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It's Not Your Father's Legal Writing Program

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It's not your father's legal writing program

Prof. Leslie Newman
*Director, Lawyering Skills and
Legal Writing Program*

First-year law students often hear that their academic experience is designed to teach them to “think like lawyers.” At Cardozo that first step begins with the mandatory, yearlong Lawyering Skills and Legal Writing course that engages students in this effort from the very first class, and asks them to think like lawyers in practical, “real life” contexts. In so doing, students develop skills to help them use their burgeoning substantive understanding of the law in the actual enterprise of lawyering. By adding lawyering to the traditional legal writing course, students are asked to transform doctrinal learning into action, to integrate legal analysis with practical skills—the most important of which is writing—and to move in their work from how lawyers think to what lawyers actually do.

Students immediately notice that this class differs from their other courses. Each section is exceedingly small, many having as few as eight students. This class size sets Cardozo's program apart from skills and writing programs at other institutions, and provides a wonderful complement, both in setting and substance, to larger doctrinal classes.

Classes and assignments simulate the environment of a small law office rather than a traditional classroom.

Faculty—all of whom are in practice—and students sit together at a conference table and in the course of case reading and analysis, reviewing language skills, and integrating research and writing skills, also ask questions such as, “What are the possible constraints on the plaintiff and defendant in the scenario about which we are reading”; “What other people or entities might be interested in the issues raised by this case”; “What are some possible ways of considering how to address the issues raised here beyond litigation?” As the work progresses to more sophisticated analysis and expression, these and other ‘real-life’ questions are interwoven into the assignments and course plan.

During regular and numerous individual conference



sessions, which students consider one of the most helpful aspects of the course, instructors provide line-by-line and face-to-face commentary and suggestions. These sessions also provide students with a chance to ask questions they may not want to discuss in class.

Technology is an essential tool both in facilitating effective and efficient communication among students, teaching assistants, and faculty, and in the substantive teaching of the course. E-mail, video and audiotaping, and instruction in the use of computerized research sources all advance the work of the program.

This format challenges instructors to employ a variety of teaching methods, including the traditional Socratic question and answer form, class brainstorming, and team and collaborative work, to foster a reflective practitioner model of thinking and writing. Fact gathering, client interviewing, negotiation, and oral advocacy are all introduced through honing the all-important writing skill. Assignments are as true to the experience of practice as possible, and are often derived from the instructors' practice.



at trial and complex appellate advocacy drafting. In addition, all work is either selectively keyed to first-year courses like Torts, Civil Procedure, and Contracts, or designed to explore thought-provoking and challenging legal questions.

Extensive, regular, and ongoing instruction in professional responsibility, through assignments, exercises, feedback, and the conduct of the course itself, consistently reinforces that nothing defines good lawyering better than employing the highest ethical standards. Written and oral appellate advocacy exercises present a variety of ethical considerations. Students learn essential teamwork and counseling skills, including compromise, dependability, and good faith. They observe appellate court arguments in either the New York State Appellate Division or the Second Circuit Court of Appeals, often meet with appellate judges or clerks, and discuss and analyze oral arguments as a class. Through these and mock oral arguments in support of their own appellate briefs, students address substantive, procedural, and ethical concerns. Panels of judges unaffiliated with the course or the Law

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The faculty this year includes a sitting judge, a former US Supreme Court clerk, a New York State Court of Appeals clerk, a renowned legal scholar, practicing attorneys from highly regarded large and small New York law firms, an in-house counsel, solo practitioners, and lawyers from the offices of the United States Attorney, the New York State Attorney General, and the New York District Attorney.

They offer students a variety of forms of legal writing, from letters to clients, adversaries, and judges, to memoranda as an associate or court clerk, to motion practice

School serve as the bench for the mock rounds of appellate argument, offering students additional critique, insight, instruction, and the benefit of their personal judgment and experience.

The program is characterized by an intense concentration upon writing in varied settings, with careful attention paid to audience and context, the honing of individual style and voice, and the values of quality, integrity, and professionalism. It provides a solid foundation for academic and professional competence, confidence, and ethics. ■