

Professional Communications

Instruct the Instructor: Materials selected to inform instruction and research.

Susan L. Brooks et al., *Moving toward a Competency-Based Model for Fostering Law Students' Relational Skills*, 28 CLINICAL L. REV. 369 (2022),

[https://www.westlaw.com/Document/I95789df6d29611ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I95789df6d29611ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article aims to begin a conversation about how we can move to a competency-based approach to supervision of law students in clinics and externships. The article draws guidance from psychology, where there is a well-established track record in using a competency-based approach to supervise trainees. By emphasizing the importance of relational competencies in legal education, we can more effectively promote well-being among students, their current and future clients, and the legal profession's culture.

Elizabeth B. Cooper, *THE APPEARANCE OF PROFESSIONALISM*, 71 FLA. L. REV. 1 (2019),

[https://www.westlaw.com/Document/I94d439cd406911e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I94d439cd406911e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article argues that legal employers and law schools have an obligation to create culturally proficient environments where insider lawyers learn to disrupt their own implicit biases and microaggressions so outsiders can bring their full identities to work and school. The recommendations made in this article provide a tangible way to uproot the implicit bias and microaggressions that still pervade our legal institutions.

LORI E. SHAW & VICTORIA L. VANZANDT, *STUDENT LEARNING OUTCOMES AND LAW SCHOOL ASSESSMENT* (2015).

- This guide, intended for law school administrators and faculty, will walk you through the process step by step, answering questions, giving tips on best practices, and, perhaps most importantly, providing you with an action list for developing your school's assessment planning strategy. Our goal is for you to finish this guide with a completed assessment plan in hand and an appreciation of how you can use outcomes assessment to enhance your students' learning experience.

Denitsa R. Mavrova Heinrich, *Teaching and Assessing Professional Communication Skills in Law School*, 91 N.D. L. REV. 99 (2015),

[https://www.westlaw.com/Document/I23ef38bb2c5911e698dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I23ef38bb2c5911e698dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article provides an example of employing ABA learning outcomes and assessment measures at the individual course level by discussing a course that the author designed and taught at the University of North Dakota School of Law. The course, entitled Professional Writing and Communication, intended to impart in students the professional skills practicing attorneys use when communicating with broad audiences

Lisa T. McElroy et al., *The Carnegie Report and Legal Writing: Does the Report Go Far Enough?*, 17 LEGAL WRITING 279 (2011),

[https://www.westlaw.com/Document/Idfec2cc92af011e18b05fdf15589d8e8/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Idfec2cc92af011e18b05fdf15589d8e8/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article addresses the Carnegie Report's shortcomings in its approach to and commentary on writing skills faculty. Specifically, the article criticizes the Report's failure to recognize that legal writing professionals routinely use best practices in education, including formative assessments, and notes its missed opportunity to promote this particular expertise throughout the academy.

Aida M. Alaka, *The Grammar Wars Come to Law School*, 59 J. LEGAL EDUC. 343 (2010),

[https://www.westlaw.com/Document/I65c7884a11fc11df9b8c850332338889/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I65c7884a11fc11df9b8c850332338889/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article provides a concise overview of pedagogical shifts in language arts education over the last twenty-plus years as well as empirical studies of high school and college reading and writing skills. It thus provides insights into why basic skill errors surface in the writing of law students today. With legal education reform under consideration nationally, and with several important studies published regarding the importance of skills training in law schools, this article will interest educators who are focused on developing best practices in legal education.

Andrea McArdle, *Writing Across the Curriculum: Professional Communication and the Writing That Supports It*, 15 LEGAL WRITING 241 (2009),

[https://www.westlaw.com/Document/I295983c5981911de9b8c850332338889/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I295983c5981911de9b8c850332338889/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- As professionals-in-training, law students must become fluent in the written forms by which legal practitioners communicate information and professional analysis to and on behalf of their clients – in various documents such as client letters, law office memoranda, and briefs to a court. This essay addresses how law schools can draw productively on insights from Writing Across the Curriculum practice to assist in the development of professional communication.

ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION* (2007).

- This book provides a vision of what legal education might become if legal educators step back and consider how they can most effectively prepare students for the practice of law. It can help law school applicants and law students ask key questions about prospective law schools' commitment to educating them to be effective, ethical lawyers. It can assist law schools and universities by serving as a road map for a partial or complete review of a law school's program of instruction. It can help individual teachers improve course design, delivery of instruction, and assessment of student learning.

Peter Margulies, *Re-Framing Empathy in Clinical Legal Education*, 5 CLINICAL L. REV. 605 (1999),

[https://www.westlaw.com/Document/Ia6d9e5b14a6211dba16d88fb847e95e5/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ia6d9e5b14a6211dba16d88fb847e95e5/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article discusses empathy's role in professional communication and suggests ways to foster empathy in a legal clinic setting.

ROBERT M. BASTRESS & JOSEPH D. HARBAUGH, *INTERVIEWING, COUNSELING, AND NEGOTIATION* (1990).

- This book argues that to best learn the interpersonal skills necessary for lawyering, one must engage in two processes: first, one must know the theory behind the skills and their implementing techniques; second, one must practice using the theory and techniques. Drawing from other disciplines, this text describes the considerable diversity in approaches to interviewing, counseling, and negotiating.

For the Students: Articles tailored to the law student that can be assigned as reading material prior to class.

DAVID A. BINDER ET AL., *LAWYERS AS COUNSELORS* (4th ed. 2019).

- This is the 4th edition of the paradigm-shifting text that created the concept of client-centered lawyering. The new edition explains and illustrates fact-gathering and decision-making strategies for civil litigators, criminal defense lawyers and transactional lawyers in the contexts of individual clients, first time and repeat “players,” joint clients, organizational clients, and clients whose cultural backgrounds differ from those of their lawyers. No matter the context, the new edition continues its predecessors’ commitment to a legal culture in which caring lawyers use their knowledge, experience, and judgment to empower clients to make satisfactory decisions.

LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS (Leah Wortham et al. eds., 3d ed. 2016).

- This book covers topics relevant to law students working in real practice settings, including externships, in-house clinics, and other experiential courses. Intended for use in course seminars and tutorials, each chapter helps students succeed in their work, reflect on their development, and plan for their lives as lawyers. A group of chapters address key lawyering abilities such as good judgment, client relationships, collaboration, writing for practice, and making presentations.

Nancy Maurer, *Professionalism*, in *LEARNING FROM PRACTICE* 237 (Leah Wortham et al. eds., 3d ed. 2016), perma.cc/2TU2-44QB.

- This chapter looks at themes of professionalism in law practice, including expected norms of lawyer behavior in dealing with clients, courts, legal adversaries, and others. It explores various concepts of professionalism, the values attached to being professional, and how lawyer conduct affects reputation, clients, the legal system, and the profession in general.

EUGENE VOLOKH, *ACADEMIC LEGAL WRITING* (5th ed. 2016).

- This text provides detailed instructions for every aspect of the law school writing, research, and publication process. Topics covered include law review articles and student notes, seminar term papers, how to shift from research to writing, cite-checking others work, publishing, and publicizing written works.

Deborah B. McGregor, *Count to Three Before Clicking 'Send': Making Wise Decisions About Professional Email Communications*, 58 RES GESTAE 25 (Oct. 2014), [https://www.westlaw.com/Document/I6d20c04c748611e498db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cb1.0](https://www.westlaw.com/Document/I6d20c04c748611e498db8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cb1.0).

- This short article discusses modern communication in a professional setting. In the past, writing letters took more time, went through multiple revisions, and was read by multiple people. Now, the instantaneous nature of communications leads to greater complexities. This article discusses some of those challenges and provides helpful insights on professional communications.

ALAN K. CHEN & SCOTT L. CUMMINGS, *PUBLIC INTEREST LAWYERING* (2013).

- Public Interest Lawyering is the first comprehensive analysis of public interest lawyering that is suitable as a law school elective text and/or advanced legal profession courses and seminars. Drawing upon a range of theoretical and empirical perspectives, this timely textbook examines the lives of public interest lawyers, the clients and causes they serve, the contexts within which they work, the strategies they deploy, and the challenges they face today.

ALEX J. HURDER ET AL., *CLINICAL ANTHOLOGY: READINGS FOR LIVE-CLIENT CLINICS* (2nd ed. 2011).

- This book provides materials which introduce the goals and methods of clinical education and identifies and addresses the issues and dilemmas consistently arising in the practice of law.

STEPHEN ELLMANN ET AL., *LAWYERS AND CLIENTS: CRITICAL ISSUES IN INTERVIEWING AND COUNSELING* (2009).

- This book examines practical and theoretical challenges lawyers face with clients. Each chapter explores a critical issue in interviewing and counseling, such as developing connection across difference, dealing with atypical clients, and using engaged client-centered counseling. The book investigates these issues primarily through detailed analysis of lawyer-client conversations, which invite the reader to consider and critique the lawyer's choices. A key theme is "engaged client-centered lawyering," which emphasizes the importance of client choice and the impact of lawyers on clients and affirms lawyers' ability to achieve wise engagement with clients.

BRYAN A. GARNER, *THE ELEMENTS OF LEGAL STYLE* (2d ed. 2002).

- This book explains the full range of what legal writers need to know: mechanics, word choice, structure, and rhetoric, as well as all the special conventions that legal writers should follow in using headings, defined terms, quotations, and many other devices. Garner also provides abundant examples from the best legal writers of yesterday and today, including Oliver Wendell Holmes, Clarence Darrow, Frank Easterbrook, and Antonin Scalia.

DAVID F. CHAVKIN, *CLINICAL LEGAL EDUCATION* (2002).

- This textbook was created to provide a new tool for clinical teachers. It links together the central lawyering skills and values that are part of any clinical experience. *Clinical Legal Education* was written with a concentration on the Theory of the Client — a broadening of "case theory" to encompass all of the legal and non-legal approaches that can be used to advance one or more of a client's goals. Rather than defining prescriptive approaches to lawyering tasks, each chapter explores a number of "choice moments," those points at which a lawyer's choices will affect the scope and nature of the representation. *Clinical Legal Education* will help students learn to identify those moments and to effectively reach and implement decisions with their clients.

DEBORAH TANNEN, *THAT'S NOT WHAT I MEANT* (1987).

- Knowing what conversational style is and how it works gives you a revolutionary new way of understanding what goes on when you talk to others, and that understanding gives you tools you can use when you're not happy with the way a conversation, or a relationship, is going. This book assists in professional as well as personal communication, across cultures and at home.

Classroom Focus: Lesson plans and curriculum for use in doctrinal courses or experiential learning.

DEBORAH EPSTEIN ET AL., *THE CLINIC SEMINAR* (2014).

- The Clinic Seminar provides a fully developed seminar curriculum for use in any clinic, regardless of subject matter, by any teacher, regardless of experience level.
- A typical chapter in *The Clinic Seminar Teacher's Guide* walks the instructor through classroom set up and material preparation, lecture notes, a step-by-step guide to classroom exercises, questions to pose to students at various stages of class. A typical chapter in *The Clinic Seminar student text* includes: a list of student learning goals, a description of class, an assignment in preparation for class, an interdisciplinary reading assignment, and handouts or other take-aways that students will continue to use throughout their professional lives."

Jerry R. Foxhoven, *Beyond Grading: Assessing Student Readiness to Practice Law*, 16 CLINICAL L. REV. 335 (2010),

[https://www.westlaw.com/Document/If6207d4f47de11df9b8c850332338889/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/If6207d4f47de11df9b8c850332338889/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article examines the process used by one clinic at the Drake University Law School to conduct global assessments of students in the broad range of knowledge, skills, and values essential for professional success. As a result of the positive reactions of faculty and students to this novel assessment process, the article concludes with a challenge to other clinical professors to implement an assessment process that goes beyond grading.

Bernadette T. Feeley, *Training Field Supervisors to Be Efficient and Effective Critics of Student Writing*, 15 CLINICAL L. REV. 211 (2009),

[https://www.westlaw.com/Document/I3af46e812f5b11deb055de4196f001f3/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I3af46e812f5b11deb055de4196f001f3/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- Most externship clinicians encourage field supervisors to provide students guidance and feedback about their written work. Yet most field supervisors are not trained educators, are not exposed to literature and pedagogy in the legal writing field and have limited time to help students improve their writing. This article first examines roadblocks to meaningful supervision of student writing projects. It then provides 10 techniques that externship clinicians can provide to their field supervisors to help them become more effective critics of student writing.