By Sue Liemer

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We were warned about them. And now they are here. A generation raised on the Internet, schooled leaving no child behind, and socialized via texting. They have never diagrammed sentences, conjugated Latin verbs, or organized research notes on index cards. But we must teach them to write active-voice point headings, apply canons of construction, and find legislative histories.

Legal writing professors face a daunting challenge. Our students now enter law school with less rigorous experience in reading, writing, and research, while the bench and the bar clamor for more practice-ready graduates. We start with students who, in general, are farther behind than ever in their core writing skills. And we also have to set the groundwork for students to be farther ahead in those skills than they were previously by the time they graduate.

In recent years I have seen first-year law students in a variety of less than ideal predicaments:

• Some embrace newly revealed skills gaps, double down their efforts, and improve dramatically. They end up where they need to be, but with considerable stress added to the normal stressors of being a 1L.

• Some others, however, are unable to acknowledge the gap. In preschool Barney told them they were special, and the law school gave them scholarship money to fill the class in a tough admissions cycle. So they think their writing is fine and their LRW professor is an oddly picky lady.

• Still other students effectively learn the lessons taught in LRW class. They organize their analysis well and pay good attention to citation details. But at random moments their writing is incomprehensible. They incorrectly use a seventh-grade vocabulary word and write two fragments in a row where actual sentences should be.

• And a few students arrive at law school with deficits in their core reading, writing, and thinking skills so large, those deficits prove insurmountable. Students only have so much time and energy in the course of a 14-week semester. Improving facility in structuring sentences and paragraphs takes time and is hard to do while also learning the concepts of future interests and the details of the mailbox rule.

So, what to do? At Southern Illinois University School of Law, we already have a Writing Across the Curriculum program. Every course in the law school has a written assignment other than a final exam, with some type of feedback from the professor. So our students have a lot of writing practice over three years. Most students benefit simply from doing more writing, for different purposes and different audiences. Also, our students already are required to read and brief a case before the first LRW class, held during Orientation. And they must read a book from an approved list to prepare for their required 1L Professionalism course. What some of them really need, though, are better writing skills before starting law school.

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After conversations with others, I quickly ruled out providing summer instruction on campus. That approach would require a commitment of significant resources both by the law school and the students. So I decided to take a first step toward creating an online pre-semester instruction unit. Fortunately, today’s technology makes it possible to deliver distance learning even before our students matriculate.

Several balances proved challenging to strike. I wanted to encourage students to identify and work on where their writing skills needed improvement over the summer before coming to law school. I had to find the right type and amount of instruction to provide. Because the students did not learn about this pilot effort when they were admitted to our law school, the work would have to be optional. So the incoming students would have to recognize a reason to do the work in the summer. Ideally, students with weaker writing skills would not feel overwhelmed, and students with strong writing skills would not wonder what kind of law school they had committed to. I did not want to scare anyone away. I did not want our effort to help students start off strong to backfire. It would not do to have students withdraw before they even started.

Past experience suggested that interactive work would be more engaging, more fun, and more likely to be completed ...

4 For their input, I thank my SIU colleague Valerie Munson and the following participants in the ALWD Innovative Teaching Workshop, held at Marquette University Law School on June 26, 2013: Susan Chesler, Cara Cunningham, Melody Daily, Mary Ksoblech, Sherri Lee Keene, and Katrina Lee.
lawyers do only from movies, television shows, and sensational media reports of unusual cases. We should not be surprised that they do not know how central writing will be in their daily work as lawyers. And, of course, a student should never approach an assignment unclear about why she is doing it. I also wanted to avoid receiving any student course evaluations expressing surprise about having “English class” in law school.

In addition, many law school applicants have little frame of reference for the quality of the writing lawyers need to produce to be effective on the job. Few undergraduate courses or nonprofessional jobs teach an individual how to write so as to cause a sophisticated reader to take specific, concrete actions in the real world. And, of course, few entering law students will know the writing conventions that are unique to American lawyers and are strong indicators of literacy within the law.

Because I asked our incoming students to voluntarily do school work during their last weeks of summer freedom, I knew that I had to keep the tone upbeat. Taking an “all carrots, no sticks” approach, I suggested this early start was a way to get a leg up early and to start off strong. At the very least, I figured if the students complained later about having to use commas correctly in law school—well, they were forewarned.

Shortly after I resolved to take this first step in law school summer prep instruction, I learned that at least one law school, the University of West Virginia, had done it the previous summer, with no blowback. The students at West Virginia apparently had welcomed something concrete to work on early rather than having general apprehension about starting law school.5 Whether the results at my school are similar is an update that will have to wait for the future.

My ultimate goal is to create an online, distance-learning unit to help students prepare for law school in the time period between their admission and matriculation. I have gathered other resources available online for no or little additional cost to the students or the law school. Next year I plan to provide additional summer prep writing instruction with these other resources. By then, the LRW professors also plan to switch from TWEN to the university’s more robust online instruction platform, D2L. The new platform will make it easier to deliver pre-semester teaching materials to admitted students and to track each student’s work in the unit, especially once the unit includes multiple e-resources. This platform also will allow for a seamless continuation from summer work into the fall semester as it gets underway. I want to send a letter to incoming students shortly after they are admitted, informing them of the preparatory instruction available to them and suggesting strategies and timing for working through it.

We have the ethical obligation to help all of the students we admit make a successful transition to the study of law. Fortunately, thanks to online distance learning education, we can start meeting that obligation in the summer, before law school even starts.

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5 Conversation with Professor Dave Krech, of the University of West Virginia College of Law, at the ALWD biennial conference at Marquette University (June 26, 2013); email from Professor Hollee Temple, of the University of West Virginia College of Law (July 5, 2013).