

Little Red Schoolhouse Goes to Law School: How Joe Williams' Teaching Style Can Inform Us About Teaching Law Students

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Brutal Choices in Curricular Design ... is a regular feature of Perspectives, designed to explore the difficult curricular decisions that teachers of legal research and writing courses are often forced to make in light of the realities of limited budgets, time, personnel, and other resources. Readers are invited to comment on the opinions expressed in this column and to suggest other “brutal choices” that should be considered in future issues. Please submit material to Helene Shapo, Northwestern University School of Law, e-mail: h-shapo@law.northwestern.edu, or Kathryn Mercer, Case Western Reserve University School of Law, e-mail: klm7@case.edu.

By Hillary Burgess

Hillary Burgess is an Assistant Professor of Academic Success at Hofstra University School of Law in Hempstead, N.Y., where she teaches legal methods. She has previously taught alternative dispute resolution, rhetoric, criminal law, criminal procedure, and prisoners' rights at the law school and undergraduate levels. She dedicates this article to Prof. Joseph M. Williams because his course defined her career passions, goals, and style.

I. Introduction

This past spring, Prof. Joseph M. Williams passed away. Many people know Prof. Williams for his books, *Style: The Basics of Clarity and Grace*,¹ and *The Craft of Argument*,² and for his many contributions to the fields of English, rhetoric, medicine, and law. Readers of *Perspectives* also know that Prof. Williams was a regular contributor to the Writing Tips column. Prof. Williams was a classical rhetoric professor who dedicated his

professional career to educating lawyers and doctors about how to communicate with their lay clients using language and style that their clients could understand. Additionally, at the University of Chicago, Prof. Williams taught a course entitled Academic and Professional Writing, commonly known as “Little Red Schoolhouse.”³ In this course, he demonstrated excellent teaching techniques while teaching students how to write well. Although Prof. Williams' books and articles communicate how to write well, some of his excellent teaching techniques become lost in the translation from his classroom to his books and articles.

In this article, I review two of Prof. Williams' most prominent and successful teaching techniques and discuss ways to incorporate these methods into law school classrooms. In part II, I discuss how Prof. Williams encouraged students to accept and embrace the basic hallmarks of legal writing. In part III, I discuss how Prof. Williams taught students to implement their new knowledge using “diagnosis to revision”⁴ strategies. In part IV, I provide ideas about how this pedagogy could be incorporated into various aspects of legal education. In part V, I conclude by inviting readers to share their use of these techniques or other successful techniques at conferences, in newsletters, and on electronic mailing lists and blawgs.

¹ Joseph M. Williams, *Style: The Basics of Clarity and Grace* (2d ed. 2005).

² Joseph M. Williams, *The Craft of Argument* (3d ed. 2006).

³ Hillary Burgess was a student in Prof. Williams' Little Red Schoolhouse during the summer of 1994.

⁴ Williams provides diagnosis to revision strategies throughout his *Style* book.

II. Encouraging Student Buy-In by Using Paired Writing Samples

In writing courses starting as early as elementary school and continuing through law school, students learn what differentiates good writing from bad writing. Typically, writing teachers provide principles of good writing with exercises and practice for students to employ the principles. Unfortunately, students who resist these principles of good writing might feel like they are doing nothing more than jumping through their professors' idiosyncratic hoops. When students believe that they are just giving their professors what they want and do not internalize principles of good writing, students do not become better writers. However, creating a classroom environment where students accept the principles of good writing can be challenging. In his Little Red Schoolhouse course, Prof. Williams created just such an environment for his students.

Prof. Williams began each lesson by providing two examples of the same text: an original and a revised copy. The revised copy employed the principles of good writing. He would ask students to identify which sample was better, why it was better, and what made the better text better. By doing so, Prof. Williams let students identify for themselves which text represented good writing. He reasoned that as readers, students are all experts in identifying good writing, even if they do not know why the revised sample was better or how to write well.

Prof. Williams' premise was simple: the text that was easier to read represented better writing. Students almost always chose the revised text as the better sample. However, sometimes one or two students preferred the original. To overcome this minority opposition, Prof. Williams used multiple originals, spanning a variety of subjects, each with its own revised version that represented good writing principles. Although a few students might conclude that one original was better than its revised version, usually all students agreed that the revised versions as a group were better.

For example, Prof. Williams gave the following originals and revised pairs in the section on *The Grammar of Clarity*:⁵

- 1a. Tracing the transitions in an editorial, a book, or a well-written article will help a writer who wishes improvement in the coherence of his writing.
- 1b. A writer who wants to write more coherently should trace the transitions in an editorial, a book, or a well-written article.
- 2a. A's argument that B's failure to provide for reduction of the royalty rate upon expiration of the patent discourages the licensee from challenging the patent does not apply here.
- 2b. A has argued that because B provided no way to reduce the royalty rate when the patent expired, the licensee could not challenge the patent. But that argument does not apply here.

Prof. Williams would then ask students to identify what about the second passage was easier to understand. Although some students would identify a principle of good writing, such as the revision used "less passive voice," most students could not identify what about the revised passage was better. Students would just indicate that the revised passage was easier to understand or easier to read. At this point, Prof. Williams had gained his students' respect for his expertise: they did not know what made the second passage easier to read, and he promised them that he could teach them what the rules of good writing were. Prof. Williams additionally promised his students that they could learn to become better writers by applying these rules to revise their own writing, so that the students' future readers would perceive their writing as easy to read.

By the time Prof. Williams started using words like *nominalizations*, *parallelism*, and *shape*, students had already accepted what good writing was. Prof. Williams was then left with the much easier task of explaining how principles of good writing

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⁵ The University of Chicago, *The Little Red Schoolhouse*, §§ 1–3.

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explained the difference between the original and revised passages.

Why was Prof. Williams’ pedagogy so effective? First, he acknowledged the expertise of the students, allowed students to participate, and only stepped in to teach when students reached the limits of their own collective expertise. Second, he gained students’ respect by acknowledging the expertise of the students and by sharing his expertise to allow students to become great writers in their own right. Thus, Williams’ methods engaged students interactively and respectfully.

III. Using Diagnosis to Revision to Improve Writing

In typical writing instruction, professors review why good writing is important and what the principles of good writing are. Students are then asked to employ those principles in their writing assignments. The professor provides feedback on the assignments, indicating where the students wrote well and where they still need to improve. The professor might even provide examples of revised sentences to demonstrate how a sentence that needs improvement might be written well. Mostly, though, students have to intuit how to turn their poor writing into good writing through the modeling process. However, students who cannot reproduce good writing through modeling can often feel as if writing well is an impossible task for them. Prof. Williams solved this problem by providing students with step-by-step instructions that taught students how to revise their work without having to master the principles of good writing. In fact, Williams indicated that students could continue to write poor first drafts, and through revising, they would ultimately produce quality finished products. By practicing these revision strategies, many students mastered the principles of good writing, or at least good revising.

Prof. Williams provided instructions about “how to” revise drafts using a three-step process: diagnosis, analysis, and revision. In the diagnosis stage, Williams provided concrete instructions that allowed students to identify poor writing. For example, to diagnose sentences that a reader is

likely to judge as hard to read, Prof. Williams instructed students to ignore short introductory phrases, then underline the first seven or eight words in a sentence. If the sentence did not have an action verb by the seventh word, the student should proceed to the analysis stage.⁶

During the analysis stage, Prof. Williams gave students instructions about how to collect the content-related data they needed before they could revise their writing. For example, Prof. Williams instructed students to decide who was doing the action in a sentence or paragraph and what actions those characters were doing.⁷

To revise, Prof. Williams provided another set of instructions. For example, he instructed students to change nominalizations into verbs, make the characters the subjects of those verbs, then rewrite the sentence with subordinating conjunctions like “because” or “if.”⁸ Prof. Williams illustrated these instructions by giving examples of poorly written sentences, then going through the diagnosis to revision strategies to produce well-written sentences.

For the most part, Prof. Williams did not use vocabulary about grammar, except for the vocabulary that he had defined in the chapter. Where he did use grammar vocabulary, Prof. Williams gave examples so that students did not have to remember the vocabulary word. For example, if he used the word “conjunction,” he would then proceed to list eight samples of conjunctions.⁹ By seeing the samples, students did not have to remember the names of parts of sentences. Rather, they could focus on the writing and revising process independent of this specialized vocabulary.

Why were these instructions so effective? The instructions bridged the gap between what good writing is and how to do it. Additionally, to follow the instructions, the students did not have to master

⁶ Williams, *supra* note 1, at 31.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

the concept; they just had to follow very simple instructions. Finally, just by following the instructions for any particular principle, students could turn almost any level of writing into writing that followed that particular writing principle.

Together with the paired samples, the diagnosis to revision strategies answered three questions: 1. Which sample represented better writing? 2. Why did the sample represent better writing? and 3. What about the better writing made it better? By answering these questions, the student would learn how to write better.

IV. Application in Law School

A. Student Acceptance of Principles of Good Writing in Law School: The Paired Sample Method

When law professors want to teach the basic principles of writing, rather than the specialized principles of legal writing, they can adopt Prof. Williams' paired sample method exactly because the basic principles of good writing are the same principles Prof. Williams taught in his course.

When law professors want to focus on the more specialized principles of legal writing, professors can use the paired sample method to illustrate an aspect of legal writing. To model Prof. Williams' paired sample teaching strategy in a legal writing context, professors could find a legal document that does not follow a particular principle of good legal writing and then revise the document to conform to the principle. The professor could then ask students to indicate which sample was easier to read.

For example, a legal writing professor or a writing-across-the-curriculum professor could take a poorly framed statement, revise it to follow a more standard format for legal writing, and then ask students which issue statement is easier to read and why.

Similarly, a legal writing professor or a writing-across-the-curriculum professor could take a poorly organized argument section of a research document or case, revise the argument according to the principles of legal analysis, and then ask the students which argument is easier to read and why.

Following Prof. Williams' strategy, this method would likely work best if the professor provided multiple paired samples so that if any student felt the original of one sample was easier to read than the revised version, the student would still be likely to agree that the revised versions of all the samples tended to be easier to read. Professors could readily find samples of less-than-stellar legal writing in cases, law review articles, initial drafts of papers, exam answers, or even public record court documents.¹⁰

This method could give students confidence about their legal writing skills and demystify legal writing because students would be able to identify good legal writing even before they knew what good legal writing is or how to write well in a legal context. The paired sample method could also enable students to see that many lawyers have not mastered the art of writing well. Simultaneously, students could understand that they need to learn how to write well in order to communicate well with other lawyers, judges, clients, or juries.

B. Diagnosis to Revision Strategies in Law School

Similarly, the diagnosis to revision strategy translates exactly for law school writing for professors who want to teach the basic principles of good writing. In fact, I would encourage anyone who wants to teach these principles to consider incorporating Prof. Williams' *Style* book and using his diagnosis to revision strategies. Teaching students to revise poorly written legal documents so that these documents conform with basic principles of good writing can also help students understand older cases in their casebooks. Once students become versed in revising sentences that are difficult to understand, they can revise cases as part of their reading process to better understand what they are reading.

¹⁰ Of course, all identifying information would need to be removed from past papers and exams. As an extra precaution, I ask students to give me permission to use their writing as samples in future classes and give them the option to withdraw that permission at any time in the future so they do not feel that their grade is at stake with granting, denying, or withdrawing permission.

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The diagnosis to revision strategy also translates well for teaching the principles of good legal writing. Professors can create their own diagnosis to revision strategies that would instruct students about how to improve their legal writing. For example, professors could create diagnosis to revision instructions for revising discrete sections of a document, such as issue statements, arguments, or conclusions.

The diagnosis to revision method would benefit students because the students would not necessarily need to master the concept before being able to revise their original draft into a finished copy. Similarly, the process allows students to identify what concepts they do not understand with respect to the substance of their paper (as opposed to the writing style of their paper) because the analysis step involves identifying missing information. For example, once students started to diagnose and analyze their issue statement, they might identify that they had not isolated the critical element of the rule at issue. Finally, if a professor could create diagnosis to revision instructions that avoid legal terminology, instead using only language and concepts familiar to a novice learner, the instructions could simultaneously demystify legal writing and provide students with the tools to produce quality documents.

For professors, especially newer professors, the process of developing the instructions helped them understand what they know intuitively already: the steps expert legal writers take to transform their own initial drafts into quality legal documents. For experienced professors, the process of creating the instructions helped them reconnect with the struggles novice legal writers face.

V. Conclusion

Prof. Williams was one of the most popular professors at the University of Chicago because what he was teaching was so important and because of his teaching style. The specific methods he used to teach writing apply in any law class focused on teaching students to write well. The philosophy behind Prof. Williams’ teaching methods—engaging students interactively and respectfully—belongs in every classroom whether or not the focus is on writing. Prof. Williams acknowledged that students bring expertise into the classroom. He respected that expertise and provided students with opportunities to apply their expertise. He also postponed injecting the professor’s expertise until after the students exhausted their collective expertise. Prof. Williams’ teaching style identified and explained key concepts and skills. He focused on providing instructions that allowed novice learners to master these key concepts and skills.

Because our legal writing community is rich with creative teaching, I invite you to share on electronic mailing lists and blawgs, in newsletters, and at conferences how you have used and benefitted from Prof. Williams’ teaching methods and teaching philosophy.

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