

# THE SIGNATURE PEDAGOGY OF LEGAL WRITING

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“Learning to write well can be the central focus of an education, including a legal education.”<sup>1</sup>

## I. INTRODUCTION

The Legal Writing Institute (LWI) celebrates twenty-five years of teaching and scholarship in legal writing. This occasion offers us an opportunity to reflect on what we have taught each other about teaching—so far—within our remarkable, generous, creative community, and to imagine a few of the places our learning may take us in the next twenty-five years.

Reflecting on this history, I tried to distill what I have learned about teaching writing, and it is simply this: writing is a process and it is social. This learning began for me in the early LWI conferences, which served as a catalyst to move our thinking about writing from writing-is-a-product to writing-is-a-process, and to a more conscious consideration of audience, focusing on the reader’s expectations of and responses to text. I would like to believe that, on my own, I somehow would have moved beyond assigning writing problems based on two-paragraph fact patterns set in hypothetical jurisdictions in which all of the people had cute names. But, I am certain that without the guidance and support of the LWI community, even that small step would have taken much longer, and the journey would have been lonely and sometimes discouraging.

The distance we have traveled on our shared journey of learning in the LWI is evident in the increasing sophistication of the

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\* © 2010, Carol McCrehan Parker. All rights reserved. Associate Professor and Associate Dean for Academic Affairs, University of Tennessee College of Law. I would like to thank the organizers of the symposium, *Legal Writing: The Journal of the Legal Writing Institute* and the *Mercer Law Review*, and all the members of the Legal Writing Institute, who have given me so much and to whom I am more grateful than I can say.

1. James Boyd White, *From Expectation to Experience* 18 (U. Mich. Press 1999).

programs at its biennial conferences. In 1984, the first conference featured seven plenary sessions presented by four speakers<sup>2</sup> and eight workshop sessions.<sup>3</sup> In 2008, by contrast, the conference offered more than eighty sessions and identified tracks for new teachers, experienced teachers, and practitioners, and a track focusing on technology.<sup>4</sup> The presentations addressed a wide variety of subjects ranging from “The You-Tube of Professional Practice,” and “Differing Learning Styles in the Classroom,” to “Non-Verbal Persuasion,” to “Comparing Discourse Communities,”—and many, many more.<sup>5</sup> The 2008 conference also included poster presentations and a day-long workshop on critiquing student work.<sup>6</sup> The changes in the breadth and depth of the conference programs demonstrate development of the discipline of legal writing and the directions for professional development for legal writing teachers. The 2010 biennial conference will exceed both the number and the diverse range of events of prior conferences.

A look back to the workshop session topics from the 1984 conference, though, is instructive because those topics remain as vital today as then: “Using Student Conferences Effectively”; “Evaluating Student Papers”; “Teaching Students to Write Persuasively”; “Teaching Oral Advocacy”; “Teaching Style and Syntax”; “Using Peer Collaboration”; “Teaching Research Strategies”; and “Integrating Writing into Substantive Law Courses.”<sup>7</sup> The early conferences provided the scaffolding that continues to support our professional growth today.

A second source of history, LWI’s newsletter, *The Second Draft*, first published in 1985,<sup>8</sup> similarly illustrates both the foun-

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2. The plenary sessions addressed the following topics: “What You Should Know about Writing in Order to Teach Legal Writing”; “Learning the Law Is Not Learning Lawyering: Writing for Clients Not Teachers”; “Approaches to Teaching Conceptual Organization in Legal Writing”; “Beyond the Sentence: What Else Influences Writing?”; “Statutory Language, Ordinary Language”; and “Choosing How to Hold Legal Writing Together.” Mary S. Lawrence, *The Legal Writing Institute—The Beginning: Extraordinary Vision, Extraordinary Accomplishment*, 11 *Leg. Writing* 213, 257–261 (2005).

3. Program, *Teaching Legal Writing: A Conference for People Who Teach In or Administer Legal Writing Programs* (Tacoma, Wash., Aug. 15–16, 1984) (reprinted in Lawrence, *supra* n. 2, at 257–261).

4. Leg. Writing Inst., *13th Biennial Conference of the Legal Writing Institute, 2008 Conference Schedule*, <http://indylaw.indiana.edu/LWIconference/2008/schedule.cfm> (accessed May 5, 2010).

5. *Id.*

6. *Id.*

7. See Lawrence, *supra* n. 2, at 259.

8. See *id.* at 228–230.

dations of the discipline and its evolution. In a pile of documents that I still consult and could not part with even if I did not, I found a copy—apparently ditto-copied—of *The Second Draft* from August 1988. The copy I found includes an article making the case for writing specialists;<sup>9</sup> a piece drawing on general semantics to explain how S.I. Hayakawa's Abstraction Ladder may inform teaching of first-year legal analysis and writing;<sup>10</sup> and an excerpt from Richard Neumann's then-forthcoming text book in which he explained the structure of legal argument.<sup>11</sup>

Now, notices arrive by e-mail to announce publication on the Internet of themed issues of *The Second Draft*, e.g., "Teaching through Technology,"<sup>12</sup> "Teaching to Different Learning Styles,"<sup>13</sup> and most recently, "Teaching Implicit Reasoning."<sup>14</sup> The depth in which these topics are explored illustrates the evolution of the field.

Finally, LWI's compendium of teaching resources, the Idea Bank,<sup>15</sup> provides both a record of the development of teaching materials, and an example of the collaborative spirit of legal writing teachers. Where the first Idea Banks involved stacks of assignments for memoranda and briefs, hauled by LWI members to conferences every two years to swap with others, today's Idea Bank is available on the Internet, reached by a few mouse clicks. Today's Idea Bank also offers a database of treasures—assignments, teaching ideas, and more—whose contents reflect the developing sophistication of teaching methods in our field. By 2008, nearly all assignments posted in the Idea Bank comprise multiple, authentic documents from which students discern their tasks and the potentially relevant facts—no more two-paragraph fact patterns describing munchkins in the Jurisdiction of Oz.

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9. Gertrude Block, *Law School's Bright "Illiterates"*, 4 *Second Draft* (Bull. of Leg. Writing Inst.) 4 (Aug. 1988).

10. Katherine Simmons Yagerman, *Clear Thinking for Students of Legal Writing*, 4 *Second Draft* 9 (Aug. 1988).

11. Richard K. Neumann, Jr., *The Structure of Proof*, 4 *Second Draft* 15 (Aug. 1988).

12. 23 *Second Draft* (Spring 2009).

13. 22 *Second Draft* (Spring 2008).

14. 24 *Second Draft* (Fall 2009).

15. The Idea Bank is available (to contributing LWI members) at [http://www.lwionline.org/idea\\_bank.html](http://www.lwionline.org/idea_bank.html).

## II. THE SIGNATURE PEDAGOGY OF LEGAL WRITING

Over the past twenty-five years, there has emerged a “signature pedagogy” of legal writing. A recent report from the Carnegie Foundation for the Advancement of Teaching<sup>16</sup> (“Carnegie Report”) defines “signature pedagogy” as a method by which “professional schools induct new members into the field,” specifically including those practices that “serve as primary means of instruction and socialization”; “build bridges between thought and action”; and are “invented to prepare the mind for practice.”<sup>17</sup> The dimensions of a signature pedagogy include (1) “observable, behavioral features”; (2) their theoretical bases; (3) “values and dispositions that the behavior . . . models”; and, most intriguingly, (4) “its complement, the absent pedagogy that is not or is only weakly engaged—the shadow structure.”<sup>18</sup>

The hallmarks of the signature pedagogy of legal writing are authentic tasks of an appropriate level of difficulty, undertaken within a collaborative setting guided by a more advanced learner, by way of an iterative process that includes frequent feedback and revision. This approach reflects awareness of the role of writing in constructing thought and of ways in which writers may translate that awareness into deliberate communicative choices that serve their rhetorical purposes.<sup>19</sup>

The theoretical underpinnings of this approach explain the nature of the bridges by which law students cross between

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16. William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass 2007).

17. *Id.* at 23.

18. *Id.* at 24; see also Susan Bryant & Elliot S. Millstein, *Rounds: A “Signature Pedagogy” for Clinical Education*, 14 Clin. L. Rev. 195, 195 n. 1 (2007) (noting that “[s]ignature pedagogy has been defined as a pedagogy that is distinctive to a profession and one that ‘functions as “windows” into what counts most significantly as the essence of a profession’s work,’” and that “[s]ignature pedagogies also create ‘strategies and methods that create a “surface structure” for teacher-student interactions.’” (quoting Charles R. Foster et al., *Educating Clergy: Teaching Practices and Pastoral Imagination* 33 (Jossey-Bass 2005))).

19. See J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 Wash. L. Rev. 35 (1994); see also Linda Berger, *Applying New Rhetoric to Legal Discourse: The Ebb and Flow of Reader and Writer, Text and Context*, 49 J. Leg. Educ. 155 (1999); Elizabeth Fajans & Mary R. Falk, *Against the Tyranny of Paraphrase: Talking Back to Texts*, 78 Cornell L. Rev. 163 (1993); Laurel Currie Oates, *Beyond Communication: Writing as a Means of Learning*, 6 Leg. Writing 1 (2000); Teresa Godwin Phelps, *The New Legal Rhetoric*, 40 Sw. U. L. Rev. 1089 (1986); Terrill Pollman, *Building a Tower of Babel or Building a Discipline?: Talking about Legal Writing*, 85 Marquette L. Rev. 887 (2002).

thought and action—that is, between the construction of meaning and communicating within social contexts.<sup>20</sup> This pedagogy has roots in composition theory,<sup>21</sup> and cognitivist (developing schemas within the domain of law) and constructivist (creating understating by acting within the social context) learning theories,<sup>22</sup> and is supported by research in the acquisition of expertise.<sup>23</sup>

### III. LEGAL WRITING PEDAGOGY IN UPPER-LEVEL COURSES

The pedagogy of legal writing developed in first-year writing programs informs teaching in courses after the first year, not only in upper-level courses focusing primarily on writing in advocacy, transactional, and scholarly contexts, but also in upper-level courses with doctrinal focus.<sup>24</sup>

Courses that integrate doctrine and skills may focus primarily on skills, doctrine, or a problem-based synthesis of doctrine, theory, and skills. Law review literature provides numerous examples of such courses. For example, a skill-focused course in the context of consumer bankruptcy may teach advanced legal research and writing based on authentic contexts and tasks by using as its text a practitioner's book on consumer bankruptcy and by developing assignments requiring students to work with forms to produce a portfolio of writings, including letters, settlement agreements, discovery documents, and pretrial statements.<sup>25</sup>

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20. See Mary Beth Beazley, *Better Writing, Better Thinking: Using Legal Writing Pedagogy in the Case Book Classroom (Without Grading Papers)* 10 *Leg. Writing* 23, 40–52 (2004); Pamela Lysaght & Cristina D. Lockwood, *Writing Across the Law School Curriculum: Theoretical Justifications, Curricular Implications*, 2 *J. ALWD* 73, 76–100 (2004); Carol McCrehan Parker, *Writing Is Everybody's Business: Theoretical and Practical Justifications for Teaching Writing Across the Law School Curriculum*, 12 *Leg. Writing* 175, 178–185 (2006).

21. See e.g. Linda Flower & John R. Hayes, *A Cognitive Process Theory of Writing*, 32 *College Composition & Commun.* 365 (1981).

22. See generally Marcy P. Discoll, *Psychology of Learning for Instruction* 65–240 (Allyn & Bacon 1994).

23. See K. Anders Ericsson et al., *The Role of Deliberate Practice in the Acquisition of Expertise*, 100 *Psychol. Rev.* 363 (1993); see also Natl. Research Council, *How People Learn: Brain, Mind, Experience, and School* (John D. Bransford et al. eds., expanded ed., Natl. Academy Press 2000).

24. See generally *Commun. Skills Comm., Sec. Leg. Educ. & Admis. to B., Sourcebook on Legal Writing Programs* 169–198 (Eric B. Easton ed., 2d ed., ABA 2006).

25. Susan L. DeJarnatt, *In Re MacCrate: Using Consumer Bankruptcy as a Context for Learning in Advanced Legal Writing*, 50 *J. Leg. Educ.* 50 (2000).

A doctrine-focused course may employ many of the same methods.<sup>26</sup> For example, a course designed primarily for the purpose of teaching substantive tax law may include various writing exercises that will augment the students' understanding of doctrine, introduce them to the documents and research tools they will need in practice, and expose them to ethical issues that they may experience in their future careers.<sup>27</sup> Similarly, Michael Madison, who teaches various Intellectual Property courses, has observed that writing assignments offer opportunities to monitor students' progress and greatly increase students' engagement with the fine points of statutory analysis.<sup>28</sup> Professor Madison has found that although assigning three memoranda during the semester requires four to six hours of class time, the benefits outweigh concerns about course coverage.<sup>29</sup>

Another model is that of the practicum course taught in conjunction with a doctrinal course, involving cooperation between doctrinal and practicum teachers. A practicum provides opportunities for practical experience and personal feedback using authentic tasks related to a particular area of law and helps students develop writing and lawyering skills as well as their substantive understanding of the doctrine. Examples of such practicum courses include an Employment Discrimination class in which students developed litigation-oriented writing skills and a Federal Taxation course in which students developed transaction-oriented writing skills.<sup>30</sup> Students in an Administrative Law class developed understanding of public law drafting by drafting a statute and regulations to implement that statute. Students then evaluated their drafts by playing the roles of various interest groups affected by the legislation and regulations, arguing for or against the inclusion of certain language.<sup>31</sup>

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26. See generally Pamela Lysaght, *Writing Across the Law School Curriculum in Practice: Considerations for Casebook Faculty*, 12 Leg. Writing 191 (2006).

27. Scott A. Schumacher, *Learning to Write in Code: The Value of Using Legal Writing Exercises to Teach Tax Law*, 4 Pitt. Tax Rev. 103, 104, 117, 124 (2007).

28. Michael J. Madison, *Writing to Learn Law and Writing in Law: An Intellectual Property Illustration*, 52 St. Louis U. L.J. 823 (2008).

29. *Id.* at 839–840.

30. Barbara J. Busharis & Suzanne E. Rowe, *The Gordian Knot: Uniting Skills and Substance in Employment Discrimination and Federal Taxation Courses*, 33 J. Marshall L. Rev. 303 (2000).

31. Elizabeth Fajans, *Learning from Experience: Adding a Practicum to a Doctrinal Course*, 12 Leg. Writing 215 (2006).

Clinical courses with a focus on writing incorporate drafts, feedback, and rewriting of documents prepared in the representation of live clients.<sup>32</sup> Clinical courses are particularly well suited to help students develop their professional voice “as they enter a professional discourse community and negotiate its formal structures and idioms.”<sup>33</sup>

Finally, comprehensive writing-across-the-curriculum programs use writing as a means of instruction in most or all classes. In preparation for this panel presentation, Robin Boyle circulated a questionnaire asking, among other things, whether schools have adopted writing-across-the-curriculum programs.<sup>34</sup> Although this survey indicates that few law schools have formally adopted writing-across-the-curriculum, respondents do note that writing tasks are being assigned in a significant number of doctrinal classes in a variety of forms including those discussed above.<sup>35</sup> In schools that have formally adopted writing-across-the-curriculum, the programs have taken various forms. For example, Southern Illinois University law school requires that every course include some type of writing assignment, with the type of feedback left to the professor’s discretion.<sup>36</sup> Detroit Mercy’s writing-across-the-curriculum/writing-in-disciplines program has evolved to include writing assignments in all required courses in the second year and participation in a law-firm program in the third year.<sup>37</sup> CUNY Law School participates in a university-wide writing-across-the-curriculum initiative and offers a “writing based curriculum [that] incorporates writing both to offer practice in the genres in which lawyers and legal scholars write and to support and deepen learning of legal concepts and course material.”<sup>38</sup>

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32. See e.g. Angela J. Campbell, *Teaching Advanced Legal Writing in Law School Clinic*, 24 Seton Hall L. Rev. 653 (1993).

33. Andrea McArdle, *Teaching Writing in Clinical, Lawyering, and Legal Writing Courses: Negotiating Professional and Personal Voice*, 12 Clin. L. Rev. 501, 504 (2006).

34. *LWI Symposium Short Survey Responses* (Robin Boyle ed., Sept. 5, 2009) (on file with the Author).

35. *Id.*

36. *Id.*

37. Deborah Paruch, Presentation, *Writing Across the Law School Curriculum: Lessons from the Trenches* (Kansas City, Mo., July 18, 2009).

38. See *Writing at CUNY Law School: A Pervasive Approach*, <http://www.cuny.edu/law/academics/WritingCenter/everyone/facblurbs.html> (accessed Mar. 9, 2010).

#### IV. THE SIGNATURE PEDAGOGY OF LEGAL EDUCATION

The Carnegie Report identifies the signature pedagogy of legal education as the case dialogue, that is “dialogue[ ] entirely focused by and through the instructor,” set in a competitive context, to teach “processes of analytic reasoning, ‘doctrine,’ and principles.”<sup>39</sup> The Carnegie Report notes two missing elements in this pedagogy: context (e.g., clients’ role) and ethical substance essential to building professional identity and purpose.<sup>40</sup>

The Carnegie Report identifies clinical pedagogy as law school’s pedagogical “shadow structure,” that is, its “weakly developed complementary pedagogy,” and notes that clinical pedagogy’s “marginality . . . in law schools is striking.”<sup>41</sup> The elements noted as missing from the case dialogue are essential features of clinical pedagogy.<sup>42</sup>

Philip Kissam has noted other elements missing from case dialogue pedagogy:

The discipline teaches *instrumentalist habits of reading and writing* that both empower and limit future lawyers. These habits consist of quickly productive but often superficial ways of reading legal texts and writing about law, and they are linked to the law school’s distinctive oral culture . . . [which] rests upon the discipline’s case method, its large amphitheater classrooms, . . . and the speech-like forms of effective final examination writing. But this oral culture and the instrumentalist reading and writing habits of law schools tend to subordinate more complicated, more reflective, more critical and more imaginative ways of reading, writing and thinking about law.<sup>43</sup>

These missing elements—“reflective, . . . critical and . . . imaginative ways of reading, writing and thinking about the law”—are particular strengths of compositional modes of learning, the signature pedagogy of legal writing.

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39. Sullivan et al., *supra* n. 16, at 24.

40. *Id.* at 56–69.

41. *Id.* at 24.

42. See generally Bryant & Millstein, *supra* n. 18.

43. Philip C. Kissam, *The Discipline of Law School* 7 (Carolina Academic Press 2003) (emphasis in original).



V. *WHAT IF THE SIGNATURE PEDAGOGY OF LEGAL WRITING BECOMES THE SIGNATURE PEDAGOGY OF LEGAL EDUCATION?*

It may not be entirely far-fetched to imagine contextualized, experiential learning, involving writing throughout the curriculum, as a dominant model in legal education. While legal writing may be taught in the shadow of the case dialogue pedagogy, it is, as James Boyd White has written, at “the center of what one learns: how to read and understand the literature of law . . . ; and how to make compositions of one’s own, oral and written, out of that material.”<sup>44</sup> Professor White stresses that “what one learns in law school is not a set of rules, or even rules, principles, and policies, but a whole way of thinking and talking . . . .”<sup>45</sup>

Changes brought by technology—including the specter of the Google-trained researcher who can search for key words but may not understand how to formulate the question—may also argue in favor of wider use of legal writing pedagogy.<sup>46</sup> Development of conceptual understanding is enhanced by a compositional approach to legal education.<sup>47</sup>

First, as has been true for a number of years, law firms increasingly seek to hire graduates who bring strong professional skills as well as intellectual promise.<sup>48</sup> If the signature pedagogy of legal writing serves that need, demands from the practicing bar may encourage wider adoption of its methods.

Indeed, the American Bar Association (ABA) Section of Legal Education and Admission to the Bar, Student Learning Outcomes subcommittee’s draft standards concerning outcome measurements<sup>49</sup> could point legal education in the direction of this signa-

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44. White, *supra* n. 1, at 31–32.

45. *Id.* at 31.

46. See Brooke J. Bowman, *Research Across the Curriculum: The Road Must Continue Beyond the First Year*, 61 Okla. L. Rev. 503, 524–527 (2009); Ian Gallacher, *Forty-Two: The Hitchhiker’s Guide to Teaching Legal Research to the Google Generation*, 39 Akron L. Rev. 151, 167 (2006); see generally Molly Warner Lien, *Technocentrism and the Soul of the Common Law Lawyer*, 48 Am. U. L. Rev. 85 (1998).

47. See White, *supra* n. 1, at 8–24.

48. See e.g. Katy Montgomery & Neda Khatamee, *What Law Firms Want in New Law Recruits*, N.Y. L.J. 11 (Apr. 27, 2009).

49. ABA Sec. Leg. Educ. & Admis. to B., Standards Rev. Comm., *Student Learning Outcomes, Draft for October 9–10, 2009 Meeting* (Sept. 3, 2009) (available at <http://www.abanet.org/legaied/committees/comstandards.html>; select “Student Learning Outcomes” from the list under the heading “Meeting Date: October 9–10, 2009”).

ture pedagogy. The ideas embodied in the draft standards—articulating the knowledge and professional skills that students should learn in courses, designing curriculum to serve those goals, assessing students' progress with reference to those goals and sharing that evaluation with students<sup>50</sup>—reflect common current practices in legal writing pedagogy.

Similarly, the idea, noted in the draft of the Subcommittee on Student Learning Outcomes of using student learning portfolios<sup>51</sup> as a means of both formative and summative assessment, is familiar to legal writing teachers. The Carnegie Report notes that student portfolios offer a “promising approach to assessing the complex skills of practice . . . .”<sup>52</sup> Learning portfolios provide a means of linking clearly articulated goals to assessment measures, consistent with the learning expectations of just-in-time learners.<sup>53</sup>

Finally, many teachers who would identify themselves as legal writing teachers also teach doctrinal courses, and in at least some law schools, doctrinal teachers also teach writing courses. Adopting the signature pedagogy of legal writing as a method for teaching doctrine would not be a difficult step for these teachers.

In fact, a significant group of law teachers do incorporate writing into their doctrinal courses. According to survey data compiled by the Association of Legal Writing Directors and LWI since 1999,<sup>54</sup> the vast majority of respondents answered that “at least some do” in response to the question asking whether teachers of upper-level doctrinal courses at their schools included writing assignments in their curriculum. Depending upon the year, between two and four schools responded that none do, and the rest (170 in 2008) answered that some do, with the average hovering between roughly 21 and 24 percent of the teachers at each

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50. *Id.* at 3–7 (providing Standards 301–303).

51. *Id.* at 6–7 (providing Interpretation 303-1); see Steven J. Johansen, “What Were You Thinking?": *Using Annotated Portfolios to Improve Student Assessment*, 4 *Leg. Writing* 123 (1998).

52. Sullivan et al., *supra* n. 16, at 174.

53. See Bowman, *supra* n. 46, at 549–555; Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?* 9 *Leg. Writing* 119, 127–128 (2003).

54. The Association of Legal Writing Directors/Legal Writing Institute Survey Results are available at <http://www.alwd.org/surveys.html>.

school.<sup>55</sup> Although that group of teachers does not seem to be rapidly expanding, it does seem solid.

If the signature pedagogy of legal writing were to become the signature pedagogy of legal education, what would legal education look like? What would be the shadow of this signature pedagogy—or perhaps more to the point—what might be lost? Would the ABA’s draft standard of “knowledge and understanding of the substantive law” suffer? Would students lack the knowledge base necessary to formulate the “right” questions? Would we one day find ourselves at conferences discussing the feasibility of teaching doctrine-across-the-curriculum?

Concerns expressed in response to ABA draft standards and to a perceived emphasis on skills in the Carnegie Report<sup>56</sup> resemble those heard following the publication of the *MacCrate Report*<sup>57</sup> in 1992. In general, these concerns centered around the economics of placing greater emphasis on labor-intensive lawyering skills courses<sup>58</sup> and fear that a program that integrates theory, doctrine, and skills and places less emphasis on three-hour final examinations would be less rigorous than the traditional law school program.

But need the pedagogies of legal education compete? If instead they are viewed as complementary, what should be the balance of approaches to teaching in legal education?<sup>59</sup>

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55. *See id.*

56. *See e.g.* Michael A. Woronoff, *What Law Schools Should Teach Future Transactional Lawyers: Perspectives from Practice*, [http://works.bepress.com/michael\\_woronoff/1/](http://works.bepress.com/michael_woronoff/1/) (2009); *see also* Gordon Smith, *Gordon Smith’s Advice to Erwin Chemerinsky: Concentrate on Classroom Instruction*, [http://taxprof.typepad.com/taxprof\\_blog/2007/09/gordon-smiths-a.html](http://taxprof.typepad.com/taxprof_blog/2007/09/gordon-smiths-a.html) (Sept. 26, 2007).

57. ABA Sec. Leg. Educ. & Admis. to B., *Legal Education and Professional Development—An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (ABA 1992).

58. *See e.g.* John Costanis, *The MacCrate Report: Of Loaves, Fishes, and the Future of American Legal Education*, 43 *J. Leg. Educ.* 157 (1993).

59. *See* Philip C. Kissam, *Lurching toward the Millennium: The Law School, the Research University, and the Professional Reforms of Legal Education*, 60 *Ohio St. L.J.* 1965, 2006–2016 (1999) (arguing that writing-across-the-curriculum “fits easily with traditional law teaching” and offers an “economical way to reform” legal education); Kathryn M. Stanchi, *Step Away from the Case Book: A Call for Balance and Integration in Law School Pedagogy*, 43 *Harv. Civ. R.-Civ. Lib. L. Rev.* 611 (2008) (suggesting that law schools “increase the number of courses that integrate doctrine, theory, and skills so that students learn to use both doctrine and legal theory, including critical theory, in a practical context”).

*VI. CONCLUSION: TAPPING INTO THE INTEGRATIVE  
POTENTIAL OF WRITING ACROSS THE LAW SCHOOL  
CURRICULUM*

The LWI's first twenty-five years have brought our discipline to the point where legal writing pedagogy will provide models for legal education in the next twenty-five years. As the Carnegie Report has noted, "legal research and writing courses have long practiced ways of integrating the conceptual and the practical . . . ."<sup>60</sup> Indeed, within the signature pedagogy of legal writing, learning the law and writing in law are inextricably linked. In courses through law schools' curricula, legal writing pedagogy serves the profession by engaging students fully in working to solve legal problems within authentic contexts. A question that might have seemed fantastic twenty-five years ago now seems within reason: what if the signature pedagogy of legal writing really *does* become the signature pedagogy of legal education?

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60. Sullivan et al., *supra* n. 16, at 99. A section entitled, "Connecting the Apprenticeships through Legal Writing," *id.* at 104–106, observes that the "iterative and collaborative" structure of legal writing pedagogy "simulates real legal production quite closely," and makes "the process of discovery and refinement within a complex context . . . visible to the learners . . .," *id.* at 110.