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Acknowledging our Roots: Setting the Stage for the Legal Writing Institute

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Acknowledging our Roots: Setting the Stage for the Legal Writing Institute



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One of the reasons that the Legal Writing Institute exists is because of what did not exist as support for Legal Writing professionals prior to the creation of the LWI. Most Legal Writing programs did not exist at all until the late 1940s and early 1950s. At that time, most law schools offered Legal Bibliography courses that introduced students to legal sources. Legal Writing programs sprung up in response to the belief that the writing skills of incoming students had deteriorated given that more “unqualified” students were able to attend law school as a result of the GI Bill.

Legal Writing programs tended to be staffed by third year students or adjunct professors. Almost all programs had “caps” on the amount of time an individual could stay at a school teaching Legal Writing. The cap tended to be, at most, two or three years. In addition, class sizes were enormous, and the instructors were poorly paid. Marjorie Rombauer first taught Legal Writing in 1960 at the University of Washington. She had 75 students and was paid \$450. Ralph Brill also began teaching Legal Writing in 1960 at the University of Michigan. In 1961, Ralph’s first year at Chicago-Kent, he had over 100 students in his Legal Writing section.

During the 1960s, law librarians often taught some type of Legal Writing in combination with Legal Research. There was an AALS Section named “Legal Research,” but no Legal Writing section, nor any ABA standards related to Legal Writing in law schools. Additionally, there were no resources available for Legal Writing professors. The first textbook that became widely available was Marjorie Rombauer’s Legal Writing text, self-published in 1970.¹

In 1973, Shirley Bysiewicz, law librarian from the University of Connecticut, petitioned the AALS to change the name of the Legal Research section to Legal Research and Writing. The section was dominated by law librarians, and held only once-a-year sessions. During that time period, the field of Legal

Writing began to grow. Many schools began hiring full-time instructors to teach Legal Writing, with several hiring full-time directors for their writing programs. These directors (such as Marjorie Rombauer) worked to convince their faculties that the best Legal Writing programs would include full-time Legal Writing professionals who had appropriate status and security. In 1978, Ralph Brill created the nation’s first three-year Legal Writing curriculum at Chicago-Kent and also worked toward eliminating “caps.” 1978 was also the year in which Mary Lawrence became the Director of Legal Writing at the University of Oregon. Mary immediately became active in the Legal Research and Writing section of the AALS.

Although the field of Legal Writing was growing, most individuals teaching at the time were completely unaware that there were so many others in the field. Legal Writing professors were not included in the AALS directory, and there was no internet to be able to find out what other schools might be doing.

1980 proved to be a seminal year for the profession of Legal Writing. Marjorie Rombauer, along with Albany Law School professor Norman Brand, petitioned the AALS to change the name of the Section to Legal Writing, Reasoning, and Research. That same year, Rombauer, Brand, Lynn Squires (from the University of Washington) and Ralph Brill were instrumental in organizing the first ever AALS Legal Writing workshop that was held in Louisville, Kentucky. Much to the surprise of almost everyone there, nearly 100 individuals showed up.

In 1984, Chris Rideout approached Laurel Currie Oates with an idea to use leftover National Endowment of the Arts (NEA) grant money to host a Legal Writing Conference at the University of Puget Sound. Over 100 professionals interested in the teaching of Legal Writing attended, most of whom received no travel money from their schools.

Although the 1984 conference was to be a one-time event, fortunately for the profession, in 1985, Ralph Brill organized a second AALS Legal Writing workshop at Chicago-Kent. During the course of the conference, the participants decided that workshops were far too valuable to hold only sporadically. In a now famous lunch meeting that included over a dozen individuals then active in the field, the Legal Writing Institute was officially born.

1. Marjorie Dick Rombauer, *First-Year Legal Research and Writing Then and Now*, 25 J. Legal Educ. 538, 539 (1973).

Legal Writing History Timeline

by Karin Mika

1960: Ralph Brill begins teaching Legal Writing at the University of Michigan. Marjorie Rombauer begins teaching Legal Writing at the University of Washington.

1961: Ralph Brill is hired by Chicago-Kent.

1970: Marjorie Rombauer self-publishes the first Legal Writing textbook.

1973: Shirley Bysiewicz, law librarian at the University of Connecticut School of Law, petitions the AALS to establish the Section on Legal Writing and Research. Shirley Bysiewicz and Harry Bitner (law librarian at Cornell) are the first co-chairs.

1973: West Publishing contracts with Marjorie Rombauer to publish her Legal Writing textbook.

1978: Ralph Brill establishes a three year Legal Writing program at Chicago-Kent. Mary Lawrence is hired to direct the Legal Writing program at the University of Oregon. Helene Shapo is hired to direct the Legal Writing program at Northwestern. Richard Neumann is hired as a Clinician at Hofstra.

1979: The "Crampton Report" is issued, highlighting the lack of appropriate skills training in law schools.

1980: Marjorie Rombauer and Norman Brand (Albany Law School) petition the AALS to change the name of the Legal Writing section to "Legal Writing, Reasoning, and Research."

1980: Ralph Brill organizes the first ever AALS Legal Writing workshop held in Louisville, Kentucky. Attendees include Bari Burke, Chris Kunz, Mary Lawrence, Richard Neumann, Marjorie Rombauer, Helene Shapo, and Grace Tonner. Less than 100 are in attendance.

1980: Marilyn Walter is hired to direct the program at Brooklyn Law School.

1981: John Dernbach publishes the first edition of "A Practical Guide to Legal Writing and Legal Method."

1984: Laurel Oates and Chris Rideout organize the first LWI Conference at Puget Sound Law School. Attendees include Susan Brody, Anne Enquist, George Gopen, Jill Ramsfield, Teri Phelps, and Joe Williams.

1985: Ralph Brill organizes the second ever AALS Legal Writing Workshop held in Chicago, Illinois. After the workshop, the LWI is incorporated.

1985: The newsletter of LWI is renamed "The Second Draft."

1987: George Gopen publishes, "The State of Legal Writing: Res Ipsa Loquitur" in the University of Michigan Law Review. The article highlights the need for enhanced writing experiences in law school and focuses on the Chicago-Kent program as the ideal for what law schools could and should be doing.

1990: Jill Ramsfield tabulates the results of the first LWI Survey, a survey that was distributed by hand at the previous LWI Conference.

1991: The first volume of the Journal for the Legal Writing Institute is published.

1992: The MacCrate Report is issued.

1994: The LWI biennial conference is held at Chicago-Kent. Ralph Brill sets up an in-house online communication system that becomes the Legal Writing listserv.

1995: The Association of Legal Writing Directors (ALWD) is established.

1996: Ralph Brill, Richard Neumann, Helene Shapo, and Susan Brody are instrumental in lobbying the ABA to adopt the requirement that all law schools have a first year Legal Writing program, and that there be an additional "rigorous" writing requirement in the upper level. The team unsuccessfully lobbies to have the ABA include Legal Writing professors in Standard 405(c), but succeeds in having the ABA adopt 405(d) which provides a modicum of improved security for Legal Writing professionals.

1997: The first ALWD Conference is held in Chicago, hosted by Chicago-Kent and DePaul.

1997: Ralph Brill, Richard Neumann, Susan Brody, Chris Kunz, and Marilyn Walter write the first edition of the Legal Writing Sourcebook, commissioned by the American Bar Association.

2000: The ALWD Citation Manual (written by Darby Dickerson) is published.

2002: The first volume of the Journal of the Association of Legal Writing Directors is published.

2004: LWI celebrates its 20th anniversary in Seattle. The LWI moves to Mercer Law School in Macon.

2005: The Legal Writing Prof Blog is established.

2006: The first LWI Conference hosted by Mercer is held in Atlanta, Georgia.

2006: The Carnegie Foundation releases its report entitled, Educating Lawyers: Preparation for the Profession of Law.

2006: The Second Edition of the Legal Writing Sourcebook is released with Eric Easton as lead editor.

2008: The LWI Conference is hosted by Indiana University School of Law at Indianapolis – the final time a biennial conference is to be held at a law school.

2009: Subscribers to the Legal Writing listserv grows to approximately 2100 members.

2009: Ralph Brill begins his 50th year of teaching.

2010: LWI celebrates its 25th anniversary.

Reflections on Nineteen Years in the Profession



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At my first Legal Writing Institute Conference in 1992, I seriously needed the moral support of colleagues from around the country.

In 1991, I had resigned my law firm partnership to join the faculty of a law school where I would teach a subject I loved, legal writing. At that time, many legal writing positions were capped, and there was only limited scholarship in the field. I was on a year-to-year contract, with no support for scholarship.

I should have seen it as an omen when, during my job interview, several professors asked with barely concealed disdain why I would ever want to teach legal writing. Then, as I attended my first faculty meeting, I was asked to leave the room while the faculty discussed personnel procedures. It was a shock to discover that, after handling large cases in practice, I was somehow not trustworthy with law school information. Soon a professor took me aside to emphasize that I should never let a student call me "Professor." He wanted to be sure I wouldn't forget that, unlike most of the other office doors, mine said "Ms.," not "Professor." Later I was told I should not attempt to teach legal analysis—I was to teach writing only. I found it hard to draw a line between analysis and writing, and my colleagues and I resorted to euphemisms to describe what we knew was really teaching analysis.

So when I arrived at a dormitory at the University of Puget Sound for my first LWI conference, I was eager to talk with colleagues. Although I was a bit intimidated by those with established reputations in the field, I made some acquaintances and came away invigorated by many stimulating presentations.

Another milestone was Terri LeClerc's 1994 Chicago-Kent conference talk, "We've Got Diamonds on the Soles of Our Shoes." That inspiring presentation