

PREFACE

Welcome to Volume 21 of *Legal Communication & Rhetoric: JALWD!* This volume takes readers on a journey to uncover, dig past the surface, and unravel hidden narratives within the realm of legal reasoning and storytelling. In the preface to Volume 20, we acknowledged ChatGPT's contribution to drafting the preface as well as published the journal's first ChatGPT essay, from former editor-in-chief Ian Gallacher. Fast-forward to one year later and Generative AI has become much more than an interesting and amusing distraction. In Ethan Mollick's bestselling book, *CO-INTELLIGENCE: LIVING AND WORKING WITH AI*, he offers "Principle 1: Always invite AI to the table."¹ (You can read more about Professor Mollick's book in Katrina Robinson's book review in this volume.)

When we invited ChatGPT to help draft the preface to the last volume, it was mostly entertaining. We shared ChatGPT's response with you but we—as humans—wrote the preface. This time around, taking Mollick's "always" principle seriously, we asked ChatGPT to draft a preface and the result was more polished, less of a joke, and perhaps more worrisome. Or perhaps it was more efficient and a sign of how useful Generative AI can be. Of course, this time we also knew more about prompting and gave ChatGPT more details. For example, we told ChatGPT "to put yourself in the role of editor in chief for a scholarly legal communication journal and write a preface to introduce the four articles in the volume. The theme of the articles is uncovering, hidden, digging past the surface." We then gave ChatGPT the abstract for each article and it generated a reasonably good preface. And a much better starting point than a blank screen with a blinking cursor.

So, back to the volume and what we have in store for you. The following description of the volume's articles is an edited version of the response we received from ChatGPT.

This volume's articles delve into diverse facets of law, from the intricate layers of legal reasoning to the untold stories lurking beneath the surface of historical events. In the first article, "Lessons of Legal Reasoning: Explicit, Implicit, and Hidden," Jay Feinman takes us on a thought-provoking exploration of legal reasoning, probing beyond the explicit and implicit lessons taught in law schools and practiced by lawyers. Through meticulous analysis, the author uncovers the "hidden"

¹ ETHAN MOLLICK, *CO-INTELLIGENCE: LIVING AND WORKING WITH AI* 46 (2024). That is, "barring legal or ethical barriers." *Id.*

lessons embedded within legal doctrine, shedding light on the political and ideological dimensions shaping legal discourse.

Moving from the theoretical realm to real-life narratives, the second article, “Stories of My Great-Grandfather’s Murder” by Stefan Krieger, explores the fascinating backstory of a century-old murder case. Through archival research and storytelling, the author unveils the complexities surrounding the tragedy, revealing the cultural perspectives, legal nuances, and societal dynamics at play. This article serves as a compelling model for applied legal storytelling, urging scholars to look beyond legal documents and opinions to grasp the deeper layers of historical events.

Shifting the focus to contemporary social movements, “#MeToo as Legal Storytelling” examines the transformative power of individual stories within the #MeToo movement. Through the lens of legal storytelling and traditional rhetoric, Dr. JoAnne Sweeny explores how these narratives, despite being brief and sometimes anonymous, resonate deeply with audiences, igniting empathy and catalyzing social change. This article highlights the persuasive potential of storytelling in shaping legal and social landscapes.

Finally, Bret Rappaport offers a reflective discourse on the virtue of humility in persuasive legal writing in “Humility—A Path to More Persuasive Legal Writing.” By dissecting humility as both a trait and a communicative construct, the author advocates for its integration into legal discourse, emphasizing its role in fostering trust and enhancing persuasive impact.

The *Journal* continues its commitment to discipline-building with Aliza Milner’s annotated bibliography on judicial writing and case management. Though much of Professor Milner’s bibliography is new, it also updates two previous bibliographies from 2011: Ruth C. Vance, “Judicial Opinion Writing: An Annotated Bibliography,” 17 *Legal Writing* 197 (2011) and Mary Dunnewald, Beth Honetschlager & Brenda Tofte, “Judicial Clerkships: A Bibliography,” 8 *Legal Comm. & Rhetoric* 239 (2011).

This volume continues with a set of nine engaging book reviews sure to contribute to your growing to-read list. Aysha S. Ames reviews *THE 272: THE FAMILIES WHO WERE ENSLAVED AND SOLD TO BUILD THE AMERICAN CATHOLIC CHURCH* by Rachel L. Swarns. In line with the theme of this volume’s articles, Swarns’s book brings forth the voices of the enslaved and their descendants to uncover narratives historically left out. Sara Cates reminds lawyers that reading good writing—including poetry—can help them become better writers in her review of Richard Hugo’s *THE TRIGGERING TOWN*. In her review of Judge David L. Horan’s *BAD WORDS: A LEGAL WRITER’S GUIDE TO WHAT NOT TO SAY*, Amanda

M. Fisher highlights the practical value of the judge's specific writing tips. Justin Iverson reviews *ELEGANT LEGAL WRITING* by Ryan McCarl, a legal writing style, substance, and process book aimed at practitioners. Katrina Robinson reviews *CO-INTELLIGENCE: LIVING AND WORKING WITH AI* by Ethan Mollick, an accessible, thoughtful, and inspiring book that encourages engagement with AI. In her review of Dahlia Lithwick's *LADY JUSTICE: WOMEN, THE LAW, AND THE BATTLE TO SAVE AMERICA*, reviewer Rachel H. Smith praises Lithwick's contribution to understanding the roles women lawyers have played in changing the law and recognizes the opportunity for a deeper investigation into the broader context. Dr. JoAnne Sweeny reviews Dan Canon's *PLEADING OUT*, a book that critiques plea bargaining as a means to wrongful guilty pleas. In her review of Dennis Duncan's *INDEX, A HISTORY OF THE: A BOOKISH ADVENTURE FROM MEDIEVAL MANUSCRIPTS TO THE DIGITAL AGE*, Beth Hirschfelder Wilensky encourages readers to appreciate indexing and all it has to offer. In the concluding book review, Jayne T. Woods reviews *WHY THEY CAN'T WRITE: KILLING THE FIVE-PARAGRAPH ESSAY AND OTHER NECESSITIES* by John Warner, which argues that students can't write because of what they have been taught and offers ways to teach students how to make choices as a path to teaching writing.

This volume concludes by recognizing our former editor, Melissa Weresh. Professor Weresh received the 2023 Linda Berger Lifetime Achievement Award for Excellence in Legal Writing Scholarship. We share some thoughts about the award and Professor Weresh's contributions to legal writing scholarship, as well as provide a bibliography to her many brilliant works.

Finally, we say farewell to three of our editorial board members: Rachel Goldberg, Carol Mallory, and Dr. Joan Magat. We thank Rachel for her service as an associate editor on four volumes. We thank Carol for her service as associate editor on six volumes. Thank you to Joan—for everything! Joan started her service to the *Journal* with Volume 8 (published in 2011) as editor-in-chief. After eight years of tremendous leadership and meticulous editing as editor-in-chief, Joan transitioned to a lead editor position beginning with Volume 16. As a lead editor for Volumes 16–21, the *Journal* continued to benefit from Joan's exceptional attention to detail. To be honest, we are in denial that she is moving on (we can't even write "leaving"). We wish all the best to Rachel, Carol, and Joan!

*Margaret Hannon & Jessica Wherry
(with some help from ChatGPT) (2024)*