For many of you, the legal writing course will be among the most difficult and frustrating in the first year law school curriculum. That may be because you come to the course with the conviction that you already know how to write. Indeed, you have been writing for years, and you likely did well on written projects and papers in your undergraduate or graduate studies or in your pre-law school job (perhaps with little effort and perhaps without ever really knowing how or why your writing was adequate or well-received). You may be frustrated to now have to learn how and why writing is effective or ineffective.

A second reason that you may be frustrated by the legal writing course is attributable to the nature of writing itself. In your undergraduate and perhaps even some graduate courses, you likely learned new material by having it "told to you" by some "expert" either through reading or lectures. You knew what you were expected to have learned and you were then tested on your level of acquisition of that material by taking an exam in which you regurgitated what you were told. That is a common and comfortable way to learn, but it is not representative of higher level learning and it is not how good writing skills are learned or developed.

To acquire and improve your skills as a writer and in particular, as a legal writer, you write; often without an "expert" telling you beforehand what 100 or so things to do or not do on the given assignment. This trial-and-error or learn-by-doing process may be frustrating for you and you may wonder "why don't they tell me what they want" or "why don't they tell me how to write this before I turn it in?"

Why is legal writing taught in this learn-by-doing manner? There are several reasons - - the most important is that there is not just one way to write well. Good legal writing is a craft - - a combination of art and science that results in a unique product. Each handcrafted item is slightly different, and none are truly perfect, although many are beautiful and even more are acceptable. You are the craftperson of your own writing; we are not here to teach you the one, right way to accomplish good legal writing. There simply is not just one right way.

The fact that there is not just one "right way" to write should not lead you to assume that all evaluation of writing is improperly subjective, arbitrary or perhaps idiosyncratic. Students often come to us with the erroneous notion that writing is a standardless endeavor in which anything goes. There are principles of good writing that writers and educators agree upon and that can be generally applied to improve writing.

Our goal is to make you your "own best editor" or best judge of your craft or product. Our goal is to help you develop a critical eye to discover, first, the qualities of good, effective legal writing and, second, those things in your own writing that detract from its effectiveness.

In order to help you develop the skills necessary to being your "own best editor," we evaluate your written work with the view to aid you by pointing out major problems as well as strengths in your written work. Because any number of styles or word choices can be effective, we do not line edit your written work. Line editing just tells you how we might have written or rewritten the passage, it doesn't give you an insight into the range of possible appropriate writing techniques and how you might approach a similar writing task next time.

So, instead of editing your written work, we try to evaluate it as a whole and point out: 1) how the reader may understand (or misunderstand) what you have written, 2) what techniques or parts are effective given the message to be conveyed, and 3) what are the major problem areas keeping your writing from being as effective as it could be.

Unlike an editor, an evaluator does not go through the piece with the intent to "fix" every problem. Instead, an evaluator performs a triage-like task of calling to your attention the major problems or concerns about your writing and then having you redraft the work. Once the major impediments to effective communication are remedied by a subsequent draft, the evaluator highlights other problems in the subsequent draft. Is there an end? Yes and no. While good writing is never really finished -- something can always be better -- you will reach a level where the written product is well-written, well-organized and analytically correct. Our goal is to assist you in reaching this level.

The Evaluation Process - Individual Meetings

One of the keys to improving your writing is to write, receive evaluative feedback like that described above, and then to rewrite. In this course, after each major writing assignment, you will receive written feedback and then have the opportunity to meet individually with your professor/evaluator to discuss your writing.

We do not have a set agenda for these individual meetings and the content of the conference will vary with your needs. We hope you will make a list of questions and concerns and bring it with you to your conference. Prepare your own agenda for the conference with the following questions in mind:

1) Do I know the major strengths and weaknesses of this written product?

2) Are there any comments that I do not understand?

3) Do I have a sense of what 1 or 2 things I'll attempt to correct on the next draft?

4) Do I have some sense of my priorities - - what most detracts from the effectiveness of this product and, therefore, must be remedied first?

5) Do I have some notion of the choices or options available to correct or improve upon those weaknesses?

Just as there are appropriate topics of discourse for the individual conferences, there are also some things that we do not see as helpful or appropriate topics for discussion at the individual conference. For example, the individual conference is not an opportunity for us to defend the evaluation of your writings or the grade assigned. That evaluation has already been done. Nor are the conferences a mini-course in the substantive law applicable to the writing assignment. While we will help you consider and analyze the problem substantively, we do not tell you what to write or argue in your assignments.
We hope this helps you understand your and our responsibilities in this course. Remember, we are not adversaries, we are joint venturers in your legal education, particularly in the task of developing and improving your legal reasoning and writing skills. We wish you much success in this lifelong process.