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WHAT IS “LECTURING,” ALEX?

BY ALEX GLASHAUSSER

Alex Glashausser is Associate Professor of Law at Washburn University School of Law in Topeka, Kansas.

A wise bumper sticker once stated that writing about music is like dancing about architecture. Is lecturing about legal writing similarly incongruous? At the beginning of this academic year, my first of full-time teaching, I had ample opportunity to ponder that conundrum. Whenever my abstract oral wisdom about the written word met with silence rather than with questions and reactions, I wondered whether the ideal of teaching legal writing as a traditional law school class might be a chimera.

As a law student, I longed to hear lectures about legal writing. Although I was enrolled in a legal writing class in conjunction with my property class, it was not taught in the normal sense; it existed only on paper. We read textbooks, we wrote memoranda and briefs, and we got grades, but we had no classroom time—unless we counted the occasional minute in property class when the professor would hand out the latest legal writing assignment. I read the books, worked hard on the assignments, and appreciated the professor’s written feedback, but I missed the chance for any dialogue about legal writing with an experienced attorney. Because my classmates and I filled the void by trading legal writing myths among ourselves, an unhealthy portion of our legal writing education came from peers and therefore was about as reliable as old-fashioned sex education.

To channel my frustration over aspects of my education I found lacking, I compiled a list under the title “Glashausser Law School.” Each dissatisfaction with my actual law school spawned a pedagogical principle for the mythical eponymous institution. From my legal writing experience was born a cornerstone of the apocryphal school: “Legal writing is taught as an actual class, with lectures and time for questions.”

Complaining and dreaming are easy. Implementing my blueprint at a real law school, albeit one not bearing my name, at first proved more difficult. When I began teaching an “actual

class” of legal writing, I soon convinced myself that the so-called doctrinal classes more naturally lend themselves to lectures and Socratic questioning. A torts professor can discourse on the “reasonable person” and a property professor on covenants, and although those concepts are foreign to first-years, students grasp them by considering common human conflicts that cry out for legal resolution. But while the average law student almost instinctively understands the process of drawing lines to determine people’s rights and liabilities, that same student less easily fathoms how to express ideas and arguments in their most digestible written form.

In theory, the core concepts of legal writing should be easy to talk about because they are intuitive and uncontroversial to most lawyers: “use plain English,” “provide helpful signposts to the reader,” and so on. In fact, however, these platitudes are hard to teach. Because they are abstract, comprehension of them eludes those with little experience in reading and writing legal documents.

I did not want to squander my chance at penetrating my students’ minds with lectures about abstract notions that are meaningless at this stage of their legal careers. Although I sprinkled my lectures with illustrative anecdotes from my past and we talked through written exercises in class, I worried that the essential points might not be sinking in and that a lecture format might not be conducive to active thought about legal writing. I questioned my basic belief: Could Glashausser Law School have been wrong?

One month into the semester, I stopped questioning. I attended the first biennial Central Region LRW/Lawyering Skills conference, co-hosted by the Southern Illinois University School of Law and the University of Missouri–Kansas City School of Law. From the first morning session, the methods of “lecturing” opened my eyes.¹ The presentations succeeded on two levels:

¹ *Editor’s Note:* Several of the programs from this conference are described in the Fall 1999 and Winter 2000 issues of *Perspectives: Teaching Legal Research and Writing*. See Leslie Larkin Cooney & Judith Karp, *Ten Magic Tricks for an Interactive Classroom*, 8 *Perspectives: Teaching Legal Res. & Writing* 1 (1999); Terry Jean Seligmann, *Holding a Citation Carnival*, 8 *Perspectives: Teaching Legal Res. & Writing* 18 (1999); Clifford S. Zimmerman, *Creative Ideas and Techniques for Teaching Rule Synthesis*, 8 *Perspectives: Teaching Legal Res. & Writing* 68 (2000); Sue Liemer, *Memo Structure for the Left and Right Brain*, 8 *Perspectives: Teaching Legal Res. & Writing* 95 (2000).

not only did their substance directly impart useful information, but even better, their process showed how many ways a lecture can get a large group of people to think about legal writing. One presenter used videos. Another projected computer screens. Another broke the audience into groups and organized interactive sessions that required us to talk to each other about our ideas. As a reward at the end of the day, one presenter² mimicked Alex Trebek and hosted a rollicking game of “Legal Writing Jeopardy,” complete with musical accompaniment. Although I have yet to see the \$400 I have coming for correctly answering “What is U.S.C.S.?” to an obscure question from the Research category, I enjoyed myself and learned more than a thing or two.

Learning a thing or two, of course, is what I would like my students to do. The conference reminded me that a “lecture” need not be limited to lecturing. I have access to my students’ attention for 75 minutes at a time; how I choose to reach them during that time is up to me and is limited only by my imagination. We have not yet played Jeopardy—I will wait until later in the year to spoil them—but I have now used plenty of videos, interactive handouts, and group exercises that require the students to write and to discuss issues among themselves. The students’ reactions show that they enjoy the different teaching styles and that, more important, they learn from them.

My lectures are no longer stuck in a rut of lecturing. Instead, I keep in mind that varying my style makes students more attentive and therefore more receptive to learning. The best way to learn to write will always be to write, and the abstract nature of the substance of a legal writing course will never disappear, but having the students engaged makes that substance easier to convey in the classroom. I may have to update the blueprint for Glashausser Law School to read: “Legal writing is taught as an actual class, with lectures and time for questions, *and with simulated game shows*.” And maybe one day we will even dance about writing.

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² Andrea Coles-Bjerre of the University of Illinois College of Law.

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