and security of position.³ As a result, reflecting on the multi-generational community that comprises legal writing professionals, differences in approaches to teaching, instructional resources, and best practices are not the only foci of conversation. Added to these are important questions about equity in the Academy and observations about how those challenges have been approached by different generations.

In my view, we can learn a great deal from the efforts of senior members of our cohort, but we should not be dismissive of the goals of, or approaches taken by, newer members. There is a delicate balance in honoring past efforts at pursuing equity that were undertaken during a different climate in legal education, while being receptive to approaches taken by newer members of the community who face a slightly different reality.

In this essay,⁴ I would like to provide a snapshot of the development of advocacy efforts in our discipline taken by two of our

³ See generally *id.* Romantz explains the myriad ways in which legal writing courses and their faculty have been marginalized. He points to the early staffing of such courses with students or new graduates with no status or security of position, and to misconceptions about the content of these courses as explanations for the historical inequitable treatment of legal writing in the academy. *Id.* at 132-34. See also Jill J. Ramsfield & J. Christopher Rideout, *Scholarship in Legal Writing*, in *THE POLITICS OF LEGAL WRITING: PROCEEDINGS OF A CONFERENCE FOR LEGAL RESEARCH AND WRITING PROGRAM DIRECTORS* 74 (Jan Levine, Rebecca Cochran & Steve Johansen eds., 1995) [hereinafter *POLITICS OF LEGAL WRITING*] (tracing the development of legal writing programs and curricula). The authors explain:

Rather than being welcomed into the legal education family on equal footing with other courses, the programs were treated in varying ways, which developed into several models: the faculty model, the graduate student model, the partial faculty model, the teaching assistant (TA) model, the adjunct model, the non-faculty model, the student-run model, and the writing specialist model. Low cost was still a proud priority.

Id. at 81 (citations omitted).

⁴ Admittedly, this piece is a bit of a hybrid. While it does offer observations about multigenerational conversations in an essay-like fashion, it also provides a historical overview of the formation of two legal writing organizations and is therefore somewhat more heavily footnoted and longer than a traditional essay. As to the latter, I endeavored to preserve sources related to the history and accomplishments of our organizations. I would

national organizations. With those historical efforts providing context, the essay will consider one issue that might be viewed differently by the various generations in our community—that of scholarship. Examining the past, present, and future of our cohort with intergenerational approaches to the issue of scholarship, in particular, in mind, the essay considers how members of our profession can, and do, work together to function as friends and allies.

I. Advocacy for Legal Writing Professionals: Foundational Efforts

Legal writing faculty members have done a remarkable job organizing and advocating for our cohort. They have developed professional organizations to take responsibility for administering to the needs of the group, including providing support for developing curricula and pedagogies. These organizations have also advocated for status, security of position, and governance rights for a cohort of faculty who did not historically enjoy the benefits of tenure. Two organizations in particular, the Legal Writing Institute (LWI), and the Association of Legal Writing Directors (ALWD), both founded by members of the legal writing community,⁵ have made powerful contributions to the field over the years. In this section, the essay traces foundational efforts made by each organization to advance the status of the legal writing community.⁶

A. The Legal Writing Institute

LWI was an early achievement of legal writing professors to unite and address challenges and opportunities unique to our field. The organization, founded in 1985, is “dedicated to improving legal communication by supporting the development of teaching and

therefore ask the reader’s indulgence in a bit of a hybrid piece—an “artessay,” or “essicle”—if you will.

⁵ The Legal Writing, Reasoning, and Research Section of the Association of American Law Schools (AALS LWRR Section), an AALS-sponsored group, and Scribes: The American Society of Legal Writers, among others, have also been instrumental in advancing the field.

⁶ I note that other legal writing organizations have made powerful, positive contributions to the field of legal writing. I chose to focus here on ALWD and LWI because these organizations developed organically out of the field of legal writing professors, rather than being sponsored by another organization like the AALS Section or being directed more broadly to legal writers like the Scribes organization.

scholarly resources and establishing forums to discuss the study, teaching, and practice of professional legal writing.”⁷

1. The Seeds of the Institute and Initial Proclamation of Equity for Legal Writing Faculty

While legal writing was formally recognized as a law school subject in 1947,⁸ it was not until 1984 that members of our legal writing community took the first steps towards developing their own national organization committed to empowering the legal writing community.⁹ As described in detail by Mary Lawrence in *The Legal Writing Institute, The Beginning: Extraordinary Vision, Extraordinary Accomplishment*,¹⁰ on August 15 and 16, 1984, a conference titled “Teaching Legal Writing” was held at the University of Puget Sound School of Law (now the University of Seattle School of Law). The conference had been developed by Chris Rideout, at that time an English professor at the University of Puget Sound, together with Laurel Oates, who taught at the University of Puget Sound Law School.¹¹ Rideout had obtained a National Endowment for the Humanities grant for writing-across-the-curriculum, and he and Oates worked together to craft an agenda designed to foster legal writing instruction.¹²

⁷ Legal Writing Inst., About LWI, Mission, LWI, <https://www.lwionline.org/about> (emphasizing that the organization “believe[s] that effective legal communication is critical to the wellbeing of society, the judicial system, and the legal profession”) (last visited Oct. 28, 2020).

⁸ Romantz, *supra* note 2, at 130.

⁹ The first organization of legal writing professionals was actually the AALS section directed at faculty teaching legal research and writing. Karin Mika, *Acknowledging Our Roots: Setting the State for the Legal Writing Institute*, 24:2 THE SECOND DRAFT 4 (Spring 2010). While the AALS section was the first legal writing organization, it developed first as the section on “Legal Research,” changing in 1973 to the section on “Legal Research and Writing.” *Id.* Because legal research and writing courses were, at that time, often taught by law librarians, this cohort largely comprised the section. *Id.* In 1980, the section was again renamed to its current title, “Legal Writing, Reasoning, and Research,” and it held its first Legal Writing Workshop. *Id.*

¹⁰ Mary S. Lawrence, *The Legal Writing Institute, The Beginning: Extraordinary Vision, Extraordinary Accomplishment*, 11 LEGAL WRITING: J. LEGAL WRITING INST. 213 (2005).

¹¹ *Id.* at 214.

¹² *Id.* at 218. Oates recalled:

Almost everyone who came to the 1984 and 1986 conferences came because they wanted to improve their

The initial focus of the conference was on teaching,¹³ but conference conversations quickly turned to matters of status and security of position. Meeting attendees Mary Lawrence and Marjorie Rombauer recalled a “depressing sense of isolation”¹⁴ in the legal writing community, noting, specifically, that “[l]ack of job security and lack of status exacerbated that sense of isolation.”¹⁵ Thus, as a result of the recognition that inferior status and security of position were obstacles largely unique to the legal writing profession, conference members pivoted to the first significant advocacy effort in our field—the development of a “Statement on Security in Employment for Legal Writing Professionals.”¹⁶

Jill Ramsfield read the statement to conference attendees during the closing session. The statement provided as follows:

The participants in the Conference on Teaching Legal Writing find that a major impediment to the effective teaching of legal writing in North American law schools is the lack of security in employment for legal writing professionals, both teachers and administrators. The prevailing practice is to appoint these professionals for a limited term, often as short as one year. This “revolving door” policy has the following adverse effects:

- (1) What these professionals learn from their experience often cannot be used either by them or by their schools. Their expertise is lost, and incoming teachers often find themselves “reinventing the wheel.”
- (2) Much-needed research and scholarship on legal writing and its teaching become virtually impossible.
- (3) Relationships with other law faculty, which could facilitate the integration of legal writing into the law school curriculum, are cut short.

program and because they wanted to become better teachers. People came because they wanted to do a better job teaching legal research, because they wanted to do a better job teaching their students to write, and because they wanted to find ways to motivate their students.

Id.

¹³ *Id.* at 217 (noting that presentations addressed “fairly basic things: how to design a writing assignment, how to evaluate writing, etc. It seemed at that time that people really needed help with the basics.”).

¹⁴ *Id.* at 221.

¹⁵ *Id.*

¹⁶ *Id.* at 223.

- (4) Any recognition by the law schools and the bar that good writing is crucial to the study and practice of law loses credibility in the absence of support for the professional status of legal writing teachers and administrators.
- (5) Qualified people are strongly discouraged from entering or remaining in the field of legal writing, where they have no future. Those who work in legal writing programs, in general, cannot hope to make careers there; rather, they must be willing to defer or interrupt careers elsewhere.

The conference participants therefore urge that law schools extend to legal writing teachers and administrators the security in employment equal to that available to other law faculty.¹⁷

Of the 108 conference participants, all except one voted to both endorse the Statement and have it published in the Proceedings of the Conference.¹⁸

2. The Establishment of the Organization, Newsletter, Journal, Survey, and Listserv

It was also during the 1984 conference that ideas were formed for subsequent conferences, a newsletter and, importantly, a national organization. A national organization was deemed essential to continue to foster inclusive national conferences, and to avoid a hierarchical approach to the community. Rideout explained:

[W]e wanted to include people. I think that Laurel and I felt that if we just put on a series of conferences that at some point, the conferences would become overly associated with us, and people wouldn't feel like they were a part of it. So we wanted to make it something that people felt they belonged to. That's why we decided to have an Institute.¹⁹

Buoyed by positive encouragement following the 1984 conference,²⁰ at the 1985 AALS conference a group of legal writing professionals

¹⁷ *Id.*

¹⁸ *Id.* at 224 (noting that “[t]he one participant who did not endorse the proposal thought that it was a good one but premature”).

¹⁹ *Id.* at 225.

²⁰ *Id.* at 224-25 (explaining that post-conference questionnaires were distributed and all respondents favored the establishment of a national organization).

gathered over lunch and decided to form the Legal Writing Institute (LWI).

Initial objectives of LWI included continuing to host national conferences, and establishing a newsletter and journal. One critical objective of the newsletter was to maintain the sense of inclusivity and community that had been an impetus for the 1984 conference and a lauded aspect of the field.²¹ The newsletter's name, "The Second Draft," was suggested by J. Denny Haythorn, Director of the Law Library and Professor of Law at Whittier College School of Law.²² In suggesting the name, Professor Haythorn wrote that the name "indicates a draft of our work, not the first or the last, but merely our progress toward our goal. . . ."²³

A scholarly journal, *LEGAL WRITING: THE JOURNAL OF THE LEGAL WRITING INSTITUTE*, was another early accomplishment of LWI designed to advance the field.²⁴ Originally the journal sought to include a mix of scholarly and pedagogical articles,²⁵ but the emphasis later evolved to focus on the latter. This was true because editors found early volumes difficult to fill during the years in which there was no national conference, notwithstanding a commitment to publish an annual volume.²⁶ Nonetheless, from its inception, the

²¹ Mary Lawrence explained: "I think the newsletter was critically important in helping people keep in contact. Once they were back at their own institutions, they felt a sense of isolation, as if they were the only persons in the world teaching legal writing. Also the Notes and Comments Section let people know 'who was doing what where.'" *Id.* at 228.

²² *Id.* at 230.

²³ *Id.*

²⁴ J. Christopher Rideout, *Starting from Scratch: Early Steps for the Journal*, 22 *LEGAL WRITING: J. LEGAL WRITING INST.* 2 (2017) (recalling that "[l]egal writing was not then a fully-formed or recognized discipline, but a journal—we thought—could help provide it with a foundation for research, inquiry, and scholarly exchange in what we hoped would become an emerging and exciting field").

²⁵ In the January 1985 Second Draft, plans for the new journal were revealed as follows:

The Journal, tentatively titled the *Journal of Legal Analysis and Legal Writing*, will be published once a year. The first half of each journal will be devoted to scholarly articles; the second half of the journal will feature more practical articles describing how ideas and materials can be used in the classroom.

Lawrence, *supra* note 10, at 232.

²⁶ Rideout explained that, when approaching Volume 2 of the Journal, "articles did not exactly come pouring in, and we were still trying to look for pieces that could help advance a scholarly agenda for both the journal and the discipline. It took a while, but we did find some articles that represented

journal has navigated status-related issues relevant to the community, including a commitment to the type of regular, annual publishing characteristic of the academic community,²⁷ and an effort to ensure that the journal not be viewed as a vanity publication for our community members.²⁸ The journal has thus been a significant contribution to advancing the field of legal writing.

Another advocacy effort of LWI was the development and publication of a survey of legal writing professionals. The first four surveys conducted on behalf of LWI were framed and administered by Jill Ramsfield.²⁹ They were designed to provide both the legal writing community and the wider academy information about status and conditions of employment for legal writing faculty around the country. The community owes a debt of gratitude to Ramsfield's perseverance and commitment to memorializing data that has had transformative power. When questioned about her work on the first survey, Ramsfield revealed that she not only created the questions, prepared the surveys, and compiled initial results *by hand*, but also worked the phones to follow up on the survey in order to obtain a statistically significant response.³⁰

additional directions for legal writing." Rideout, *supra* note 24, at 5. *See also* Lawrence, *supra* note 10, at 233-34 (explaining that, because of a decision to publish conference proceedings, there would be a focus on articles addressing pedagogy).

²⁷ Lawrence, *supra* note 10, at 233 (emphasizing the editorial board's commitment to regular publication).

²⁸ *Id.* at 233. Rideout observed that because members of the legal writing community had begun to pursue tenure opportunities, there was a certain "pressure for the journal to be a vehicle to publish our own people. That was hard for me because I felt that if we were going to have respect in the academic world, we had to avoid being perceived as just promoting ourselves."

²⁹ The administration of these surveys was described as "horrendous," as Ramsfield basically "did the entire project by hand." *Id.* at 239.

³⁰ *Id.* at 240. Ramsfield's own recollections reveal how impressive her commitment was:

I just made up a bunch of questions. I know that, later in the process, I asked for feedback and suggestions for questions, but I just made up 100 of them from the beginning. . . . I had listened to the complaints, concerns, and questions of our colleagues. I had also talked to (uninformed) deans and faculty. I decided to just start in on the basics of geographical locations and demographics. Then I just called on my own knowledge of the field to invent questions about what was taught in the class, how many drafts, who taught research, etc. As for status, I observed all the models being used and tried to ask questions about all of them. This was the hardest part

Ramsfield published the results of the first survey in the first volume of the *LWI Journal* in an article titled *Legal Writing in the Twenty-First Century: The First Images*.³¹ Oates described the importance of the surveys to the legal writing community:

What the survey did is to give us a database of information that individuals could use in talking to their own faculty and their own deans about legal writing. It allowed, I think initially, for people to talk about salary issues and discrepancies of pay among people who were teaching legal writing within their own schools, and then across the country. Second of all, it started showing people about the various levels of status—people who previously had short-term contracts were getting long-term contracts, people moving into tenure positions.

I do think that the survey may be the one single piece of information that has been most influential in persuading faculties and deans to change the status of their legal writing faculties.³²

The survey, now administered by both LWI and ALWD, remains influential to this day.

A final, early advocacy effort emanating from the formation of LWI was the creation of a national listserv. Established by Ralph Brill and the information technology team at Chicago-Kent College of Law, the listserv was created during the 1994 LWI Biennial Conference.³³ The listserv has long served as a community-building forum for the

because I didn't want people to have to answer all 100 questions, just the questions about their model. I also wanted to allow for hybrids. So we used different colors of paper!! We also worked hard on the types of questions and choices of answers. I had a computer-savvy student and a faculty colleague help me make the survey look good, but it was not until 1994 that we got help from the main Georgetown campus in compiling the data. We did it by hand for the first two.

I was also determined to get a statistically significant response. I knew deans and faculty would scoff at anything less. So we just got on the phone and harassed people. They were wonderful about responding because we shared the same interests. Thus, all my surveys had about an 80% response rate, not bad for paper copies.

Id.

³¹ *Id.* at 239.

³² *Id.* at 241.

³³ Legal Writing Inst., About LWI, History, LWI, <https://www.lwionline.org/about> (last visited Oct. 28, 2020).

exchange of ideas related to teaching, advocacy, and the celebration of advances in the field. Today the listserv is dynamic, operating in an updated system more in line with other social media platforms.

B. The Association of Legal Writing Directors

ALWD, founded in 1996, further built on the work of LWI to advance the legal writing community. ALWD serves its members through publications, events, resources, and advocacy.³⁴

1. The Beginning of the Organization: Formation and Goals

ALWD has also long advocated for improvement to the employment conditions for legal writing faculty. ALWD as an organization arose out of conversations at the 1994 LWI conference in Chicago. There, Jan Levine spoke with other legal writing program directors about the possibility of a conference for directors of legal writing programs.³⁵ As a result of those conversations, in 1995, a conference titled “The Politics of Legal Writing: A Conference For Legal Research and Writing Program Directors” was held at California Western School of Law.³⁶ Many conference presentations were aimed at considering conditions for legal writing faculty, including status, salary, and workload.³⁷ At the conference, attendees expressed overwhelming support for establishing a national organization for legal writing directors.³⁸

³⁴ Ass’n of Legal Writing Dirs., About ALWD, ALWD, <https://www.alwd.org/about> (last visited Oct. 28, 2020).

³⁵ Ralph Brill, Introduction, in *THE POLITICS OF LEGAL WRITING*, *supra* note 3, at 5.

³⁶ *Id.*

³⁷ *Id.* at 6 (“Twenty-five very experienced directors led discussions on such topics as Status and Salary; Workload and Teaching Load Standards; Supervising and Training Legal Writing Teachers; Implementing Curricular Change; and Grading Philosophies.”).

³⁸ In fact, conference planners had scheduled a session for the closing of the conference to consider next steps, titled “Where Do We Go From Here?” As Ralph Brill explained, attendees asked that the session be moved to the beginning of the conference and “then overwhelmingly voted to create an Executive Committee to establish the Association of Legal Writing Directors and established committees to work out the details of the organization and plan a future conference.” *Id.* With characteristic enthusiasm, Brill concluded, “The program was an unqualified success!” *Id.*

Planning efforts for the organization were then divided into the following committees: an executive committee, a committee to plan subsequent conferences, a committee to edit the proceedings of the inaugural conference, and a survey committee.³⁹ The executive committee was further divided into subcommittees to consider the following: (1) defining goals for the organization, (2) considering advantages and disadvantages of affiliating with LWI, and (3) considering advantages and disadvantages of creating a new organization.⁴⁰ A dedicated listserv, DIRCON, was established to facilitate continued communication, particularly for planning the next conference.⁴¹ These committees then reconvened in January 1996, to consider the prospect of establishing ALWD.⁴²

ALWD's objective, characterized by its inaugural gathering, "The Politics of Legal Writing," has long been focused on advocacy for both quality legal writing instruction and for the status of the legal writing community.⁴³ In fact, several members of the initial ALWD Board of Directors were engaged in advocacy efforts for the legal writing community prior to the formation of ALWD.⁴⁴ These individuals

³⁹ Conference Actions, in *THE POLITICS OF LEGAL WRITING*, *supra* note 3, app. B at 143.

⁴⁰ *Id.*

⁴¹ Ass'n of Legal Writing Dirs., A Scrapbook History of Vision and Leadership in Achieving ALWD Goals 2 (2003) (PowerPoint presentation) [hereinafter Scrapbook] (copy on file with author).

⁴² Conference Actions, in *THE POLITICS OF LEGAL WRITING*, *supra*, note 3, app. B at 144.

⁴³ The Executive Committee charged with establishing goals for the organization articulated the following in its committee report:

The organization's goals would be:

- (1) to organize conferences of directors, to be held either independently or in coordination with conferences or meetings of other organizations;
- (2) to advise and assist individual directors;
- (3) to encourage and facilitate research and publications on subjects unique to the responsibilities of legal writing directors;
- (4) when appropriate, to collect and disseminate data relevant to directing legal writing and research programs; and
- (5) to promote rigor in legal analysis, legal writing, and legal research and to improve understanding among legal educators, students, and the bench and bar about the field of legal writing.

Memorandum from Executive Committee to Directors of Legal Writing Programs, Form of a Permanent Directors' Organization 1-2 (December 11, 1995) (copy on file with author).

⁴⁴ Conference Actions, in *THE POLITICS OF LEGAL WRITING*, *supra* note 3, app. B at 144-45 (noting that Susan Brody, Ralph Brill, Linda Edwards, Christina

served as members of ABA Committee on Communication Skills. During the meeting when the decision was made to formally establish ALWD, Richard Neumann reported on the ABA Committee's efforts to improve accreditation standards related to both legal writing instruction and the status of legal writing directors and teachers.⁴⁵ It was following this report that Neumann delivered the recommendation of the Executive Committee to establish a new, independent organization of legal writing directors. Then, following some discussion, "the approximately fifty-five directors in attendance voted, by voice vote, in favor of the Executive Committee's recommendation that the directors' organization have an existence independent of any other group."⁴⁶

2. The Establishment of the Citation Manual, Enhanced Survey, Journal, and Formal Advocacy Initiatives

Having formed a new legal writing organization, ALWD quickly took advantage of an opportunity to clarify the murkiness of legal citation by drafting a new citation manual. Controversy over the ever changing citation rules emerged when the 1997 AALS House of Delegates passed a resolution condemning changes to the sixteenth edition of the Bluebook.⁴⁷ ALWD then voted to prepare its own citation manual, with Darby Dickerson as the lead author.⁴⁸ Michael Smith characterized the impact of the project as "dramatic," noting that, "[b]y clarifying and simplifying the rules on legal citation, the ALWD Citation Manual became the most popular new law school book in Aspen [Publishers] history."⁴⁹

ALWD initiated another foundational project for the discipline's advocacy efforts. In 1998 ALWD collaborated with LWI to collect information about legal writing programs and personnel.⁵⁰ It shared

Kunz, Jan Levine, and Richard Neumann served on the ABA Committee on Communication Skills and were also elected to the inaugural ALWD Board of Directors).

⁴⁵ *Id.* at 144 (noting that "[i]n several ways, the Committee was also trying to persuade the ABA to address status issues").

⁴⁶ *Id.*

⁴⁷ Melissa H. Weresh, *The ALWD Citation Manual: A Coup De Grace*, 23 U. ARK. LITTLE ROCK L. REV. 775, 783-86 (2001) (tracing the challenges to changes to the sixteenth edition of the Bluebook).

⁴⁸ Scrapbook, *supra* note 41, at 8.

⁴⁹ Michael R. Smith, *The Next Frontier: Exploring the Substance of Legal Writing*, 2 J. ASS'N LEGAL WRITING DIRECTORS 1, 3 (2004).

⁵⁰ Scrapbook, *supra* note 41, at 12 (noting that "Lou Sirico manage[d] the task").

that information with member directors, and also queried them on information related to the citation manual project.⁵¹ This collaborative survey remains a powerful source of data to this day.

ALWD was also committed, from its inception, to the support and development of legal writing scholarship. In the first President's Report, Jan Levine explained that ALWD formed a scholarship committee in order to "explore avenues of promoting and encouraging legal writing scholarship . . . address the ways to remove existing barriers to the writing of scholarly work by legal writing teachers, and brainstorm methods of improving and promoting our scholarship."⁵² One such endeavor was the creation of a scholarly journal. The JOURNAL OF THE ASSOCIATION OF LEGAL WRITING DIRECTORS, now named LEGAL COMMUNICATION & RHETORIC: JALWD, was unique in its mission and placed ALWD in "a lead role in the development and expansion of substantive legal writing doctrine."⁵³ The journal's mission "is to advance the study of professional legal writing and lawyering and to become an active resource and a forum for conversation between the legal practitioner and the legal writing scholar."⁵⁴ Articles in the journal have been reprinted by other practitioner-focused journals, and commented upon favorably by members of the bar and judiciary.

Finally, ALWD's foundational commitment to status-related advocacy was transparent: to actively advocate for the legal writing community in the larger academy and, importantly, with the ABA. On January 1, 2000, ALWD, together with LWI, presented "Quality Legal

⁵¹ *Id.*

⁵² Jan Levine, ALWD President's Report (1997) 5 (noting that "[i]tems suggested were the recategorization of legal-writing-related articles in the existing classification systems, sharing of ideas for articles, creating a network of legal writing teacher peer reviewers, and sharing experiences on placement of articles") (copy on file with author).

⁵³ Smith, *supra* note 49, at 2.

⁵⁴ Ass'n of Legal Writing Dirs., Legal Communication & Rhetoric: JALWD, ALWD, <https://www.alwd.org/aboutlcr> (last visited Oct. 28, 2020). More specifically:

The Journal is dedicated to encouraging and publishing scholarship (1) focusing on the substance and doctrine of legal writing. Legal writing is broadly defined to include many types of writing in a lawyering setting; (2) grounded in legal doctrine, empirical research, or interdisciplinary theory; and (3) accessible, helpful and interesting to all "do-ers" of legal writing: attorneys, judges, law students, and legal academicians. Published articles are intended to reach all of those audiences.

Id.

Writing Instruction and ABA Accreditation Standard 405: Report and Recommendations” to the ABA Standards Review Committee and the Council of the ABA Section of Legal Education and Admissions to the Bar.⁵⁵ Taking the position that “Standard 405’s [c]urrent [p]rovisions on [l]egal [w]riting [a]re a [d]isservice to [s]tudents, the [l]egal [p]rofession, and the [p]ublic,” the report focused on not only how the standards supported inferior working conditions for legal writing faculty, having a negative impact on legal writing instruction, but also the disproportionate impact this had on female faculty.⁵⁶ The report provided: “The ABA Standards protect the status of the overwhelmingly male components of the profession (deans and the tenured and tenure-track professoriat[e]). But the Standards do not protect the status of the overwhelmingly female Legal Writing faculty.”⁵⁷ Arguments opposing the hierarchical approach to status and security of position continue to be advanced by ALWD in its position as the ABA affiliate group for legal writing. Through the ALWD ABA Task Force, ALWD members have submitted reports and testified to the ABA, advocating on behalf of the legal writing community.⁵⁸

II. Navigating Change: Scholarship as a Lens for Progress

The foregoing illustrates early efforts made by the legal writing organizations that were directed at improving the field. Like other status-related advocacy efforts, change comes over a period of time and, as new voices enter the dialogue, new goals and approaches emerge. While early efforts at improving the conditions of legal writing faculty were varied, this essay will focus on one approach emphasized by both legal writing organizations—improving the scholarship of legal writing faculty. Whether legal writing faculty should be obligated to produce scholarship,⁵⁹ and the type that should be produced, have given rise to conversations as the field has grown.

⁵⁵ Ass’n of Legal Writing Dirs., ALWD Comments on ABA Standards, ALWD, <https://www.alwd.org/aba-engagement/alwd-comments-on-aba-standards> (click Standard 405—ALWD LWI Report Recommendations—January 2000) (last visited Oct. 28, 2020).

⁵⁶ *Id.* at 2, 10.

⁵⁷ *Id.* at 10.

⁵⁸ See generally Ass’n of Legal Writing Dirs., ABA Engagement, ALWD, <https://www.alwd.org/aba-engagement> (last visited Oct. 28, 2020).

⁵⁹ See, e.g., Adam Todd, *Neither Dead Nor Dangerous: Postmodernism and the Teaching of Legal Writing*, 58 BAYLOR L. REV. 893, 943 (2006). Todd

Indeed, announcing the novel mission of the ALWD journal in 2004, Michael Smith observed that one goal of the ALWD journal was to improve the status of legal writing faculty through the production of scholarship about the substance of legal writing, making that focus more aligned with the type of scholarship produced by other segments of the academy.⁶⁰ During the time leading up to the formation of the journal, much of the scholarship produced by legal writing faculty focused on pedagogy and program design.⁶¹ Characterizing this

identifies an important contradiction related to scholarship and status for legal writing faculty:

Scholarship is the area that many law faculties indicate is important for advancement in the profession and is used to justify a lower status for legal writing professionals in the academy. Paradoxically, legal writing professionals are simultaneously not given institutional support, time, space, and encouragement to perform writing which is so highly valued. It is paradoxical and ironic that those members of the legal academy paid and trained to teach writing are implicitly discouraged from the act of writing.

Id. (citations omitted).

⁶⁰ Smith, *supra* note 49, at 23-24. Smith explained that this focus on pedagogical scholarship has set us apart from the rest of the legal academy and has sent a potentially damaging message about the nature of legal writing as a discipline. Professors in other areas of the law do not, by and large, write about how to teach their subjects. Most torts and constitutional law professors, for example, do not write on how to teach torts or constitutional law. They write about the substance of their respective subjects.

Id. at 23-24. *See also* Linda L. Berger, Linda H. Edwards & Terrill Pollman, *The Past, Presence, and Future of Legal Writing Scholarship: Rhetoric, Voice, and Community*, 16 *LEGAL WRITING: J. LEGAL WRITING INST.* 521, 523-24 (2010) (citations omitted). The authors explain,

When legal writing professors took a turn towards scholarship, the prevailing view in the legal academy was that scholarship examining theory and doctrine was to be preferred over pedagogical scholarship or scholarship examining skills and practice. At the same time, within academia more generally, the interpretation of “texts” was favored over the composition of texts. In both cases, the more respected professors were those whose scholarship focused not on how to write or how to teach, but instead on how to interpret, analyze, and critique the written artifacts of legal processes.

⁶¹ *See, e.g.*, Ramsfield and Rideout, *supra* note 3, at 77-83 (describing early scholarship that was directed at program models and noting that “[s]till, no serious scholarship appeared about the nature of Legal Writing itself.”) *See also* Berger, Edwards & Pollman, *supra* note 60, at 526 (explaining that “[d]escriptions of legal writing curricula and programs were necessary for the field to discover itself and begin to define its boundaries.”)

difference as a “deviation from the norm in the legal academy,” Smith explained that the disparity between legal writing scholarship and the type of scholarship produced by other sectors of the academy “allows the perception that legal writing lacks enough substance to engage its own scholars.”⁶²

As the scholarship produced by legal writing faculty began to evolve, persistent questions and challenges remained.⁶³ One challenge involved the question of whether legal writing faculty should produce scholarship at all, given various obstacles and disincentives.⁶⁴ In the early stages of legal writing programs, many faculty were subject to employment “caps,” or limits on the length of their employment.⁶⁵ Low pay, lack of access to scholarship stipends,⁶⁶

⁶² Smith, *supra* note 49, at 24 (recognizing the importance of scholarship on teaching and program improvement but nonetheless concluding that “[s]cholarship on the substance of legal writing is a necessary next step for legal writing scholars.”).

⁶³ See Jan M. Levine and Grace C. Tonner, *Legal Writing Scholarship: Point/Counterpoint*, 7 No. 2 PERSP: TEACHING LEGAL RES. & WRITING 68 (1999). Levine and Tonner noted:

Perhaps because the field of legal writing has now matured enough so that we professors constitute a critical mass of experienced teachers and scholars, we find ourselves frequently embroiled in debates about legal writing scholarship. What is it? Can we do it? Should we do it? Should it be considered part and parcel of our responsibilities as members of the law school world?

Id. Notwithstanding these early questions, the authors were committed to the position “that legal writing professors not only can but should produce scholarship.” *Id.*

⁶⁴ Many articles addressed these issues, observing the benefits of scholarship notwithstanding these challenges. See e.g. Mitchell Nathanson, *Taking the Road Less Traveled: Why Practical Scholarship Makes Sense for the Legal Writing Professor*, 11 LEGAL WRITING: J. LEGAL WRITING INST. 329, 331 (2005) (stressing that “legal writing professors should engage in scholarship, regardless of its impact on salary or promotion [and e]ven if it plays no formal role in a legal writing professor's career”).

⁶⁵ Terrill Pollman, *Building A Tower of Babel or Building A Discipline? Talking About Legal Writing*, 85 MARQ. L. REV. 887, 912 (2002). Pollman explains that, “[i]n the early years of legal writing programs, some law schools imposed a cap on the number of years one legal writing teacher could teach at the institution” and that “[c]aps may have been put in place to avoid lawsuits by legal writing professionals alleging they are entitled to constructive tenure.” *Id.* n.130.

⁶⁶ Terrill Pollman & Linda H. Edwards, *Scholarship by Legal Writing Professors: New Voices in the Legal Academy*, 11 LEGAL WRITING: J. LEGAL WRITING INST. 3, 5 (2005) (noting the significant body of scholarship by legal

and heavy workloads also hindered the ability of legal writing professionals to engage in scholarship.⁶⁷ Another disincentive was the lingering devaluation of scholarship devoted to legal writing topics.⁶⁸

Due to this prolonged devaluation, the conversation relating to legal writing scholarship and the status of members of the field continued to reinforce Smith's recommendation that legal writing scholars turn their attention to the substance of legal writing.⁶⁹ This question was revisited in the 2010 article *The Past, Presence, and Future of Legal Writing Scholarship: Rhetoric, Voice, and Community*.⁷⁰ In that analysis, Linda L. Berger, Linda H. Edwards, and Terrill Pollman observed that new foci of legal writing scholarship "envisioned new purposes, new audiences, and new sources of theory and research."⁷¹

Determining that the legal writing community was "seriously engaged in building [the] discipline," Berger, Edwards, and Pollman urged the community to evaluate ideal, discipline-building scholarship, questioning, "What are its characteristics? What is the nature of the enterprise, and how we are doing with it?"⁷² The authors hinted to the intergenerational nature of such an enterprise, exploring

writing faculty but nonetheless observing, "[o]ne can imagine the productivity that would result if all legal writing professors received the institutional support their non-legal writing colleagues deem so critical for the production of good scholarly work.").

⁶⁷ Berger, Edwards & Pollman, *supra* note 60, at 524 (noting that "status, expectations, and workloads of legal writing teachers constituted what could have been an insurmountable roadblock to scholarship; legal writing teachers were not expected to publish, and the numbers of students they were assigned, as well as the teaching and commenting practices they engaged in, made it difficult to find the time to study and write.").

⁶⁸ Pollman & Edwards, *supra* note 66, at 11-15 (explaining that some schools disregard scholarship on legal writing topics for purposes of tenure and promotion).

⁶⁹ Smith, *supra* note 49, at 24 (acknowledging the value of scholarship focused on pedagogy but urging that scholarship on the substance of legal writing was a "necessary next step").

⁷⁰ Berger, Edwards & Pollman, *supra* note 60, at 529 (reflecting that when legal writing faculty "changed direction from focusing exclusively on how to teach legal writing to the broader view of how to study and write about legal writing, we imagined a perspective for our professional lives as legal writing professors.").

⁷¹ *Id.* at 529.

⁷² *Id.* at 533.

“ways in which legal writing professors are modifying and re-arranging what they have inherited.”⁷³

Berger, Edwards, and Pollman encouraged the legal community to engage in a more critical and conversational dialogue about scholarship, recognizing that, while “[d]isagreement in a conversation can be uncomfortable,”⁷⁴ such a collaborative approach to further developing our ideas can enhance our positions, the dialogue, and the development of the discipline. Indeed, ten years ago the authors reflected on how these conversations develop and enhance a maturing field.⁷⁵ While they acknowledged that critical analysis of the scholarship within a discipline can be challenging, particularly in a marginalized community that continued to struggle with equity in the academy,⁷⁶ they nonetheless encouraged members

⁷³ *Id.* The authors further explore intergenerational approaches to scholarship. Questioning whether the legal writing community encouraged “a vibrant rhetorical community by staying current in the legal writing literature,” the authors observed,

Those who have been in the field a long time may decide there is little new for them in scholarship—they have “seen it all before.” This feeling is exacerbated in legal writing because for many years, caps on the number of years teachers could stay in a position led to turnover and a continual influx of new teachers. New teachers rediscovered old ideas and often presented the already explored ideas as if they were new and fresh. Now that the second-generation legal scholars have begun to produce more sophisticated and original work, experienced legal writing professors may have failed to develop the habit of reading new work. Novice teachers stand to gain even more by reading regularly in their field. Developing a habit of reading the emerging third generation of legal writing scholars will offer rewards to both the individual reader and the greater rhetorical communities individual readers will create.

Id. at 540-41 (citations omitted). See also Kimberly Y.W. Holst, *What Is Legal Writing? The Tale of A Discipline*, 22 LEGAL WRITING: J. LEGAL WRITING INST. 33, 35 (2018) (reflecting on the development of legal writing scholarship and acknowledging how “early voices and rooms dedicated to specific aspects of the discipline matured from germination to sprouting and production.”).

⁷⁴ Berger, Edwards & Pollman, *supra* note 60, at 535 (explaining the reciprocal roles of writer and reader).

⁷⁵ *Id.* at 538 (indicating that “[m]ature disciplines are not afraid of disagreement. In fact, the more scholars disagree, the more good scholarship is produced. As our discipline moves toward maturity, we need to become more accustomed to healthy professional disagreement.”).

⁷⁶ *Id.* at 539 (observing that the “same kinds of scholarly disagreements that would be expected as a matter of course in mainstream disciplines can be

of the legal writing community to engage in critical dialogue about its scholarship. The scholars noted that such “disagreement [is not] a breach of loyalty to the discipline but rather a sign that the discipline is growing up and taking its rightful place in the academy.”⁷⁷

These two related questions—how to produce scholarship under conditions of inequity and the type of scholarship that will inure to the benefit of the field—continue to be ones worth exploring. Indeed, these questions may weigh quite heavily on newer legal writing faculty, whether they teach in schools that require scholarship or not.⁷⁸ As seasoned scholars who likely have more security and status in the field continue to explore the questions with emerging scholars and/or faculty who lack status and security of position, the dialogue must acknowledge both historical advances made by our senior members and remaining status-related issues that continue to plague our community. For example, expanding the discipline of legal writing scholarship and its value to the academy is essential to enable junior faculty to substantiate promotion and tenure applications with legal writing scholarship and is therefore a laudable goal for our cohort.⁷⁹ Nonetheless, all members of the legal writing community should be cognizant of institutional realities and should mentor the scholarship of junior faculty accordingly.

made to appear much more serious in the hands of those hostile to equal status for legal writing” but recommending that “[t]his fear should not prevent us from undertaking a vibrant scholarly conversation in which we speak our views honestly, but it should inform the way in which we frame our disagreements.”).

⁷⁷ *Id.*

⁷⁸ See Kristen K. Tiscione, *The Next Great Challenge: Making Legal Writing Scholarship Count As Legal Scholarship*, 22 LEGAL WRITING: J. LEGAL WRITING INST. 50, 53 (2018). Tiscione explains,

The effect of traditional attitudes on new legal writing faculty is equally concerning. At schools where legal writing faculty are not required to produce scholarship, they have no incentive to write if they are not eligible for writing grants and perhaps little incentive if they do. And where legal writing faculty are required to produce scholarship, either for a promotion in rank or security of position, it may seem wiser to write in a traditional subject area likely to be considered by their tenured colleagues as more intellectual or worthwhile. Discouraged about the value of writing about legal writing, new legal writing faculty can feel forced to become expert in yet another field of law. Given the work load and additional responsibilities that legal writing faculty often face, this choice seems unfair.

Id. (citations omitted).

⁷⁹ See generally *id.*

An intergenerational lens on the subject of scholarship is but one issue that our community must consider. But this issue, in particular, may provide a historical lens to how our members can work together to acknowledge the strengths and challenges associated with what is in some ways an established, but in other ways still very marginalized, cohort of the academy.

III. Lessons and Conclusions: Colleagues, Not Competitors

Given the long history of inclusivity in the legal writing community, it may seem nonsensical to remind ourselves that we are colleagues, not competitors. Both LWI and ALWD have remained committed to status-related advocacy through new initiatives, many of which have been fueled by new voices in our community.

The organizations have collaboratively endeavored to ensure this work is effective, focused, and efficient. Together, the organizations crafted an illustration⁸⁰ of how each works to foster status-related advocacy:

ALWD (including its ABA Task Force)	LWI (including its Professional Status Committee)
Monitor all ABA committee and Council of Legal Education activities relevant to the legal writing discipline in any way, including <ul style="list-style-type: none"> • Security of position • Outcomes and assessment • Experiential learning • Required percentages of curriculum to be taught by full-time faculty 	Serve as a resource for members who are facing specific employment or professional development issues, including <ul style="list-style-type: none"> • Security of position • Teaching load • Salary and other forms of compensation • Voting and other governance rights • Titles
Attend ABA committee meetings and Council of Legal Education Meetings	Gather information about status issues and challenges facing our membership and provide informal mentoring and

⁸⁰ Ass'n of Legal Writing Dirs., About ALWD, ALWD, About, <https://www.alwd.org/images/resources/Summary-ALWD-LWI-Models.pdf> (last visited Nov. 5, 2020).

	information as needed to individual legal writing faculty facing challenges at their institutions
Submit biannual reports (written and oral) on activities to the Council of Legal Education; Submit written comments and provide testimony on any proposed changes to ABA standards	Develop policy positions with respect to issues related to specific status issues described above
Provide formal and informal mentoring and information for legal writing directors and other leaders facing challenges at their institutions	Provide informal mentoring and information for individual legal writing faculty of all statuses facing challenges at their institutions
Report to membership on advocacy efforts described above	Help the LWI Board speak on behalf of its membership with respect to these issues
Support the ALWD-LWI annual survey of legal writing programs	Support the ALWD-LWI annual survey of legal writing programs

Both organizations have remained committed to advancing the field of legal writing through myriad advocacy efforts, many of which intersect with the development of legal writing scholarship. The two organizations, together with LexisNexis, sponsor scholarship development grants that are accompanied by mentoring resources.⁸¹ Both organizations support scholarship through workshops and retreats,⁸² and ALWD supports the Distinguished Speaker Series, providing annual grants that enable schools to host visiting scholars.⁸³

⁸¹ See e.g., Legal Writing Inst., Resources for Scholars, Mentoring, LWI <https://www.lwionline.org/resources/mentoring> (last visited Nov. 5, 2020).

⁸² LWI hosts the Sirico Scholars Workshop for both new and experienced scholars, and “We Write,” a “scholarship retreat [designed to] provide a fixed space and dedicated time for legal writing professors to devote themselves to focused and intensive scholarly writing, away from regular professional and personal commitments.” *Id.* ALWD similarly regularly hosts scholarship forums and workshops. *Id.*

⁸³ Ass’n of Legal Writing Dirs., Events, Other events, ALWD, <https://www.alwd.org/events/otherevents> (last visited Nov. 5, 2020).

Also, both organizations recognize the scholarship of members of the legal writing community through awards.⁸⁴

LWI has created the Professional Status Committee (PSC), which gathers status-related information from the community and acts as a resource to address challenges. Projects undertaken by the PSC include promoting the Full Citizenship Statement;⁸⁵ publishing position papers related to the ABA Accreditation Standards that address employment conditions for legal writing faculty;⁸⁶ creating

⁸⁴ LWI sponsors several awards in recognition of scholarship. The Teresa Godwin Phelps Award for Scholarship in Legal Communication annually recognizes an outstanding article or essay that “strengthens the discipline of legal communication.” Legal Writing Inst., Awards, <https://www.lwionline.org/awards> (last visited Nov. 5, 2020). The Golden Pen award recognizes an individual or organization which has significantly advanced the field, often through outstanding scholarship or journalism. *Id.* The Deborah Hecht Memorial Writing Award honors the writing specialist authoring the best article in *The Second Draft*. *Id.* Finally, the Emerging Scholar award honors an article addressing legal writing doctrine or pedagogy authored by a newer scholar. *Id.* ALWD similarly honors the scholarship of members of the legal writing community through its Linda L. Berger Lifetime Achievement Award for Excellence in Legal Writing Scholarship. Ass’n of Legal Writing Dirs., Archives, <https://www.alwd.org/lcr-archives/fall-2017-volume-14/20-linda-l-berger-lifetime-achievement-award-for-excellence-in-legal-writing-scholarship> (last visited Nov. 5, 2020). The award honors “those who have written influential articles, books, or essays, and otherwise had a major impact on scholarship, perhaps through making presentations, mentoring, serving on editorial boards of various publications, sponsoring scholarship workshops and fora—virtually everything related to scholarship.” *Id.*

⁸⁵ The Statement provides:

No justification exists for subordinating one group of law faculty to another based on the nature of the course, the subject matter, or the teaching method. All full-time law faculty should have the opportunity to achieve full citizenship at their institutions, including academic freedom, security of position, and governance rights. Those rights are necessary to ensure that law students and the legal profession benefit from the myriad perspectives and expertise that all faculty bring to the mission of legal education.

Legal Writing Inst., The Professional Status Committee and Status-Related Advocacy, <https://www.lwionline.org/resources/status-related-advocacy#History> (last visited Nov. 5, 2020). The Statement has been endorsed by LWI, ALWD, and the Society of American Law Teachers (SALT) and has been signed by over 570 individuals.

⁸⁶ See, e.g., J. Lyn Entrikin, Lucy Jewel, Susie Salmon, Craig T. Smith, Kristen K. Tiscione & Melissa H. Weresh, *Treating Professionals Professionally: Requiring Security of Position for All Skills-Focused Faculty*

toolkits on status, security of position and workload for legal writing faculty;⁸⁷ and maintaining data on employment conditions for legal writing faculty.⁸⁸ LWI has also established the Discipline-Building Working Group, which develops and supports discipline-building projects.⁸⁹

ALWD has engaged in robust leadership and inclusivity initiatives. Its Leadership and Development Committee held an inaugural Leadership Academy in 2019 at the Biennial ALWD Conference in Boston. Recent Leadership and Development Committee initiatives include two virtual “Front Porch” sessions addressing the following topics: “Pandemics and Protests: The Centrality of Wellness in Today’s Climate,” and “Incorporating Social Justice and Creating Inclusive Classrooms.” ALWD has also made significant efforts in promoting diversity, infusing its projects and programming through a Diversity Strategic Action Plan.⁹⁰ The success of these LWI and ALWD initiatives has greatly depended on the work of both veterans and newcomers in the field of legal writing.

The foregoing examples make clear that our organizations have prepared an incredible framework not only for advancing the scholarship of our members, but also for providing numerous leadership opportunities. For that, newer members of our community should be grateful for the efforts of our senior members.

With respect to the issue of scholarship, however, we have seen that conflicting ideas and approaches to equity in the larger academy remain. This type of intergenerational struggle could be compared to

Under ABA Accreditation Standard 405(c) and Eliminating 405(d), 98 OR. L. REV. 1, 5 (2020).

⁸⁷ Legal Writing Inst., Resources, Status-Related Advocacy, Toolkits on Faculty Status, Security of Position, Workload, and Voting Rights, LWI, <https://www.lwionline.org/resources/status-related-advocacy#Toolkits> (last visited Nov. 5, 2020).

⁸⁸ Legal Writing Inst., The Professional Status Committee and Status-Related Advocacy, Resources, Status-Related Advocacy, Data Compilations, <https://www.lwionline.org/resources/status-related-advocacy#Data%20Compilations> (last visited Nov. 5, 2020). Data compilations address issues such as tenure eligibility for legal writing faculty, autonomous legal writing programs, and the standards for promotion and retention of legal writing faculty employed under ABA Accreditation Standard 405(c) with presumptively renewable contracts.

⁸⁹ Legal Writing Inst., Resources, Committees, LWI, <https://www.lwionline.org/resources/committees> (last visited Nov. 5, 2020).

⁹⁰ Ass’n of Legal Writing Dirs., About, Commitment to Diversity, ALWD, <https://www.alwd.org/about/commitment-to-diversity> (last visited Nov. 5, 2020).

the different approaches to gender equality taken during different “waves” of feminism,⁹¹ with different cohorts criticizing the objectives and tactics of prior waves.

Much can be learned, nonetheless, from those historical movements, and the degree to which waves actually shared common goals that were refined over the years in light of new realities.⁹² So, for example, while second wave feminists may have characterized and criticized the narrow political focus of the first wave of feminism, it was also shifting cultural attitudes that enabled the broader, social focus of second wave feminism. In a similar fashion, the breadth of modern feminist goals and methods has undoubtedly been facilitated by the foundation of prior victories which, in hindsight, might be judged too timid or narrow.

Therefore, to my mind we should be careful to recognize that intergenerational efforts at equity are going to involve slightly different goals and approaches that have been formulated and honed by members who have different lived experiences. More senior members of our cohort must recognize new realities in legal education—some better, and some arguably worse,⁹³ than in the past.

⁹¹ The “wave” metaphor’s initial traction derived from how it sought to piece together different gender equality movements:

The wave metaphor [] became a useful way of linking the women’s movement of the ’60s and ’70s to the women’s movement of the suffragettes, and to suggest that the women’s libbers weren’t a bizarre historical aberration, as their detractors sneered, but a new chapter in a grand history of women fighting together for their rights. Over time, the wave metaphor became a way to describe and distinguish between different eras and generations of feminism.

Constance Grady, *The Waves of Feminism, and Why People Keep Fighting Over Them, Explained*, Vox.com (2018), <https://www.vox.com/2018/3/20/16955588/feminism-waves-explained-first-second-third-fourth> (last visited Nov. 5, 2020). Even so, the wave metaphor can be “reductive” and “can suggest that each wave of feminism is a monolith with a single unified agenda, when in fact the history of feminism is a history of different ideas in wild conflict.” *Id.*

⁹² *See id.* Grady notes that the wave metaphor can be misleading as “it can reduce each wave to a stereotype and suggest that there’s a sharp division between generations of feminism, when in fact there’s a fairly strong continuity between each wave—and since no wave is a monolith, the theories that are fashionable in one wave are often grounded in the work that someone was doing on the sidelines of a previous wave.”

⁹³ I would argue that the stubbornly persistent statistics relating to men and women and their status in legal education is, in light of gender equity advances elsewhere, an arguably more alarming climate today than during a time when inequitable treatment of professional women was far more

Those realities may be best communicated by newer members of the cohort who have no prior lived professional experience in academia, but those newer members should not discount efforts made by prior generations and under different circumstances. Could more have been done? Perhaps, but certainly less could have as well. The advances that were made were accomplished during arguably less tolerant times vis-à-vis women in legal education and respect for the field of legal writing and therefore required, in many instances, quite different tactical strategies.

Indeed, returning to our focused lens of examining how status-based and intergenerational approaches to, specifically, scholarship have impacted the quest for equality in the academy, we must remember that, in addition to advancing knowledge and improving teaching, “[s]cholarship carries another obligation—the obligation to speak truth to power.”⁹⁴ To the extent our community remains marginalized and to the extent that scholarship remains the “coin of the realm,”⁹⁵ our community members

need to take our places as scholars as well as teachers, engaging fully in important ongoing conversations and initiating some new conversations as well. If we expect to be subject to reduced professional expectations, we will always be subject to reduced status. Inferior status results in unfairness for individual legal writing professors personally, and even more importantly, it often reduces our effectiveness with our students.⁹⁶

The conversation thus continues, among friends and allies.

commonplace. See Entrikin, Jewel, Salmon, Smith, Tiscione & Weresh, *supra* note 86, at 28-29 (addressing gender disparity in terms of status in the legal academy.)

⁹⁴ Berger, Edwards & Pollman, *supra* note 60, at 551 (citations omitted).

⁹⁵ Kathryn M. Stanchi & Jan M. Levine, *Gender and Legal Writing: Law Schools' Dirty Little Secrets*, 16 BERKELEY WOMEN'S L.J. 1, 22 (2001) (noting that “[m]ost faculty acknowledge that scholarship is the ‘coin of the realm.’”) (citations omitted).

⁹⁶ Berger, Edwards & Pollman, *supra* note 60, at 553. The authors assert:

Yes, scholarship is hard. It takes significant personal and institutional resources. But even for legal writing professors, maybe especially for legal writing professors, these purposes for scholarship justify the institutional and personal costs good scholarship requires. The spectrum of scholarship we produce should serve these articulated values.