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A Writers' Board and A Student-Run Writing Clinic: Making the Writing Community Visible at Law Schools

Terrill Pollman¹

INTRODUCTION

In this article I explain institutional programs I developed in response to a common problem, students' frustrations with the limits of a law school's legal writing program. In Part One I propose establishing a Writers' Board, where members of the law school community who care most about legal research and writing training can work together to create opportunities for students to learn more. In Part Two I describe the Writers' Board's primary project, a Writing Clinic that offers diverse ways to improve legal research and writing on campus. In Part Three I identify problems that are likely to arise when creating a Writers' Board and Clinic. Finally, I conclude that these projects will not only improve legal research and writing training, but also raise students' confidence in the writing program and in themselves, and draw positive attention to a law school's legal writing program.

PART ONE: THE WRITERS' BOARD

One way to improve legal research and writing education is to make visible the community of writers that already exists in each law school. The school should bring together those who share an interest in expanding and promoting legal research and writing skills. A Writers' Board accomplishes this because its members include representatives from the various institutions at the law school whose work centers around legal research and writing.

¹ ©Terrill Pollman, Director of Legal Writing, College of Law, University of Illinois at Urbana-Champaign, 1996. My thanks to the two students whose energy and devotion made starting a Writers' Board and Clinic a lot of fun: Dawn Buff and Kevin Wells.
A. The Rationale for Creating A Writers' Board

Most lawyers write for a living, so it should come as no surprise that many members of law school communities highly value writing skills. In fact, the reputation of a law school depends, in large part, on how well its members research and write.\(^2\)

Institutionally, however, we tend to organize law schools in ways that obscure this common bond. We have no place on a law school campus where writers come together to talk about research and writing. Discourse on legal research and writing is hindered in part because many law school faculties hold legal research and writing education in lower regard than other areas of instruction,\(^3\) discouraging professors from expressing an interest in the area. Similarly, doctrinal faculty members may fail to understand or recognize the teaching mission of professional librarians. And although both librarians and legal writing professors devote much of their professional life to legal research and writing training, even relations between librarians and the legal writing faculty may be distant or strained.\(^4\)

Furthermore, student organizations offer scant chance for students to interact about writing. Law schools fail to promote inter-organization writing-centered conversation. And far from encouraging better writing in the general student body, student

\(^2\) Specifically, faculty members must publish well to maintain or enhance the law school’s academic standing. See e.g., James Lindgren & Daniel Seltzer, The Most Prolific Law Professors and Faculties, 71 CHI. KENT L. REV. 781 (1996). Law review members must write, choose, and edit articles well to increase the journal’s, and the law school’s, prestige. Id. Similarly, members of the moot court team must score well on the brief writing portion of their competitions or be relegated to losing performances. Furthermore, the law school’s graduates must write well to ensure that the local legal community thinks well of the law school. The law school’s placement officers can attest to the power of well written resumes, cover letters and writing samples.

\(^3\) Criticism and status differences are well documented. See e.g. Maureen Arrigoward, How to Please Most of the People Most of the Time: Directing (or Teaching in) A First-Year Legal Writing Program. 29 VAL. U. REV. 557, n. 3 (1995); Jan Levine, Voice in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Research and Writing Programs, 45 J. OF LEGAL EDUC. 530, 538 n. 33 (1996). Librarians also suffer from faculties’ failure to respect those who teach LR&W, and the lack of resources to devote to the labor-intensive LR&W instruction process. See I. Trotter Hardy, Why Legal Research Training Is So Bad: A Response to Howland and Lewis, 41 J. LEGAL EDUC 221, 223 (1991).

\(^4\) See Professor Christina L. Kunz, The Tension Between Librarians and Legal Writing Teachers: The Perspective of a Legal Writing Course Coordinator and Legal Research Text Author, a handout from a presentation given at the American Association of Law Librarians National Conference & Annual Meeting, July 18, 1995, on file with the author.
members of the honorary organizations that focus on writing, such as the law review or the moot court bench, may be viewed as privileged and unapproachable elitists by non-member students. Creating an organization whose purpose is cooperation for the educational benefit of the entire student body can encourage a general sense of community in the law school. Non-member students may come to see organizations such as the law review or moot court bench in a more positive light. A Writers’ Board can provide the forum needed for legal research and writing conversation to flourish.

B. Composition and Mission of the Writers’ Board

If the Writers’ Board is to create a campus-wide sense of community, Board members should represent as many groups as possible. A large Board in the first few years helps ensure survival. Consider representatives of the following groups: the law review; the moot court bench; the library staff; teaching assistants; research assistants; students representatives of the CALR companies; the student technology association; the trial team; the negotiations team; the client counseling team; the law and literature class; the drafting class; in-house clinic students; the student bar association; the placement office; and, of course, interested faculty.

At the beginning, it also makes sense to actively recruit students that will make the best Board members. Good candidates are those students who have an interest in the law school process itself. Some students react to the emotional and intellectual intensity of the first year of law school by analyzing it and thinking about ways to improve it. These students make excellent Board members.

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5 This sense of community is desperately needed in our law school today. The sense of isolation and alienation is prevalent among law students. E.g., Phyllis W. Beck and David Burns, Anxiety and Depression in Law Students: Cognitive Intervention, 30 J. OF LEGAL EDUC. 270 (1979); James R. Elkins, Rites de Passage: Law Students “Telling Their Lives”, 35 J. OF LEGAL EDUC. 27 (1985).

6 Given the current job market, another activity on a student’s resume that highlights research and writing ability makes many students willing to serve.

7 Doctrinal faculty may be reluctant to volunteer their time as Board members initially. Faculty participation in various projects, especially the more entertaining projects, is a good way to generate faculty interest. Additionally, the faculty is likely to respond well if they see a positive difference in the skills of their research assistants or if students’ seminars papers improve due to workshops that the Writers’ Board or Clinic sponsors. Finally, many faculty members are grateful to be able to suggest (rather than provide) extra help for students needing remedial work.
The charge to the Writers' Board is straightforward. Essentially, the Board's faculty sponsor tells the members: "You tell me that the law school needs to focus more on Legal Research and Writing. Let's provide for that need together. To do that, the Board must first identify a need, and then must address the need it has identified." The primary vehicle for accomplishing this goal is the Writing Clinic.

**PART TWO: THE WRITING CLINIC**

A. Projects

The Writing Clinic is the executive arm of the Writers' Board. In addition to providing individual instruction on a walk-in or appointment basis, the Clinic sponsors or co-sponsors most of the activities the Board uses to promote excellence in legal research and writing.\(^8\)

The Board may most easily identify students' needs by considering the typical progression of students through law school, including summer employment, progressing to a job search and finally law practice. For example, during the tumultuous and confusing first year, students may need more individual feedback than LR&;W professors with a high faculty/student ratio can give.\(^9\) The Writing Clinic staff may act as first-year mentors, or simply provide another voice explaining important LR&W principles.\(^10\) Also, in conjunction with the law school's ASP, the Clinic can give workshops or lectures on study or exam-taking skills. But typically, in those law schools where formal legal research and writing training ends in the first year, second and third-year law students need the Clinic most.

These upper division students often have nowhere to turn with questions about their writing.\(^11\) Instruction concerning sem-

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\(^8\) For a more complete list of possible topics for projects, see the Appendix.

\(^9\) In spite of a school's best efforts, legal writing professors may have very large teaching loads. For example, in the years when I first started a student-run writing clinic, I taught all incoming first-year students at Stetson University College of Law. Teaching assistants provided some editing assistance, but I was responsible for classroom instruction, grading and conferencing for over 125 students per semester.

\(^10\) In schools without an ASP, need for the Clinic is great. In schools where an ASP exists, but enrollment is limited to certain students, the assistance that the Clinic offers to all students may help reduce backlash against the ASP students and program.

\(^11\) In addition to lectures and workshops, the Clinic should also collect and create handouts. Some handouts may be instructions, such as "Researching Tax Law." Others may be practice exercises such as "Nominalizations" or "Using Commas."
inar papers,\textsuperscript{12} clerking projects,\textsuperscript{13} cover letters, resumes and writing samples for job applications,\textsuperscript{14} are some of the most common writing needs. The Clinic will need to set ethical boundaries for how much assistance it gives on these projects,\textsuperscript{15} but the second and third-year law students' need for writing advice creates excellent teaching opportunities in these areas. Additionally, some professors of upper-division classes may welcome a referral service for students who are disappointed in their performances on exams.

Research training for upper-division students may be an acute need since most students learn research skills before they are "learning ready,"\textsuperscript{16} and few schools offer advanced research training for more than a handful of students.\textsuperscript{17} Researching legislative history, administrative law, special areas such as tax or bankruptcy, and using new tools such as CD-Rom research or Internet research are only a few of the possible topics to address.

Student needs may also include training in the technology they are likely to find in a modern law office. Word processing, computer assisted legal research comparison or cost effectiveness training, training in Internet sources, and in use of software such as Premise or Folio Views\textsuperscript{18} or office management software are likely technology topics. If the Clinic facilities in-

\textsuperscript{12} Doctrinal faculty are often more interested in teaching the substance of the seminar, than in using the seminar paper as an opportunity to instruct on legal writing. The Clinic can help with this problem.

\textsuperscript{13} Students rarely have a place to go for help on job projects that may determine whether they receive all important "offer" at the end of the summer.

\textsuperscript{14} The Placement office may welcome the opportunity to help the Clinic staff on this project.

\textsuperscript{15} A few jobs require applicants to submit writing samples that have not been edited by another. The writing sample request is a perfect example to use when teaching Clinic staffers the difference between commenting to teach and editing to produce a perfect product. We want students to learn while correcting mistakes. Merely pointing out how to fix every error may allow students to misrepresent their writing skills, and Clinic staffers must avoid it. See supra text accompanying note 35.


\textsuperscript{17} Jill J. Ramsfield, Legal Writing in the Twenty-First Century: A Sharper Image, 2 J. Of Legal Writing 1, n. 78. Professor Ramsfield's 1994 study shows that 16% of responding schools offer advanced legal research classes. Only 3% make the course a requirement for all students.

\textsuperscript{18} These are software programs which create a database out of text, and allow the user to manipulate that text electronically in a number of ways. The West Company produces Premise, and Lexis produces Folio Views.
clude computer work-stations, CALI lessons can be available for students in the Clinic.

In addition to projects designed in answer to specific student needs, the Clinic can directly improve the reputation of a writing program. The Clinic can advertise existing writing competitions and create some of its own. The Clinic may organize the law school's participation in writing competitions by sponsoring a Legal Writing Honor Society. Legal Writing Honor Society members each write at least one paper a semester to enter in an outside writing competition. This gives students who do not belong to the law review an opportunity to practice and to showcase their writing skills.

A related project, an abstract service, is likely to make your school, and your students, popular with the practicing bar. Students may submit abstracts of research papers prepared for class, or, rules permitting, prepared for writing competitions. The Clinic can then make them easily available on the Internet, by building hypertext links to the abstracts on the law school's home page. This abstract service will not only enhance the reputation of the school, but also offer students a wider audience for samples of their best work. If you are lucky enough to have Board members who are technically sophisticated, creating the Clinic's own Home Page may draw favorable attention to the writing program.

The Clinic may sponsor projects that coordinate writing related activities across the law school curriculum. Most law schools would benefit from a writing calendar that lists due dates of major projects or school-wide competitions. The Clinic may act as a repository for handouts from all of the LR&W classes within a school. A bank of sample exams is also a good ser-

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19 Credit for the ideas of the Clinic sponsoring a Legal Writing Society and publishing abstracts of the best papers goes to Assistant Professor Darby Dickerson of Stetson University College of Law.

20 Professor Dickerson suggests inducting from five to ten new members a year, based on an interview and a written application packet which consists of a current resume, two writing samples, and a 250-word essay about why the student wants to join the Honor Society.

21 Many competitions offer monetary awards, and the awards are often quite generous. Professor Dickerson and the Writing Clinic at Stetson are in the process of making a list of competitions that they are willing to share upon request. The list contains the name of each contest, its sponsor, the approximate due date, the topics covered by the competition, and basic rules.

22 The Clinic can offer the handouts on disk, as an e-mail attachment, or on the Internet as well as traditional paper handouts. Students can replace lost handouts easily, and are also delighted with the opportunity to browse handouts from other LR&W
vice to offer students. Advertising national writing competitions to the general student body is also useful. 23

Some Writing Clinic projects simply remind the community that writing and research are fun. Law and literature evenings, book clubs, and poetry readings are some of the more conventional projects. Less conventional projects might include a treasure hunt party in the library with silly prizes, a contest to write the best story about what later happened to the characters in the law school memo or exam, or simply posting one of the new magnetic poetry kits on a wall outside the clinic. Filming staged productions of famous cases, such as the short film of Palsgraf that is currently available, might be another fun Clinic project.

B. Operations

The Writers’ Board administers the Writing Clinic, using the Clinic to achieve its goals. The Clinic is student staffed, and offers feedback or instruction on a walk-in and appointment basis. The faculty sponsor is ultimately responsible for the Writers’ Board and the Writing Clinic. Although the final authority will rest with the faculty sponsor, the Co-chairs of the Writers’ Board make plans and participate in setting guidelines. In addition to making policy decisions under the supervision of the faculty sponsor, these students should have primary responsibility for staffing the Clinic. While students plan, advertise and teach most projects, faculty members also participate in some presentations. 24

Choosing the right staff, especially at the beginning, is crucial. 25 If the law school uses teaching assistants in its legal research and writing program, 26 then for the most part the Clinic

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23 Students may choose to enter a competition without committing to the Legal Writing Honor Society, should you decide to start one.

24 In my experience, faculty are more likely to participate in the Clinic if students, rather than the faculty sponsor, ask for their cooperation. This is true whether the participation is supplying recent sample exams for the exam bank, or attending a discussion of a law related novel.

25 The number of students needed to staff a Clinic will vary. As a general rule, however, two students can provide enough help to start a Clinic for a student body of around 450-550. At the busiest times of the semester, the Clinic may want to plan for extra help, perhaps at an hourly wage.

26 Use of LR&W teaching assistants is common. Schools that allow 2Ls to work as teaching assistants will find this good training for working in the Clinic. See Julie M. Cheslik, Teaching Assistants: A Study of Their Use in Law School Research and Writing
staff should come from this group. Look for excellent writing
and analytical skills, teaching ability and experience, enthusi-
asiasm and availability. Although a "tough love" philosophy can be
effective for many teachers, for the Clinic it is better to look for
nurturers. Consider hiring at least one staffer who has had ex-
perience in teaching English As A Second Language.

The Clinic should be open for at least three hours a day,
four days a week. Organizers need to be aware of the logistics of
allowing the Clinic staff time to see written work before meeting
with students to discuss the work.

A modest budget is adequate to start the Writing Clinic.
Clinic staffers should receive the same salary that other teach-
ing assistants in the law school receive. The Clinic will need an
allocation for photocopying. Similarly, the physical needs for
starting a Clinic are few. They include a place to conference, a
place to post notices and sign-up sheets, a computer with
modem,\(^27\) a telephone with voice mail,\(^28\) a place to distribute
handouts, and a file cabinet that locks.

C. Benefits of Using Student Teachers

Students can be especially effective teachers.\(^29\) Upper divi-
sion law students remember clearly which concepts or skills are
likely to cause confusion and distress to first year students. Stu-
dents needing help may also be less inhibited about asking an-
other student for help. But not only the students asking for help
benefit; both students do.

Of course, every teacher knows that one of the best ways to
learn something is to teach it. And not only the Clinic staff realize this benefit. As Board members identify a need and plan a
workshop or lecture to address it, they turn to the members of
the organization they represent for students to present various
topics. For example, during the first year course on appellate ad-
vocacy, the Writers' Board representative from the moot court
bench may ask each moot court member to commit to editing
three first-year papers.\(^30\) Moot court members get editing prac-
tice. First-year students get another edit. Both benefit.

\(^{27}\) Not strictly essential, but extremely helpful even if it is an older machine.
\(^{28}\) Again, not strictly essential, but extremely convenient if possible.
\(^{29}\) Id.
\(^{30}\) Or moot court bench members might offer extra practice oral arguments.
Similarly, the Clinic may sponsor a workshop on academic writing to help students prepare seminar papers. Several presentations would comprise the workshop. A faculty member might talk generally about picking topics. A librarian or a student working as a research assistant might talk about the difference in researching to write documents for practice, and researching for academic papers. A law review member might talk about how and when to footnote, or the differences in citation for court documents and citation for academic writing.

The students who prepare these presentations must gather, analyze and organize their own experience to present the information clearly and accurately. They not only improve their knowledge of the area in this way, but also practice effective public speaking. These are skills that will enhance their ability to practice law.

PART THREE: POSSIBLE PROBLEMS

The Writers' Board and the Writing Clinic are likely to face three significant problems. First, student teachers may spread advice that conflicts with the advice of faculty members. Second, the Clinic staff may face ethical conflicts when students seek advice for graded classes or writing samples that students may represent as their own. Third, in some schools, students may hesitate to use the Clinic for fear of stigma.

Conflicting advice and misinformation can be the Board's most difficult problem. While Board members should not hesitate to admit and correct their own mistakes, preventative measures are best. Careful hiring will help, but the Writers' Board faculty sponsor must also plan time for training Clinic participants. Despite conscientious training, occasional problems will arise. The legal research and writing faculty should address the issue in their classes. They can draw attention to the possibility of a problem and teach first-year students to benefit from varied responses to the same document.

31 See Elizabeth Fajans and Mary R. Falk, SCHOLARLY WRITING FOR LAW STUDENTS (1995). This text is an excellent source for any student or faculty member making this presentation.

32 Training is crucial to the Clinic's success. It should likely be similar to teaching assistant training. The Legal Writing Institute has offered excellent sessions of training students. I have found sessions by the Legal Writing Faculty at the University of Texas to be especially helpful.
Legal writing programs often instruct students on giving and receiving peer feedback in their first-year class. This instruction usually includes the principle that while any reader’s critique can help authors understand how clearly they have communicated, authors must ultimately take responsibility for their own work. Similarly, students need to learn the difference between questions of style that allow an author to make choices, and rules that writers must follow. Finally, it is important for students to learn to balance conflicting advice because many of them will soon be working in situations where they must please several different audiences. Learning the best ways to reconcile conflicting advice is something they will need to know.

The second problem, the amount of help students may seek from the Writing Clinic, impacts both academic writing and writing that students produce for jobs or job searches. Regarding academic writing, not all faculty members will embrace cooperative learning principles. The Board needs to set firm parameters to assure the faculty that help for graded classes will be within the guidelines the professor of each class establishes. Some Boards may choose to ban substantive comments, or even all comments on large scale organization and analysis in general, to avoid political problems. Others may choose to educate the faculty on collaborative learning.

Regarding writing samples or clerkship projects, the Board members, especially those who work regularly in the Clinic, must themselves understand and be comfortable with the ethical limits on their work. Next, the Clinic should prepare a handout that details the student’s ethical obligation that Clinic members can distribute when they meet with students to discuss this type of work.

The third problem is that stigma may attach to those using the Clinic if the law school community sees the Clinic as a place

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An example of a stylistic choice that some students might believe to be mandatory: One should never write a one sentence paragraph. An example of a rule not open to interpretation: Personal pronouns must agree in gender and in number with their antecedents.

The Clinic should design and circulate a faculty approval form that reflects their school’s culture on cooperation.

Teaching, editing and respecting the limits of authorship present difficult questions that sometimes will require a personal decision for Clinic staffers. It should be clear to all staffers that they must not rewrite the paper for the student who brings it to the Clinic. On the other hand, if staffers are to teach, they must truly engage the author on their work. This debate is not limited to the law school clinic. See e.g., Irene Clark & Dave Healy, Are Writing Centers Ethical?, 20 WRITING PROGRAM ADMIN. 32 (1996).
primarily for those in need of remedial instruction. This may be especially true if the Clinic encourages faculty members to send students with poor test performance to the Clinic. Depending on how competitive the law school culture is, students may see seeking help as showing weakness, unacceptable in an adversarial environment.

The answer here lies in the attitude of the Board. One response to this problem lies in the subject of the workshops and lectures that the Clinic sponsors. Workshops such as "Hints for a Successful Summer Internship," or "What a Good Research Assistant Should Know" will naturally attract many good students. Likewise, good writers understand that every author, no matter how skilled, benefits from feedback. Board members should occasionally bring their own work to the Clinic for an edit, and encourage their friends to do so. Top students using the Clinic will allow the Board to capitalize on the students' competitiveness. When word spreads that successful students use the Clinic, as it will very quickly, stigma will rarely be a problem.

PART FOUR: CONCLUSION

The benefits of creating a Writers' Board and a student-run Writing Clinic are both pedagogical and political. Pedagogically, through the Clinic the law school can offer more individual attention, a broader curriculum, and the chance to learn through teaching. Enlarging the teaching opportunities unleashes creative energy and may yield unanticipated benefits. Each school will find the projects and activities that make the most sense in its unique culture. The Writing Clinic is a public way to support, even celebrate, legal writing and research. This reveals the common bond that so many in the law school share, thus creating a sense of community.

This sense of community has political benefits as well. In a time of shrinking resources for many law schools, the project can boost student morale, draw positive attention from the doctrinal faculty to the legal writing program,36 and enhance the reputation of the law school in the legal community at large.

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36 The Writing Clinic will continuously advertise projects. These advertisements are a reminder to the doctrinal faculty of the enormous task faced by the legal writing department, and doctrinal faculty may better appreciate the legal writing faculty's talent, energy, and commitment.
Appendix A

Suggestions for Clinic Projects

Note: While students plan, advertise and teach most projects, faculty members also participate in many presentations.

A. Intramural Contests:
   1. Writing contest where students’ summer projects serve as entries.
   3. On-your-feet-editing bees.
   4. Citation bees.
   5. Library treasure hunts.

B. Brown Bags:
   1. Research
      a. Special areas of law: tax, bankruptcy, international law, etc.
      b. Special tools: ALRS, CFR, CD Roms, Internet sources, etc.
   2. Writing
      a. Job search tools: cover letters, thank you letters, resumes, suggestions for writing samples.
      b. The “Clerking Projects You Never Heard About in LR&W” Series: jury instructions, complaints, discovery documents, simple motions, etc.

C. Lectures:
   1. Citation review.
      Several a semester, strategically timed: before first memo requiring citation is due; before research test; before law review write-on competition. A good place for law review to help.
   2. Academic Writing.
      Again, strategically timed for seminar papers: Finding a topic; academic research; citation for academic papers; using footnotes.
   3. Exam Preparation.
      Outlines, exam writing tips, exam study tips are all popular. (These work well when successful students share study tips.)
   4. Co-sponsoring some lectures with Westlaw and Lexis—for example the West multi-media lectures on research with optional attendance.
D. *Entertainment:*
1. A lecture on legal aspects of the crimes in Sherlock Holmes stories.
2. Law and literature book clubs.
3. Law movie evenings—but be aware of copyright issues.
4. Poetry or fiction readings.

E. *Workshops:*
1. Training workshop for students with jobs as research assistants.
2. Analogical reasoning workshop for 1Ls.
3. Oral argument workshops (with help from Moot Court Bench).
4. Researching legislative history.
5. Word-processing: general or for specific tasks like building a Table of Authorities for an appellate brief.

F. *Special Projects:*
1. Replenishing sample exam banks. Recalcitrant faculty may be more amenable when approached by favorite students.
2. Writing or collecting exercises for students with specific problems: grammar, style, citation, practice test questions and answers, etc.
3. Developing a bank of samples, and “how-to” handouts for workshops (e.g. “Jury Instructions” “How to Research the Model Rules for Professional Responsibility”,).
4. Creating a Legal Writing Honor Society whose members agree to enter writing competitions.
5. Compiling a calendar of writing assignments and events on campus.
6. Creating an abstract service on the law school homepage where the public has access to abstracts of students’ academic papers.
Political Corner

Legal Writing Institute
1996 Conference