

Melissa H. Weresh receives the Berger Award for Excellence in Legal Writing Scholarship

With great delight—bells on, really—we write about the most recent recipient of the Linda Berger Lifetime Achievement Award for Excellence in Legal Writing Scholarship: Professor Melissa Weresh. Already recognized at her home institution and in the national legal communication community as a leading light in the academy, Professor Weresh’s body of scholarly work deserves special recognition for its fulsome impact.

The Berger Award is the highest scholarship award presented by the Association of Legal Writing Directors (ALWD). Named for this Journal’s founding editor, it recognizes the recipient’s long-term dedication to scholarship in the field and a dedication to the advancement of the field of legal communication and rhetoric, *i.e.*, what we often shorthand as “legal writing.” The award celebrates those scholars in the discipline, like Professor Weresh, who have made a significant impact on other scholars through their articles, books, and book chapters.

Professor Weresh’s vibrant body of work includes almost thirty law review articles in addition to five textbooks and the same number of chapters in compendium books. Professor Weresh’s scholarship examines the art, science, and ethics of persuasion. She has also advocated for modernization of law school teaching to integrate ethics and team-based learning inside the first-year legal writing course design. The energy she puts into her scholarship takes one’s breath away. The scope of her work shows depth and tenacity: two hallmarks of a strong scholarly *ethos*. To those who know her, curiosity is her driving force. As one nominator wrote, Professor Weresh “is never satisfied and is constantly striving to pursue the next idea, to ask the new questions, and to continuously advance [the legal communication discipline] through her scholarship.” Her numerous short and bar-practice pieces demonstrate her commitment to building bridges between the scholarly and practical sides of the discipline.

Legal communication/writing as a discipline faces challenges to its very existence as a valid field at all. The shadow of gender bias underscores the debate. Professor Weresh has worked tirelessly to elevate the discipline, carefully and firmly calling out the barriers built into the academy's system. Many of her articles unmask the gender-based hierarchies built into legal education, which of course influence the gender-based issues that are still replete in the practice of law. A number of articles she wrote in this vein have had measurable, positive impacts on career trajectories and career advancement opportunities for faculty around the country.

Professor Weresh served for a decade as an editor of our own *Legal Communication & Rhetoric*. She described her time on the editorial board as a "happy assignment," an atmosphere that she herself helped create. Her dedication shone through all that she did. She strove to provide a positive experience to the author while simultaneously nudging the piece towards the best that it could be. But for her thoughtful and insistent voice on the editorial board, several of the most stellar articles this Journal has selected and published over the years might not have been published under our banner. For her work in the field and for her work for the field, we offer enthusiastic and whole-hearted congratulations to one of our discipline's stars. A bibliography of Professor Weresh's contributions is included, organized topically.

—The Editorial Board of
LEGAL COMMUNICATION & RHETORIC: JALWD, May, 2024.

Professor Melissa H. Weresh: A Bibliography

Articles, books, and book chapters within the broad discipline of Legal Communication & Legal Practice

These pieces explore legal communication, legal rhetoric, and professional responsibility.

Rethinking Rhetoric in the Asylum Context: Lessons from #MeToo, 30
UCLA J. GENDER & L. (2023).

Legal [Writing] Scholarship: Why It Counts, 2 *UNENDING CONVERSATION LEGAL WRITING SCHOLARSHIP* (2023) (with Kristen Tiscione).

Writing Transitions Between Academic and Professional Settings, in *WRITING BEYOND THE UNIVERSITY: PREPARING LIFELONG LEARNERS FOR LIFEWIDE WRITING* (2022) (co-authored).

- Legal Writing Scholarship: Moving Not Toward a Definition, But Toward a Cohesive Understanding*, 2 PROCEEDINGS 26 (2021).
- Ethos at the Intersection: Classical Insights for Contemporary Application*, 20 NEV. L.J. (2020).
- ABA SOURCEBOOK ON LEGAL WRITING PROGRAMS (contributing author) (J. Lyn Enrikin & Mary Trevor eds., 3d ed. 2020).
- Two Sides of the Coin—Exploring Dyadic Emotions in Immigration and Alienage Jurisprudence*, 54 WAKE FOREST L. REV. 1197 (2019).
- Wait, What?: Harnessing the Power of Redirection in Persuasion*, 15 LEGAL COMM. & RHETORIC (2018).
- Development Toward Professionalism and the Formation of an Ethical Professional Identity to Become an Effective Lawyer*, in LEGAL ETHICS, PROFESSIONAL RESPONSIBILITY, AND THE LEGAL PROFESSION (2018).
- Rectifying Renda: Amending the Iowa Administrative Procedure Act to Remove the Legal Fiction of Legislative Delegation of Interpretive Authority*, 63 DRAKE L. REV. 63 (2015) (with Aaron Aherendsen).
- The Chicken or the Egg? Public Service Orientation and Lawyer Well-Being*, 36 UALR L. REV. 463 (2014).
- Service: A Prescription for the Lost Lawyer*, 2014 J. PRO. LAW. 45 (2014).
- Morality, Trust, and Illusion: Ethos as Relationship*, 9 LEGAL COMM. & RHETORIC 229 (2012).
- I'll Start Walking Your Way, You Start Walking Mine: Sociological Perspectives on Professional Identity Development and Influence of Generational Differences*, 61 S.C. L. REV. 337 (2010).
- LEGAL PROFESSIONALISM IN THE REAL WORLD: LESSONS FOR THE EFFECTIVE ADVOCATE (2009) (with Lisa Penland).
- The Unpublished, Non-Precedential Decision: An Uncomfortable Legality*, 3 J. APP. PRAC. & PROCESS 175 (2001).

Articles focusing on inequality and particularly gender inequality

These pieces explore structural inequality, particularly with respect to gender. Several of the titles are self-explanatory. References to the American Bar Association accreditation standards 405(c) and 405(d) involve the requirement that law schools provide security of position for faculty as a method of attracting/retaining stable and qualified teachers in the academy. The standards currently permit lesser security and faculty governance rights for clinical professors (405(c)) and for legal writing

professors (405(d)). Perhaps unsurprisingly, these two lesser-status faculty both report much higher percentages of women.

Hidden Lessons, Unforeseen Consequences: Interrogating the Hidden Curriculum in Legal Education and Its Impact on Students from Historically Underrepresented Groups, 75 ALA. L. REV. 655 (2024).

Deconstructing the Curse: Menstrual Education and the Stigma of Shame, 43 WOMEN'S RTS. L. REP. (2022).

Structural Barriers to Gender Integration and Equality in the Legal Academy, 65 VILL. L. REV. 1155 (2020) (with Ruth Anne Robbins and Kristen Tiscione).

The History of American Bar Association Standard 405(d): One Step Forward, Two Steps Back, 24 LEGAL WRITING 125 (2020).

Treating Professionals Professionally: Requiring Security of Position for All Skills-Focused Faculty Under ABA Accreditation Standard 405(c) and Eliminating 405(d), 98 OR. L. REV. 1 (2020) (co-authored).

Building Bridges Across Curricular and Status Lines: Gender Inequity throughout the Legal Academy, 69 J. LEGAL EDUC. 3 (2019) (with Kristen Tiscione).

Gauzy Allegory and the Construction of Gender, 25 WM. & MARY J. RACE GENDER & SOC. JUST. 7 (2018).

Best Practices for Protecting Security of Position for ABA Accreditation Standard 405(c) Faculty, 66 J. LEGAL EDUC. 538 (2017) (Position Paper Adopted by the Legal Writing Institute (July 2016), the Association of Legal Writing Directors (Oct. 2015), and Society of American Law Teachers (Oct. 2016)).

Stars Upon Thars: Evaluating the Discriminatory Impact of ABA Standard 405(c), "Tenure-Like" Security of Position, 34 LAW & INEQ. 137 (2016).

Form and Substance: Standards for Promotion and Retention of Legal Writing Faculty on Clinical Tenure Track, 37 GOLDEN GATE U. L. REV. 281 (2007).

Articles, books, and book chapters designed for legal educators

IOWA LEGAL RESEARCH (Carolina Acad. Press 3d ed., 2022) (with John Edwards & Karen Wallace) (earlier editions published in 2016 and 2011). Teachers' Manuals also published alongside.

Beyond the University: Towards Transfer, in EMERGING ISSUES IN EDUCATIONAL DEVELOPMENT IV (Edin, 2021) (co-authored).

- Team-Based Learning in an Online Environment*, in LAW TEACHING STRATEGIES FOR A NEW ERA: BEYOND THE PHYSICAL CLASSROOM (2021) (with Joy E. Herr-Cardillo).
- Assessment, Collaboration, and Empowerment: Team-Based Learning*, 68 J. LEGAL EDUC. 303 (2019).
- Uncommon Results: The Power of Team-Based Learning in the Legal Writing Classroom*, 19 LEGAL WRITING 49 (2015).
- Transitioning to Team-Based Learning: A Primer for Pioneers*, OR. L. REV. ONLINE (2014).
- Stargate: Malleability as a Threshold Concept in Legal Education*, 63 J. LEGAL EDUC. 689 (2014).
- Book Review, Michael Hunter Schwartz, Gerald F. Hess, & Sophie M. Sparrow, WHAT THE BEST LAW TEACHERS DO, 11 LEGAL COMM. & RHETORIC 203 (2014).
- LEGAL RESEARCH SUPPLEMENT: EXERCISES ON LEXIS ADVANCE (e-book) (2013) (with Karen Wallace).
- LEGAL WRITING: ETHICAL AND PROFESSIONAL CONSIDERATIONS, (Carolina Acad. Press 2d ed., 2009) (earlier edition published in 2005). Teachers' Manual also published alongside.
- An Integrated Approach to Teaching Ethics and Professionalism*, 18, No. 2 PROF. LAW 25 (2007).
- Fostering a Respect for our Students, our Specialty, and the Legal Profession: Introducing Ethics and Professionalism into the Legal Writing Curriculum*, 21 TOURO L. REV. 427 (2005).
- The ALWD Citation Manual: A Coup de Grace*, 23 UALR L. REV. 775 (2001).
- The ALWD Citation Manual: A Truly Uniform System of Citation*, 6 LEGAL WRITING 257 (2000).