

Remarks from ALWD for the August 2014 ABA Council meeting in Boston, MA

Thank you for inviting ALWD to present at this meeting. ALWD has one representative present at the meeting, Kathleen Elliott Vinson, ALWD's Immediate Past President. Mary-Beth Moylan is currently the ALWD President. ALWD values its long affiliation with the Council on behalf of the legal writing academy, and we are pleased to share this brief summary of our work with you.

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.

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

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

a. Conferences

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 recently discussed at a biennial conference hosted by our sister organization, the Legal Writing Institute (LWI), held in Philadelphia in July. The conference drew approximately 500 legal writing faculty members from across the country and provided pedagogical and scholarly support for members of the legal academy leading curricular changes. Faculty left the conference with fresh ideas of how legal education can train lawyers for future practice.

ALWD's next conference will be held June 3-5, 2015, hosted by the University of Memphis School of Law in Memphis, Tennessee. A call for presentation proposals was recently sent out. The theme of the conference is: *Heart and Soul: Legal Research and Writing (LRW) at the Center of Legal Education*. In many ways, LRW classrooms are at the center of—are the *heart and soul* of—legal education. The analytical skills that our students develop in legal writing are skills that are at the center of and connected to the work that they do in other first-year courses and the work that they will do throughout their legal careers. At this conference, we will explore the ways in which the LRW curriculum and LRW professors are the heart and soul of our law schools, our law schools' curricula, and legal education generally, including how we make explicit to the students the ways in which the skills they are learning

are central to their legal education and how we can help humanize legal education.

b. ALWD Guide to Legal Citation

One of our most exciting projects this year was the recent release 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. However, it does explain and provide law review style citations together with practice citations that are fully consistent with the Bluebook.

c. The ALWD/LWI Survey:

ALWD/LWI annually conducts a survey, which in 2013-2014 had an 89% response rate, representing 178 U.S. law schools and one Canadian law school. The survey is available on our website at <http://www.alwd.org>. A few interesting take-aways from the survey include the following:

1. The survey shows a trend toward more skills training is happening throughout the legal academy, yet it also shows legal writing faculty are at risk during the crisis legal education now faces. Legal writing is a fundamental skill that our students need to succeed as lawyers. At this time, almost all of the 178 US law schools responding to the survey require legal research and writing both semesters of the first year of law school. The average number of credits of legal writing in a required program (spanning all years, not just the first-year courses) increased to 5.71 credits and appears to be growing over the past several years. Also, the majority of the programs integrated research and writing instruction. Finally, responding to questions regarding the effect of the current economic conditions/decline in law school applications, the highest number of responders stated their programs had been effected (68 programs up from 50), such as an increase in the number of students legal writing faculty teach, a hiring freeze, reducing the number of legal writing faculty, and not replacing faculty when contracts expire or are not renewed.

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 72% female and 28% male. Answers to questions regarding diversity of legal writing faculties reported 87.9% 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.

d. 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

e. 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. The editors of JALWD are exploring ideas to publish online in the future.

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

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

Ironically, however, 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. The ABA Standards have created and fostered academic status hierarchies, imposing constructive barriers to race and gender equality in the academy, allowing accredited law schools to discriminate among full-time faculty members based on the nature of their teaching responsibilities. Due to lack of status and job security, during these challenging times in legal education, many legal writing faculty positions have been eliminated or reduced and resources to legal writing programs have been decreased at many law schools.

As legal education, the bench, and the bar continue to face significant challenges

with how to implement needed reforms, ALWD can help be a catalyst for lawyering skills instruction, experiential learning, and assessments. ALWD looks forward to working with the ABA to continue to improve legal education and the status of LRW faculty.