

THE LAW SCHOOL'S PROGRAM FOR TEACHING WRITING SKILLS

No gathering of lawyers and law school teachers is able to avoid the subject of legal writing. Why can't law students write in *persuasive, direct, accurate and simple English*?

Almost everyone agrees that

the best way to learn writing is by writing. All efforts so far in the University of Wisconsin Law School are directed toward providing a variety of opportunities, with supervision and evaluation, to gain writing experience.

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Legal Writing at the University of Wisconsin Law School is a three-credit course required of all students in the second semester of the first year. The Legal Writing program is designed to teach first year students to use legal analysis, research and writing skills to solve specific problems. It is taught in 20 sections by teaching assistants who are third year students. For the past two years, it has been supervised and coordinated by Mary Beth Gleaves ('74), who was herself a high school English teacher before coming to the University of Wisconsin Law School.

Many law schools have legal writing courses—some called by other names. All the courses, however, include instruction on basic research and writing techniques. Increasingly, legal writing courses also teach students the basic analytical skills they need to interpret and use statutes and appellate court decisions. In some law schools, legal writing is bound to a moot court or law review program. In others, like Wisconsin, the director is a member of the Law School staff supervising teaching assistants.

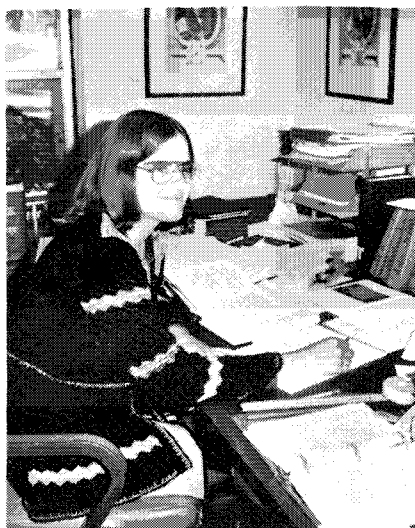
For the first time this year, the third year students who will teach Legal Writing in the second semester are themselves taking a three-credit course in research and legal analysis taught by Ms. Gleaves. They are working together to study problems and provide a legal writing course in the second semester which will have equal standards of performance.

It is now quite clear that the Legal Writing course itself is not sufficient to make good writers out of poor writers or even writers out of non-writers.

The efforts to meet the crisis of literacy among law students now proceeds on several fronts.

A. The Small Section Program

For several years, each first year student has been assigned to one small section in one of the regular courses offered in the first semester. These sections have enrollments of 15-20 students and are taught by regular faculty members in the areas of contracts, torts, civil procedure, and substantive criminal law. They provide an opportunity to use other teaching methods in addition to, or instead of, the large lecture or the Socratic method of analyzing only the decisions of appellate courts.



Mary Beth Gleaves

LEGAL WRITING Cont.

Professor Lawrence Church, Associate Dean, is the coordinator of the small section program. He emphasizes that the program is not primarily a legal writing course. In addition to its substantive component, it provides an early exposure to legal analysis and American legal process. Nevertheless, the writing skill is the one most readily used to communicate, so that it inevitably becomes an important part of the program. Although there may be differences in the day to day classes, each section requires three papers and a mid-term examination, in addition to the regular final examination. The course teacher comments extensively on each paper and the mid-term examination, often in individual conferences with each student.

The small sections lend themselves admirably to the development of communicative skills, because the professors are able to evaluate in detail the work accomplished, and the students are provided an opportunity to express themselves in various ways. They have another important aspect: the written requirements are an integral part of a regular course and greatly enhance, in the opinion of nearly all the professors involved, substantive understanding of the respective courses.

B. The Writing Tutor

Students with particular problems in expressing themselves are referred by the professors teaching small sections and others to the writing tutor. The tutor works with each student individually to correct basic deficiencies, which include grammar, organizational and editing handicaps. Consultation with the tutor is voluntary.

During the first semester, 1976-77, the tutor is June Gertig, a third year student who in spring of 1976 won the Davies Prize given to the two students of highest standing in the second year class. She, too, has been an English teacher. Her experience includes teaching English as a foreign language in West Africa during her service as a Peace Corps volunteer.

Any student enrolled in the Law School is eligible for the tutorial program. Students voluntarily consult the tutor or faculty members refer students for assistance. About 40 students have sought the tutor's assistance during the first semester, 1976-77. Many students consult her more than once.

The tutorial program allows students to improve their writing and analytical skills by working closely with a tutor. Ms. Gertig critiques student writing and comments on grammatical, organizational and stylistic strengths and weaknesses. Students may ask her to evaluate a specific writing sample or to develop a long-term program for improving the student's general writing abilities. She also helps students acquire the skills necessary to write a variety of documents including law examinations, memoranda, essays and briefs.

In addition to working with individual students, Ms. Gertig will teach a small legal writing section during the second semester, 1976-77. Students in her section will have a chance to work intensively on legal writing skills in a setting designed to increase contact with the instructor and maximum feedback on writing techniques.

C. Hastie Fellows

The two Hastie Fellows are graduate lawyers from minority groups, who are earning LL.M. degrees to prepare themselves for law school teaching. They serve as

half-time advisors to those enrolled in the Legal Education Opportunities Program. While they do not devote themselves exclusively to writing, it inevitably becomes a part of their efforts to assist students in developing a number of skills.

D. Assistance in Regular Classes

It must not be overlooked that many members of the Faculty have been attempting to add some training in legal writing in a substantial number of the courses offered in the regular program. They are handicapped, of course, by large classes (some almost 150 students), which makes any large amount of writing in the first year class an unmanageable burden on the professor.

To second and third year students, the seminars offer chances for very specialized study and writing.

The Future

Some people in position to know, state that the recent writings of law school graduates are more careful, more concise, and more communicative than are those presented by older, more experienced lawyers.

Others dispute this categorically.

Whatever may be the truth, there is anxiety in the extreme over the apparent failure of the nation's vast educational system to produce graduates who can read and write. Clearly, if the elementary schools were doing their jobs and the high schools were doing theirs, colleges and law schools would not need to worry about what should be assumed to be unnecessary.

A number of colleges, including the University of Wisconsin, are about to launch a variety of experiments in search of a workable method of teaching writing. The law schools and other graduate programs will eagerly await the results.