

Remarks from ALWD for the March 14-15, 2015 ABA Council meeting in San Diego, CA

The Association of Legal Writing Directors (ALWD) is a non-profit professional association of directors of legal reasoning, research, writing, analysis, and advocacy programs from law schools throughout the United States, Canada and Australia. ALWD has more than 300 members representing more than 150 law schools. ALWD continues to send representatives to SRC and Council meetings to monitor its comprehensive review of the accreditation standards and recommendations. We look forward to continuing our work with you.

ALWD has two representatives present at the meeting: Mary-Beth Moylan and Kim Champonbin. Mary-Beth is the President-Elect of ALWD. Kathy Vinson is our current President, and Anthony Niedwiecki, who has represented ALWD at a number of Council meetings, is now in the role of Immediate Past President.

Today, I would like to share a brief summary of our work with you, focusing on three main points: (1) the role of ALWD members as educational leaders poised to assist with meaningful educational innovation; (2) the role of the ALWD in providing support for the legal academy; and (3) how legal writing faculty, who are most able to assist with meaningful reform, including experiential learning and assessments, are the most vulnerable.

1. ALWD members as educational leaders poised to assist with meaningful educational innovation:

The Standards Review Committee's work has prompted schools to get out in front of anticipated curricular changes to include more skills education. Many schools are turning to their skills faculty to guide them through the anticipated and already undertaken changes. ALWD members are ready to assist with curricular change and lead educational reform at their schools. Many of ALWD's members, as well as many legal writing professionals who are members of LWI, are serving in leadership roles at their schools to expand educational innovation. Several new positions in experiential education have been created and filled by ALWD members, such as numerous experiential decanal appointments.

Demand for experiential learning courses has never been higher and ALWD supports expanding the number of credits required in experiential learning to a minimum of fifteen, which would be a very positive development in legal education. Written legal communication should be a required component of expanded experiential learning requirements. Indeed, the most recent 2010 ABA Curriculum Survey identified upper-level legal drafting courses as the category of greatest growth since the 2002 Survey.¹

¹ Executive Summary, ABA, *A Survey of Law School Curricula: 2002-2010*, at 16 ("Transactional Drafting courses and upper division Legal Writing courses experienced the greatest growth in offerings."), available at http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2012_survey_of_law_school_curricula_2002_2010_executive_summary.authcheckdam.pdf.

2. The role of ALWD in providing support for the legal academy.

a. ALWD Conference

ALWD provides assistance to its members and others in the legal academy, including ideas to incorporate assessments and experiential learning throughout the curriculum. These ideas were discussed at our biennial conference, held in June 2013. We were very grateful this summer to have Kent Syverud as our keynote speaker at the conference in Milwaukee. ALWD members left the conference with fresh ideas of how legal education can train lawyers for future practice.

Importantly, ALWD opened its conference this year to non-members, as well as members of the organization. While the conference is aimed primarily at offering support and new ideas to legal writing directors, many of the programs and sessions offer value to those who want to rethink the teaching of legal skills more generally. Conference attendance this year was at an all-time high, and we did have a number of non-members in attendance. ALWD has recently issued a call for site proposals to host our next conference in the summer of 2015.

Our sister organization, the Legal Writing Institute (LWI), will hold its Biennial Conference in Philadelphia in July. This conference usually draws over 600 legal writing faculty members from across the country and provides pedagogical and scholarly support for members of the legal academy leading curricular changes.

b. Teaching and Scholarship Grants

In addition to supporting our members through our main conference, we also provide grants for teaching and scholarship to support teaching and scholarly endeavors of legal writing professors. We also support scholarship and innovative teaching workshops across the country and fund legal writing scholars to visit law schools. ALWD gives back over 40,000 per year to support these activities

c. JALWD: LC&R

We have our own peer-edited law journal—JALWD: Legal Communication and Rhetoric. 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.

d. New ALWD website

We also have a new website at www.alwd.org that serves as a resource for our members and includes information about the work of our four main committees – teaching, scholarship,

service, and leadership.

e. ALWD Guide to Legal Citation

One of our most exciting projects this year is the release in April of the new Fifth Edition of the ALWD Guide to Legal Citation, along with an online companion website packed with exercises to help improve students' mastery of essential citation skills. The new Fifth Edition is a consistent and flexible system of citation for legal materials, designed to be easy for students, professors, practitioners, and judges to understand and use. ALWD engaged in a detailed survey of our membership to identify ways to be more responsive to the needs of the practicing bar and develop a more comprehensive pedagogical tool for teaching legal citation skills. Unlike the Bluebook, which focuses on citation in law review articles, the ALWD Guide primarily focuses on the citation practices of lawyers and judges.

f. The ALWD/LWI Survey:

ALWD/LWI annually conducts a survey, which in 2012-2013 had a 95% response rate, representing 190 U.S. law schools and one Canadian law school. The survey is available on our website. I would like to take a moment to highlight a few interesting take-aways from the survey:

1. The survey shows a trend toward more skills training is happening throughout the legal academy. Legal writing is a fundamental skill that our students need to succeed as lawyers. At this time, almost all 190 US law schools responding to the survey require legal research and writing both semesters of the first year of law school. Forty-eight (48) schools require a legal writing course in the first semester of the second year and eighteen (18) schools also require a legal writing course in the second semester of the second year. A handful of schools have a third year legal writing requirement, but the ALWD/LWI survey suggests that a third year requirement has not taken off yet.

2. We know from the survey that the make-up of legal writing faculties continues to be disproportionately white and female. This year's gender percentages stayed constant at 77% female and 23% male. Diversity of legal writing faculties decreased with 86.2% of legal writing faculty members identifying as Caucasian. Because salaries and security of legal writing positions still tend to be lower than other law school faculty positions, people of color are actively discouraged from applying for legal writing positions because they lack the potential for tenure and because of the stigmatizing effect of holding non-tenured positions with unequal security of position, research support, salary, and governance rights.

3. How legal writing faculty, who are most able to assist with meaningful reform, including experiential learning and assessments, are the most vulnerable.

Ironically, at a time when curricular innovation is needed to help students become practice-ready, full-time legal writing faculty, who are most able to assist with meaningful reform, including experiential learning and assessments, are the most vulnerable. More than two-thirds of full-time legal writing faculty are women, and less than ten percent represent racial minorities. Standard 405, as currently written, has created and fostered academic status hierarchies, imposing constructive barriers to race and gender equality in the academy. The ABA Standards should not allow accredited law schools to discriminate among full-time faculty members based on the nature of their teaching responsibilities.

As legal education, the bench, and the bar continue to face significant challenges with how to implement needed reforms, please let us know how ALWD can help be a catalyst for lawyering skills instruction, experiential learning, and assessments.