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## Education & Practice (Newsletter of the Section on Education of Lawyer, Virginia State Bar) - v. 23, No. 2 (Spring 2015)

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# Education & Practice

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## William & Mary Hosts Capital Area Legal Writing Conference

By Laura Killinger

Law school administrators and faculty are well aware that their current students face a challenging job market upon graduation. Adversity can inspire innovation, and recently I have been fortunate to help forge a new model for educating and developing young lawyers outside of the traditional firm model.

On March 6 and 7, William & Mary Law School hosted

the Capital Area Legal Writing Conference to discuss best practices and innovations in teaching legal writing. The gathering drew more than fifty legal writing faculty from fifteen law schools across the country.

This year marked the fifth annual Capital Area Legal Writing Conference, and the first time that the conference has been held outside of Washington, D.C. This year's

conference focused on how to prepare students for the changing demands of legal practice.

New lawyers have long struggled to write clearly and concisely. Since email has become the predominant form of legal communication, the challenge is greater than ever. Clients rarely expect, or even tolerate, longer forms of legal

cont'd on page 3

*Laura Killinger is the Director of the Legal Practice Program and Professor of the Practice at William & Mary Law School.*

## Reliving Student Experiences at the Legal Writing Conference

By Kristina D. Rutledge

I stared at the word jumble on the paper in front of me, torn between my confidence that these letters did not form a word and my self-doubt as other individuals raised their hands to indicate they'd discovered a word. We repeated the exercise a second time, and my anxiety

increased; by the time we were told to consider the last set of letters, I approached the task feeling that whatever greater purpose the exercise served, I did not want to confirm my inadequacy a third time.

Of course, the presenter

cont'd on page 4

*Kristina Rutledge teaches advanced legal writing at Washington & Lee.*

## Contents

William & Mary Hosts Capital Area Legal Writing Conference .....	1
Reliving Student Experiences at the Legal Writing Conference.....	1
Chair's Column: .....	2
Section's Website Update .....	3
Retired Magistrate Judge B. Waugh Crigler Receives VSB Leadership in Education Award.....	5
2015 Annual Meeting .....	6
News and Events Around the Commonwealth .....	6
Law Faculty News .....	7
2014-2015 Board of Governors ..	8

# Chair's Column

**Professor  
Jim Moliterno  
Washington and Lee  
School of Law**

Collaboration—the key ingredient of a successful project in our complex world.

Collaboration—the key ingredient of a successful project in our complex world. In my last column, I said that the Section was pressing forward on a mission to facilitate the creation of effective CLEs on writing skills. Through collaboration, much progress has been made.

Every collaboration needs a spark to keep the project moving forward, and in this instance, the spark has been Jeanne Franklin. Jeanne reached out and connected the collaborators, and after every development, she initiated the next steps, always pressing forward with professional determination.

Following the successful work of the Section's Legal Writing Task Force launched in 2012 and chaired by Justice Elizabeth Lacy, the Board aimed its laser focus on facilitating writing CLE courses. Following the Task Force Report, Jeanne moved us forward, this time by leading a stellar team made up of the Hon. Pamela Meade Sargent, the Hon. B. Waugh Crigler, Dean Lucy S. McGough, and Professor Henry L. Chambers. This team reported on its efforts in early 2014, continuing the forward momentum.

Everyone involved understood that to be effective this CLE would not be in the normal CLE mode. Instead of one lecturer and a hundred participants, this job would take multiple instructors, each with small groups of participants so that serious, one-on-one work could be done on the participants' individual writing product. Lectures on writing skills produce very little improvement in the writing skills of the audience. These CLEs would seek active participants, not an audience.

Would the market bear the increased cost? On this front, Jeanne connected with the VBA's Law Practice Management Division. And they were most helpful as our collaborator. LPMD arranged for Jeanne and me to meet with its luncheons of managing partners and in-house counsel at its January 2015 conference. Each of us presented the Board's ideas regarding writing CLEs, explaining that the model would differ from normal CLE and that the cost would be higher. Nearly everyone Jeanne and I met at the luncheons agreed on the critical need for high quality writing CLEs, and everyone expressed support for paying the price to support it by sending associates and other lawyers to the sessions once organized.

Armed with the imprimatur of the LPMD luncheon participants, Jeanne reconnected with Virginia CLE to discuss next steps. The response has been very positive and the project of designing and implementing the Board's vision of writing CLEs for Virginia lawyers is fully underway. With continued spark from Jeanne and the collaboration of Virginia CLE and LPMD, and no doubt others yet unidentified, the first such seminar could take place before the end of 2015.

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Associations of lawyers can do wonderful things for the lawyer-members involved and for the profession. But as much as can be gained in social gatherings, allowing thoughtful discussion, networking, and relationship-building, far more is accomplished by bar associations when they set a team of lawyers on a worthwhile task. Hard work, done together, makes everyone involved a bit better for the effort. This project has been a model for getting something worthwhile done. Such a project starts with a good idea, and this belongs to the Board and the Legal Writing Task Force. Getting a good idea to become real takes more. It takes work and persistence. Collaboration and a spark have been the key ingredients. So let the writing instruction begin! ✧

## William and Mary Hosts Capital Area Legal Writing Conference

cont'd from page 1

writing such as formal memos. Instead, lawyers must now convey clear analysis more quickly than ever over email and even via text message.

The result is akin to playing a chess game at the speed of a boxing match. The lawyer must write with the same strategic analytical complexity always required in legal practice, but must now do so nearly instantly without multiple drafts.

To prepare law school graduates for these evolving demands of practice, conference participants discussed the most effective ways to give students personalized feedback, engage millennials, and incorporate new technology in the classroom. Among the presenters were William & Mary legal writing faculty members Anna Chason, Jennifer Franklin, Erin Hendrickson, and Laura Killinger. They spoke on topics ranging from problem develop-

ment to psychological obstacles inherent in learning legal writing.

In addition to these practical presentations regarding teaching legal writing, the conference also featured a keynote speaker, *New York Times* bestselling author Darcie Chan. For fourteen years, Ms. Chan worked as an attorney drafting environmental and natural resources legislation for the U.S. Senate by day while writing novels at night.

After becoming one of the very first top-selling self-published authors in history, Ms. Chan is now a full-time bestselling novelist. Her book, *The Mill River Recluse*, was on the *New York Times* bestseller list for twenty-eight weeks. At the conference, Ms. Chan shared her unique perspective gained from writing across genres. Ms. Chan attributed much of the success she has had as a novelist to lessons she learned as a legal writer.

Dave Douglas, Dean of William & Mary Law School, told attendees that the law school hosted the event because writing skills are critically important for all students. As conference attendee Professor Stacy Kern-Scheerer explained, "We are fortunate to have gathered an incredible group of professors who are able to not only understand the evolving requirements of legal writing, but also to offer practical solutions for addressing these challenges." ✧

## MEMBER RESOURCES AREA ELECTRONIC NEWSLETTERS FOR SECTION MEMBERS

<http://www.vsb.org/site/sections/educationoflawyers>

Don't miss the opportunity to receive your newsletters electronically.

To post your email address, visit the VSB website at <https://member.vsb.org/vsbportal/> to **verify or change** your email address of record.

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Password: **sjGp374f**

*This site is available only to Section members.*



## Reliving Student Experiences at the Legal Writing Conference

cont'd from page 1

did have a bigger purpose than mere wordplay with legal writing instructors. She used the exercise to demonstrate induced learned helplessness, which is just one psychological obstacle to learning. In a few short minutes she managed to remind the room of competent instructors what it felt like to be self-conscious students. (As it turns out, there were two handouts containing different sets of letters, so we were all supposed to be confused.)

The 2015 Capital Area Legal Writing Conference (CALW) provided many opportunities to consider issues instructors face, but the above exercise captured the principle benefit of in-person interaction. Reading about such matters is well and good, but less powerful than re-living a feeling I once knew well, understanding it alongside fellow instructors, and discussing how to address and overcome it in our classrooms.

Psychological barriers are just one of the latent issues affecting our ability to communicate with today's students. Conference sessions explored effectively communicating with Millennials (hint: use technology), international students, and students from diverse socioeconomic upbringings. The best sessions offered specific examples, from both presenters and attendees, of situations they have encountered and how they have dealt with them.

As a relatively new adjunct writing professor, I savored hearing from and speaking with fellow instructors in candid dialogues regarding what works, does not work, and remains unknown. From my conversations with others, they did as well. We all appreciated the reminder that we are not alone in our experiences. And as we try to prepare would-be lawyers for what judges, clients, and employers expect from them, we should never forget: that a student in search of a degree is also in want of a grade. They want and need to know "how they did."

Balancing these realities will no doubt be at the forefront of any instructor's career, but it felt particularly relevant to the assembly of legal writing instructors. We teach a foundational skill set even as the specific mechanisms change. Conference sessions addressed old and new concerns, from how to approach rewrites or create appellate brief writing problems from "scratch" to adapting assignments in light of the increased use of electronic filing and tablet-based reading.

I have only touched on a portion of the conference, but as a first-time attendee, I felt William & Mary did a superb job hosting this year's CALWC, and found it to be an invaluable experience. I look forward to continuing the dialogue with the colleagues I met, and reuniting next year to discuss our latest discoveries and concerns. ✧

## CONTRIBUTIONS

### SECTION ON THE EDUCATION OF LAWYERS

The section gratefully acknowledges the following Virginia law firms and law schools for their generous support of section activities during this bar year.

Gentry Locke

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Appalachian School of Law

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University of Richmond School of Law

University of Virginia School of Law

Washington & Lee University School of Law

William & Mary Marshall-Wythe School of Law

# Retired Magistrate Judge B. Waugh Crigler Receives VSB Leadership in Education Award

**B** Waugh Crigler, retired US Magistrate Judge for the Western District of Virginia, has been named the recipient of the [William R. Rakes Leadership in Education Award](#) from the Virginia State Bar Section on the Education of Lawyers in Virginia.

The award recognizes an individual who has demonstrated exceptional leadership and vision in developing and implementing innovative concepts to improve and enhance the state of legal education, and in advancing relationships and professionalism among members of the academy, the bench, and the bar within the legal profession in Virginia.

In nominating Crigler, retired Judge J. Martin Bass, of the 15th Judicial Circuit of Virginia, wrote: "As much as anyone I have known in my years as a lawyer and a judge, (Crigler) has made and continues to make significant contributions not only to the education of lawyers, but also to enhancing meaningful collaboration among the three constituencies of the legal profession in the commonwealth.... He has made our profession stronger and better suited to meet the needs of a changing society by being himself, a consummate professional."

Attorney William E. Glover wrote that Judge Crigler's "actions derive from deep and thoughtful rumination on what it means to be a Virginia lawyer, and how to communicate that to law students – many of whom are inclined to dismiss professionalism as etiquette training and nothing more. Judge Crigler's emphatic insistence on the value

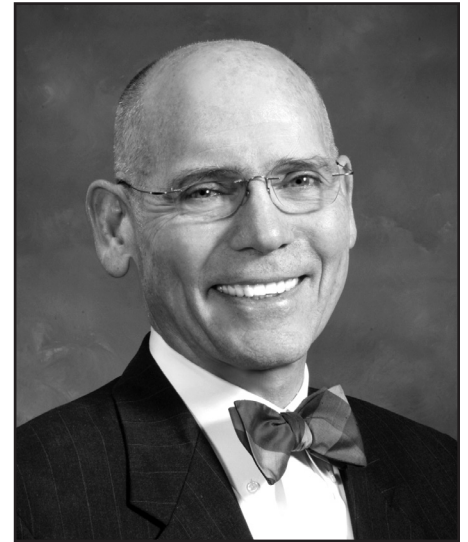
of professionalism to our clients, the bar, the bench and to our communities resonates as heartfelt and fundamentally true. Any law student or young lawyer who hears him discuss it is fortunate."

The award was established in 2012 to honor former Virginia State Bar president and founder of the Section on the Education of Lawyers, [William R. Rakes](#), a senior partner with the Roanoke firm of Gentry Locke.

The award, which is underwritten by Gentry Locke, is to be presented June 18, 2015, at the Virginia State Bar's Annual Meeting in Virginia Beach.

Crigler has a long and distinguished career as a lawyer, judge, and teacher. He has served as a faculty member for the VSB's Harry L. Carrico Professionalism Course since 1995. In 1998, he was appointed to the bar's Standing Committee on Professionalism, and later became its vice chair. He helped to develop a curriculum for a professionalism program that was instituted in all law schools in the commonwealth in 2000. He served as chair or co-chair of the Law School Professionalism program until 2003, and remains an active faculty member for the program.

Crigler has served on the board of governors of the State Bar's Litigation Section since 2009. In 2006, he was elected to the board of governors of the State Bar's Section on the Education of Lawyers in Virginia, and has served as vice chair since 2010. While serving on these boards, Judge Crigler has written



numerous articles advancing trial skills and professional and ethical practice.

He received a B.A. in History from Washington & Lee University in 1970, and a law degree from the University of Tennessee College of Law in 1973. Following graduation from law school, Crigler served as a law clerk to the Hon. Robert L. Taylor in the Eastern District of Tennessee and later practiced in Culpeper. In October 1981, the Hon. James C. Turk appointed Crigler as United States Magistrate Judge for the Western District of Virginia. In 1991, Crigler was named by the chief justice of the United States as a member of the Criminal Rules Advisory Committee on which he served until 1997. In September 2013, after thirty-two years on the bench, Judge Crigler retired, and in January 2014, he joined The McCammon Group as a neutral.

Crigler and his wife Anne will celebrate forty-five years of marriage in June 2015. They have three children and five grandchildren. ♦

# News and Events Around the Commonwealth

## University of Richmond

- ◆ In April, **Judge Robert Katzmann**, chief judge of the United States Court of Appeals for the Second Circuit, discussed his new book, *Judging Statues*, with students and faculty at Richmond Law.
- ◆ **The Hon. William C. Mims**, Supreme Court justice and former Attorney General of Virginia, made a presentation at the law school in March, discussing legal, social, and economic justice issues.
- ◆ The Robert E. Shepherd Jr. Juvenile Law and Education Conference will take place at Richmond Law on May 15, with a focus on men-

tal health challenges in child advocacy.

## William & Mary

- ◆ Ground was broken in November 2014 for the James A. and Robin L. Hixon Center for Experiential Learning and Leadership, which will serve as a vital hub for William & Mary's Legal Practice Program, nine legal clinics, and leadership activities.
- ◆ William & Mary's Domestic Violence Clinic received a grant from the Department of Justice Office on Violence Against Women, which provides more than \$250,000 over two years to expand the services of the existing clinic.
- ◆ The Election Law Program, a joint program of the W&M Law and the National Center for State Courts, announced a new initiative to develop State Election Law eBenchbooks to assist courts adjudicating election matters.
- ◆ Recent guest speakers at W&M Law include **U.S. Senator Tim Kaine**, who addressed a conference hosted by the Virginia Coastal Policy Center; **Virginia Attorney General Mark Herring**, who spoke on the role of the attorney general; and **Tim Bostic** and **Tony London**, who participated in a conversation about their experiences litigating *Bostic v. Schaefer*, the Virginia marriage equality case. ✦

## Come Rediscover the Annual Meeting

Everything you love  
about the meeting  
with a whole  
new twist!

June 18-21, 2015  
Virginia Beach

This year's meeting will include the best of the Annual Meeting's time-honored traditions while incorporating new hotels, a slightly revised format, and several new events. Visit the [2015 Annual Meeting website](#) and click on the [What's New](#) tab for details. For easy access, download the [new mobile app](#) for schedules, programs, speakers, sponsors, maps and more.

If you missed it last year, be sure to participate in the **Joint Lunch for Sections and Conferences** on Friday, June 19. It will be held at the **Hilton Oceanfront Hotel**, from 11:45-1:15, between morning and afternoon CLE tracks. This will be a great opportunity to reconnect with your colleagues and catch up on section business over a casual lunch. During lunch, there will be an informal business meeting to elect officers and board members for next year. Be sure to request a ticket when you [register](#) for the Annual Meeting.



# Faculty News

University of Richmond School of Law, to start in July. Prof. Skalbeck will succeed Tim Coggins, who will retire this summer.

## Washington & Lee

- ◆ **Prof. Brant Hellwig**, an expert in the field of federal taxation, has been named dean of W&L Law, effective July 1, 2015.
- ◆ **Prof. Christopher Bruner** has been named as the inaugural holder of the William Donald Bain Family Professorship of Corporate Law.
- ◆ W&L was named to the list of American colleges and universities that produced the most 2014-15 U.S. Fulbright Scholars. **Jill Fraley** is studying property law in Ireland, **J.D. King** is studying criminal defense in Chile, and **Johanna Bond** is studying access to legal aid in Tanzania.
- ◆ **Prof. Susan Franck** will join the Executive Council of the American Society of International Law. She is also Chair-elect of the Academic Council for the Institute for Transnational Arbitration.

## William & Mary

- ◆ **Professors Jayne W. Barnard and John W. Lee** retired from the faculty at the end of the 2014-15 academic year. Professor Barnard was named the Cutler Professor of Law, Emerita, and Professor Lee was named Professor of Law, Emeritus.
- ◆ Chancellor Professor of Law **Ronald Rosenberg** was elected to the Virginia State Bar Board of Governors for the Environmental Law Section.
- ◆ Professors **Jeffrey Bellin** and **Tara Leigh Grove** were awarded tenure and promoted to Professor of Law, effective with the 2015-16 academic year. ✧

## Regent

- ◆ In January 2015, the Virginia Bar Association announced the election of Law Professor Michael Hernandez into the Inaugural Pro Bono Council.

## University of Richmond

- ◆ The Virginia Bar Association honored **Margaret Bacigal**, Director of the Clinical Placement Program, with the Robert E. Shepherd Jr. Award, given in recognition for excellence in advocacy for children.
- ◆ **Roger V. Skalbeck** has been appointed as the new Associate Professor of Law and Associate Dean of Library and Information Services at the



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