

TWO PROGRAMS ARE BETTER THAN ONE: COORDINATING EFFORTS BETWEEN ACADEMIC SUPPORT AND LEGAL WRITING DEPARTMENTS

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Introduction

In most law schools, legal writing instructors are uniquely positioned to assess which students will need assistance from an Academic Support Program (ASP). While most doctrinal courses are taught in large classes where the interaction between student and teacher is limited, legal writing classes tend to be small and the assignments frequent. Due to the smaller class size and frequency of assignments, legal writing instructors are often the first to see that a student may need additional assistance. Usually, a student is deemed “at risk” if factors such as LSAT scores or college grades indicate that the student will have difficulty graduating from the law school or passing the bar exam. While helpful as a starting point, this method fails to reach all students in need of assistance.

During the 1999–2000 academic year at Suffolk University Law School, legal writing instructors and ASP instructors began working together more closely to try and reach, as quickly as possible, students in need of academic assistance.¹ This new working relationship was not intended to supplant other methods of identifying at-risk students. Instead, I view the new relationship between the ASP and the Legal Practice Skills (LPS) offices as a method of supplementing what both programs were already doing to reach students in need. In fact, ASP instructors

continued to contact students deemed at risk due to LSAT scores and college grades, work with all first-year students during orientation, and assist upper-class students who were experiencing academic difficulty.

This new working relationship has helped both departments meet their respective goals. When legal writing instructors began referring students to the ASP office, they were helping the ASP department reach out to these students earlier than was otherwise possible. When ASP instructors began helping students with their writing, we became another voice that reinforced the instruction that the students were already receiving from their legal writing professors. While the new working relationship between the departments has proved to be a success, as with any new idea, there were some unique problems with which we had to deal. In particular, we had to address several administrative and organizational issues.

Administrative Issues

A very close working relationship between the ASP and the legal writing departments may not work in all law schools for several reasons. First, whenever two administrative departments begin working together, “turf” issues naturally arise. Second, a working relationship between the two departments can generate a great deal of additional work for ASP instructors—work that a small ASP staff could not handle. Finally, ASP instructors must have a good understanding of the work performed by legal writing instructors in order to provide meaningful and consistent assistance to the students. Several aspects of Suffolk’s ASP and legal writing department have made these administrative issues easier to overcome.

There are few turf battles between the ASP staff and the LPS staff at Suffolk because both programs are under the umbrella of the legal writing program. While I do have a great deal of autonomy in directing Suffolk’s ASP, I report to the director of the legal writing program.² This organizational structure leaves the final decision-making authority in the hands of a single person and helps the two departments work together as a

¹ We have continued this program into the 2000–01 academic year.

² Kathleen Elliott Vinson directs Suffolk University Law School’s legal writing (Legal Practice Skills) program.

team. Teamwork between the two administrative offices is essential due to the increased number of referrals that legal writing instructors can generate. Referrals from legal writing instructors can generate a large amount of additional work for an ASP office, making sufficient staffing essential. A full-time director, one full-time instructor, and one part-time instructor staff Suffolk's ASP office. Every member of the ASP staff is a former legal writing instructor. This prior experience means that each ASP instructor is well acquainted with the job being performed by the legal writing staff, which in turn makes it easier to help Suffolk's students.

A clear division of responsibilities between the two departments also helps avoid turf battles. When I began directing Suffolk's ASP in the summer of 1999, I was told that one part of my job would be to help all students, but particularly first-year students, with their writing. As the school's LPS instructors were already providing some of this assistance, it was essential to put policies into place that would help avoid duplicative or contradictory efforts by the ASP and writing staffs.

The "No Pen to Paper Policy"

After several discussions with instructors from both the LPS and ASP departments, a basic policy began to take shape. While Suffolk's LPS instructors do answer student questions about their papers, they may look at only small portions of the paper prior to it being handed in. With as many as 60 students each, writing instructors simply did not have enough time to review papers in their entirety prior to their due date. This long-standing policy also helped maintain confidentiality for purposes of grading, but it often made it difficult for an LPS instructor to provide students with meaningful assistance.³ Having ASP instructors read the papers seemed like a natural way of providing students with help, while at the same time maintaining anonymous grading. The danger of this approach was that the ASP would become a proofreading service, and students would end up being graded on work

that was not truly their own. To deal with these concerns, Suffolk's ASP eventually adopted its "no pen to paper" policy.

The most basic aspect of the policy precludes ASP instructors from writing on student papers in any fashion. Instead, students bring their papers to an ASP instructor who first reads it. Next, the instructor engages the student in a dialogue about the paper. For example, an instructor may ask what message the student intended to convey in a particular section of the paper, and then explain why that message is not coming across. In essence, the meetings are formalized brainstorming sessions where the students are forced to confront the weaknesses in their work and discuss ideas for improving it. If the ASP instructor notices weaknesses in the more basic aspects of the student's writing, such as grammar and sentence structure, additional meetings are scheduled to address these problems. Exercises created by the ASP staff are used to work on these problems, not the LPS papers. Thus, the policy achieves the desired effects—the ASP office does not end up as a proofreading service, and students are graded on their own work.

Should ASP Instructors Be Familiar with the Memo Topics?

One of the more difficult issues we encountered when creating this program was whether the ASP instructors should be familiar with the substantive law topic being used in each instructor's memo. On the one hand, a general understanding of the topic could make it easier for the ASP instructor to provide meaningful comments about a student's paper. On the other hand, the law used within the problem was viewed by some as the province of the legal writing instructor. In addition, each of Suffolk's 11 writing instructors creates his or her own problems. This means that the ASP instructor would have to become familiar with 11 different factual and legal scenarios. After experimenting with both methods, we discovered that the ASP instructors did not need a working knowledge of the problems in order to assist the students. By not reading

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³This policy is under review.

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the problem itself, ASP instructors had no preconceived notions about the best manner for presenting the information. In fact, we learned that it was easier to determine whether a student had effectively conveyed the necessary information if we did not have a working knowledge of the topic. In other words, if the ASP instructor still had questions about the law or the facts after reading the memo, then the paper needed additional work. Admittedly, not reading the problem or the associated cases made it more difficult to identify problems with the substance of the papers. Students are reminded, however, to meet with their legal writing professor for assistance with the law used in their memos.

Avoiding Stigmatization

If an ASP hopes to provide meaningful writing assistance to students, it must avoid stigmatizing them. If students feel that the ASP office merely provides remedial training, then the students with the greatest need will avoid seeking help for fear of being stigmatized. To avoid the perception that Suffolk’s ASP provides only remedial assistance, we have developed a two-tiered approach to providing students with writing assistance. Under this two-tiered approach, instructors refer specific students to the ASP office, but also inform their classes that the ASP office will help all students with their writing.

Writing instructors are encouraged to refer their weakest students to the ASP office, with referrals occurring as soon as the instructor finishes grading the first group of student papers. It is essential that these referrals occur as early as possible so that the students begin receiving the needed assistance before they begin working on their next papers. Otherwise, the writing problems are likely to persist and the students will become more and more disillusioned regarding their ability to succeed in law school.

In order to ensure that instructors are referring the “right” students to the ASP office, the two staffs meet prior to the beginning of the semester to discuss a general set of referral standards. I will not go into the standards we use at Suffolk in great detail. In general, instructors refer students who are having difficulty with basic aspects of writing,

such as grammar, punctuation, sentence structure, and organization.

In addition to establishing referral standards, we also discuss the mechanics of referring a student to the ASP. While the mechanics of referring a student may seem relatively unimportant, they should be discussed so that the ASP office receives as much information about the referred student as soon as possible. In addition, referrals should be conducted in a fashion so as to minimize stigmatization of the referred student. At Suffolk, the first step in referring a student is a discussion between the legal writing instructor and the student. Through this conversation, instructors convey two important messages: the ASP office can help the student make the most out of his or her abilities; and the student is not a problem that is being “dumped” onto another instructor. Thus, the student is reassured that the working relationship with the legal writing instructor will continue.

The next step in referring a student to Suffolk’s ASP is the completion of a referral form that is then forwarded to the ASP office. The form includes lists of the most common writing problems—for example, sentence structure, large-scale organization, and passive voice—in addition to a section for general comments by the instructor. The instructor then attaches a copy of the student’s latest work to the referral form before forwarding it to the ASP office. A staff member within the ASP office begins working with the referred student as soon as possible. Generally, the first meetings occur with one week of the referral. If a referred student does not contact the ASP office within a week, he or she is contacted by an ASP staff member and encouraged to make an appointment. Despite these efforts, stigmatization would still be a danger if referred students were the only ones allowed to use the services of Suffolk’s ASP—they are not.

All first-year students can take advantage of two specific services offered by Suffolk’s ASP. First, the ASP runs a weekly “Academic Excellence Class,” which covers a variety of topics, many of them related to writing. Topics in these weekly courses range from grammar basics to the use of topic sentences to create paragraphs with a well-

thought-out theme.⁴ In addition to our weekly Academic Excellence Class, Suffolk's ASP will review any first-year student's memo. Both of these services are heavily promoted by the school's legal writing instructors. Every week, the writing instructors announce the topic for the next Academic Excellence Class. In addition, they regularly remind their classes that ASP instructors are available to review student work. These announcements help to destigmatize getting help from an ASP instructor by letting students know that seeking assistance is acceptable and available to everyone.

Is ASP Usurping the Legal Writing Instructor's Role?

When I have discussed Suffolk's ASP with others, particularly legal writing instructors, a number of questions arise. Aren't the ASP instructors teaching skills that should be left to the legal writing staff? Isn't there a danger of confusion when students learn a single skill from multiple sources? Will the ASP office's assistance undercut the important student/teacher relationship? In larger programs, how can the ASP instructors be expected to provide assistance regarding the substantive law aspects of the different problems being used in various classes? These are all valid questions that we have had to address at Suffolk University Law School. While the relationship between Suffolk's ASP and legal writing programs is still in evolution, open lines of communication and respect for the work each department is performing have helped us deal with these issues in a more than satisfactory fashion.

Avoiding Inconsistency

To avoid inconsistency between the messages emanating from the two departments, the ASP staff sends students back to their legal writing instructors to answer certain types of questions. For example, ASP instructors focus on writing basics, such as sentence and paragraph structure, when assisting students with their first-year memoranda. Further, ASP instructors will refer students back to their legal writing instructors for

questions on basic writing topics when the answer might be different from instructor to instructor. A simple example of this is the use of the word "their" as a singular or plural pronoun. Although technically a plural pronoun, some instructors accept or even encourage students to use it in the singular. To avoid any contradiction, we refer students with these questions to their LPS instructors. In addition, we refer students to their writing instructors for answers to questions relating to the substantive law used in the memo. Referring students to their legal writing instructors helps reinforce the primacy of the writing instructor's role in teaching legal writing.

The referral system benefits the writing staff in two additional ways. First, legal writing instructors can focus on other topics, such as legal analysis, knowing that the referred students are receiving additional basic writing instruction from the ASP office. Second, the instruction provided by the ASP staff reinforces the instruction given by the legal writing instructors. For example, a student who doubts the importance of strong paragraph structure in legal writing is more likely to listen when that same message comes from a second source. The student having difficulty understanding, as opposed to disagreeing with, his or her writing instructor gains the benefit of hearing similar lessons being taught by a different person. Simply hearing the same lessons repeated using different examples often makes an important difference to a struggling student.

From the standpoint of an ASP office, these meetings serve the important goal of acquainting students with the services the office provides. A student who has a positive experience with an ASP instructor with regard to assistance with a memo is more likely to take part in a seminar on exam preparation or outlining. Even more important, these early meetings allow the ASP office to identify at-risk students more quickly. There is a strong correlation between students referred to the ASP office by their writing instructors and students already identified as at risk based on LSAT scores or college GPAs. The correlation, however, is not 100 percent. Each semester, LPS

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⁴ The program also covers more traditional ASP topics such as exam preparation and outlining in these classes.

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instructors refer students to the ASP office who have never been identified as at risk based on LSAT performance or college grades.

From the standpoint of the ASP office, a student who is performing poorly in a legal writing class is a prime candidate for poor performance in law school as a whole. The “carrot” for getting these students to work with the ASP office is the promise of help with their legal writing assignments. Once these students discover that the ASP staff can help them improve their writing, they are motivated to return to the office for additional assistance. This additional assistance can be in the form of exam-taking skills, time management, outlining, or any number of skills traditionally taught within an ASP office.

Conclusion

The close working relationship between Suffolk’s ASP and LPS department has benefited both programs. The ASP has been able to reach a larger number of students in need of academic assistance, while the LPS department can rely on ASP instructors to provide additional basic writing instruction to a large number of students. Most important, however, it is the students who are reaping the benefits of the relationship between the two programs.

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