The World Is Not Flat: Conference Planning and Presentation as Part of a Multidimensional Understanding of Scholarship

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IN THIS ISSUE

Letter from the Editors ................................................... 2
President’s Column ........................................................... 3
In Defense of Scholarship ............................................... 4
Whatever Squared ............................................................. 6
Thinking Outside the Box .................................................... 8
Alternative Forums of Legal Scholarship ......................... 12
The World is Not Flat .......................................................... 14
Realistic Strategies for Getting Articles Written ............. 22
It’s Not All Statistics .......................................................... 24
The Teaching, Scholarship and Service Triatholon .......... 28
From the Desk of the Writing Specialist:
The Silent Scream .............................................................. 32
Empowering ESL Students .............................................. 34
Announcements/News ...................................................... 36
The World is Not Flat: Conference Planning and Presentation as Part of a Multidimensional Understanding of Scholarship

INTRODUCTION

Scholarship. For many academics, the word is filled with a combination of excitement, anticipation, obligation, and dread. Academics are expected to reliably produce scholarship, much like sculptors are expected to produce art, baristas cappuccinos, and stockbrokers profits. In the world of legal academia specifically, the term “scholarship” conjures up images of thick volumes filled with lengthy articles on weighty doctoral subjects advancing ideas that, if only read by the right people with the right amount of power and conviction, may change the course and shape of history. The Oxford English Dictionary defines “scholarship” as “academic study or achievement; learning of a high level.” Merriam-Webster’s definition refers to “a fund of knowledge and learning.” While “scholarship” has perhaps traditionally been viewed as strictly words on a page, some scholars view it to be a multidimensional enterprise, something that encompasses the many aspects of the life of a scholar. “Scholarship” is perhaps understood best when one considers its many benefits and the multiple interests it serves. In Scholarship by Legal Writing Professors: New Voices in the Legal Academy, Linda Edwards and Terrill Pollman identified many of the interests served by traditional written scholarship, including the advancement of knowledge for knowledge sake, the enhancement of teaching, the improvement of legal decision-making, and the catalyst for professional transformation through the “sheer pleasure of doing a difficult task well.” The idea of scholarship as comprising more than just the generation of a tangible written product is taken up in Maksymilian Del Mar’s Living Legal Scholarship, which asserts “five responsibilities of legal scholarship: the responsibility of reading, writing, teaching, collegiality, and engagement.” Del Mar emphasizes that “[t]he five responsibilities must be understood holistically: they work together to provide a picture of the ethical life of a legal scholar.”

This article tells the story of how the authors’ journey has led them to the belief that planning and presenting at legal writing conferences is a powerful way to engage in many (and at times perhaps all!) of Del Mar’s “five responsibilities of legal scholarship.” While not a substitute for the hard work and sheer intellectual pleasure of putting together a piece of written scholarly work, we see conference work as an important supplement to—and perhaps catalyst for—traditional written scholarship.

This article addresses the notion that Del Mar’s ethical life of a scholar occurs in many dimensions, in full living color if you will. Part I explores the traditional assumption that scholarship must be exclusively written, or what we’ve termed “two dimensional scholarship.” Part II explores the notion that scholarly endeavors are multidimensional

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2 http://oxforddictionaries.com/us/definition/american_english/scholarship?q=scholarship

3 http://www.merriam-webster.com/dictionary/scholarship


6 Id.

7 “Often a presentation represents just the first part of the process—thinking and talking things through—and is the seed that prompts a professor to spend the months researching and writing and conversing further to produce a fully realized article. And because we’re writing teachers we know the magic of writing: it makes us think deeply and in an entirely different way than speaking does.” E-mail from Linda Berger, Family Foundation Professor of Law, University of Nevada, Las Vegas William S. Boyd School of Law, to Karen Thornton (April 15, 2013, 12:54 EDT) (on file with Karen Thornton).


9 “Much of the subsequent legal scholarship was doctrinal and descriptive, or theoretical and prescriptive; the purpose of most scholarship was to prescribe a better outcome to a judge. As Judge Posner put it, the task of ‘doctrinal’ legal scholarship was simply to ‘extract a doctrine from the line of cases or from statutory text and history, restate it, perhaps criticize it or seek to extend it, all the while striving for ‘sensible’ results in light of legal principles and common sense.’” See Richard Posner, Legal Scholarship Today, 115 Harv. L. Rev. 1384, 1386 (2002). The prescriptions were predominantly based on policy arguments derived from beliefs about the way society should be organized or operated.

10 “Typical of the criticisms of this kind of legal scholarship were Judge Edwards’s comments that law faculties had and can include a variety of non-written forms. Part III illustrates how planning and presenting at legal writing conferences is an example of multidimensional scholarship, one where the immediacy of live interaction and refinement bring scholarly production to life. This section concludes with practical guidance based on the authors’ experiences in how seizing the opportunity to do your own conference planning can benefit you, your school, and the broader legal writing community.

I. Two-Dimensional Scholarship: The Implied Assumption of Scholarship as Written

What we think of as “traditional” legal scholarship only began in the 1950s and since then has evolved considerably.
While much has been said and written about the virtues and limitations of legal scholarship, however, very little has been said about the implicit expectation that it be written.

Examples of the assumption that “scholarship” refers solely to the written word are numerous, even in legal writing, a field where much has been said about the ever-changing shape and landscape of scholarship. Others have recognized the significant value of legal writing conferences; some have even pointed to legal writing conferences as one of five components that together establish “legal writing” as a unique discipline.9 These commentaries maintain an implied distinction, however, between conferences and written scholarship.9

[The expansion of our scholarship to “other voices” and “other rooms” prompted conferences and workshops whose point was to encourage scholarship and to discuss specific subjects associated with professional legal writing, such as rhetoric, persuasion, and storytelling.10 Supporting the creation of this community of scholars are such efforts as the LWI Writers’ Workshops, held every summer, and the ALWD Scholars’ Workshops and Forums, conducted as part of regional legal writing conferences.11

Attempts to measure the volume of scholarship in the legal writing field have omitted the numerous oral presentations given at dozens of conferences each year, focusing instead on developing bibliographies of written works.12 In short, evidence of legal academics’ and legal writing’s multidimensional nature remains elusive.

II. Recognizing the Multidimensionality of the Scholarly Endeavor

If “scholarship” is more than what appears in print on a page – or, ever increasingly, on a screen – what is the “more” that it is comprised of? What unifying goals and principles connect scholarship in its various forms? In his 1981 article, Legal Scholarship and Moral Education, Anthony Kronman13 tackled these questions, explaining that “[t]he defining characteristic of scholarship is its preoccupation with the discovery of truth . . . and the promotion of knowledge . . . . To understand the world as it truly is – and, nothing else, is the goal of scholarship.”14

To Kronman the goals of scholarship are inextricably bound to a legal academic’s responsibilities as an educator. “To a significant degree,” he argues, “law teaching is a training in advocacy; that is one of its central functions. Advocacy entails an indifference to truth, which in turn encourages a cynical carelessness about the truth, thus undermining the important good of community . . . . Law teachers have a moral responsibility to prevent this cynicism from taking root in the souls of their students.”15 Law teachers’ responsibility can be met “through scholarship, or, more precisely, through the way in which [they] bring [ ] [their] scholarship into the instructional process carried on in the classroom.”16 More than merely reporting to students what they have gleaned from their scholarly work, Kronman argues that law teachers “bring into the classroom the spirit of [their] work, not its finished product.”17 Recognizing that “there is no simple recipe for bringing the “spirit of scholarship” into the classroom, Kronman counsels only that “[e]very teacher has to try, in his own way, to comport himself as a scholar presenting oneself as a bearer of distinct values.”18

In short, Kronman asserts that “[t]he most important thing a teacher teaches his students is what he cares about, and why.”19 If a law teacher meets this “responsibility as a moral educator”, the law teacher also fulfills one of his obligations as a scholar, and in this way, perhaps, he achieves a better understanding of his own vocation and its meaning.20

In this description of the necessary link between law teachers’ scholarship and their teaching, Kronman recognizes that “scholarship” is multidimensional, comprising much more than just a series of written pages and a relationship between a writer and a reader. Maksymilian Del Mar’s “five responsibilities of legal scholarship” – reading, writing, teaching, collegiality, and engagement – similarly point to a multidimensional view of scholarship.21 The five responsibilities must be understood holistically, Del Mar asserts, emphasizing that “they work together to provide a picture of the ethical life of a legal scholar.”22

In recognizing the importance of multiple elements joining together to form scholarship, both Kronman and Del Mar each implicitly identify the central principle that unifies all scholarship: conversation. The idea of writing in general and scholarship in particular as conversation is not new,23 but despite academics’ ready embrace of scholarship as conversation, the idea of scholarship being broad enough to include the creation of a collegial community at a conference and fostering oral communication within it remains novel. Del Mar’s recognition of “scholarship” as a bundle of responsibilities and Kronman’s link between scholarship and teaching press us beyond traditional assumptions to a notion that a multidimensional understanding of “scholarship” can include conversations taking place in non-written forms.

III. Planning and Presenting at Legal Writing Conferences as an Example of Multidimensional Scholarship

If scholarship is about continuing an endless conversation within a community of scholars, why are legal academics reluctant to include conference work – which is at its core a collection of formal and informal conversations – within the definition of what comprises “scholarship”?24 Perhaps the culture of “publish or perish” that took root with AALS’ 1959 adoption of an official research standard (citing faculty members’ responsibility to advance and share “ordered knowledge”) simply does not leave room for the notion that non-written forms of information sharing can be a valuable pursuit as an adjunct to one’s vocation as a legal scholar.25 Perhaps the very idea of being obligated to produce gets in the way of considering the many ways in which we are capable of producing.

The time has come to recognize a broad view of production. Conference planning and presentation add...
a dimension to production, one where scholarship is brought to life in multiple dimensions. In Discipline-building and Disciplinary Values: Thoughts on Legal Writing at Year Twenty-Five of the Legal Writing Institute, J. Christopher Rideout takes an expansive view of the notion of “production” in the legal writing community. In producing “both words and things,” Rideout argues, legal writing academics “define another important part of our disciplinary practices. In producing, it could be said that we create value, with varying economies to that value.” Rideout explicitly recognizes that [we] produce when we sponsor academic conferences and workshops—regional, national, and international—and make countless presentations at those conferences. Many of those presentations lead to articles that we then publish—often in our own journals. We produce textbooks and other teaching materials, which we rely on as classroom practitioners. We also produce reference materials for the legal profession. In addition, our practices produce jobs, ranging from adjunct lecturers to tenured full professors. Finally, we have created professional legal writing organizations, including the Legal Writing Institute, the Association of Legal Writing Directors, the legal writing section of the Association of American Law Schools, and Scribes. Through those organizations, we sponsor programs that help us with the professional obligations of our jobs, including administering workshops for beginning teachers, authoring research and travel grants, or hosting workshops on producing scholarly writing. And also through these organizations, we sponsor newsletters and journals for our profession.27

26 Del Mar, supra note 5, at 5.

30 See Rideout, supra note 26, at 489 (2010) (identifying four values within the legal writing discipline: “professionally progressive, pedagogically innovative; occasionally interpretive and hermeneutic; and, at times, political and reformist.”)

31 While Linda Berger, Linda Edwards and Terri Pollman disagree with the notion that conference work “without more [will] fully stands in for the process of scholarship” described by Del Mar, they do agree that “it is a good idea to encourage and advocate in our law schools for more recognition of the value of conference planning and presentations. For example, organizing and moderating a conference that invites law professors to a new field or subject and helps them understand how to use it in their work might well achieve many of the aims of legal scholarship—goals that benefit the organizers (or the author) but also the audiences, institutions, and communities served by greater knowledge and understanding of the law and legal processes.” E-mail from Linda Berger to Karen Thornton, supra note 7.

27 Id. (emphasis added).

28 Kronman, supra note 14, at 968.

In the recognition of many manifestations of value-laden production that legal writing professionals generate in the course of their careers, Rideout seems to embrace Kronman’s multidimensional vision of scholarship28 and also Del Mar’s theory that scholarship comprises five responsibilities that “must be understood holistically...to provide a picture of the ethical life of a legal scholar.” As academics, legal writing professionals are scholars when they engage fully in their professional life. Participating in legal writing conferences is an integral part of that engagement. Participation can fulfill our responsibility to share what we care about and to listen. Together we can gain a better understanding of our shared vision for our discipline. Conferences provide a unique setting for having these conversations, as they can bring into the discussion those individuals who previously would have been left out, such as adjuncts and practitioners.

The sections below describe the work in which we personally fulfilled Del Mar’s scholarly responsibilities of teaching, collegiality, and engagement when we identified the opportunity for and built new regional legal writing conferences. By telling this story we hope to challenge members of a discipline that considers itself progressive and interpretive29 to adopt a broader interpretation of scholarship—one that views conference work as—and the teaching, collegiality, and engagement that flow from that work—as a powerful supplement to the reading and writing that is the difficult work of traditional written scholarship.30

A. Conferences Bring Scholarship to Life

In this section we present the unique benefits that come from the type of the scholarly engagement that happens at legal writing conferences. Reading scholarly articles will spur an academician who takes Kronman’s counsel to contemplate: how can I use what I just learned in the classroom? Can I use what I learned to become a better teacher? Will it be useful to help me develop curricular innovations? Can I take what I learned back to my institution to improve the way we teach our students? These are the same takeaways one gains from attending a legal writing conference, and yet that experience is more interactive, encouraging real-time questions and a deeper conversation. A legal writing professor can leave a conference presentation not only inspired by a fresh idea, but with a packet of materials, including feedback data, to help immediately implement that idea into her curriculum.

The written product you are reading now began, quite literally, as a spoken conversation among the authors. The seeds for this article were planted in December 2009, when two of the authors (Iselin Gambert and Karen Thornton) boarded the train from Washington, DC to New York City to attend the first-ever Legal Writing Institute One-Day Conference. We were in the final weeks of our first semester as full-time legal research and writing (LRW) professors, and we relished the opportunity to meet colleagues and absorb insight from the experienced conference panelists. We remember that first semester well. We remember, of course, the time we spent on creating lesson plans, teaching classes, conferencing with students, and grading papers for the very first time. Perhaps what stands out the most, however, is all the time we each spent searching for a sense of self as academics. What kind of teacher am I, and how can I best connect with my students? How do I make time to develop a body of scholarship, and what will that scholarship look like? Who are my mentors and where do I fit within my community of colleagues? How do I build a professional reputation and achieve personal fulfillment?

The attendees and presenters at the 2009 One-Day Conference warmly embraced us into the LWI community, where we were encouraged by many to participate actively in the already-vibrant conversation taking place about these identity issues and so many others. We felt welcomed into a Burkanian parlor of sorts to listen and explore possible answers to our questions with seasoned colleagues and mentors.

One of the greatest benefits of attending that One-Day Conference was our introduction to our co-author, longtime LRW professor and One-Day panelist Amy Stein. Amy graciously made herself available to us as a mentor that day, her inspiration and guidance over the last several years has been a gift. As new teachers we assumed that the greatest satisfaction would come from guiding our students to new levels of awareness and achievement, as well as from pursuing our own written scholarship. With that encouragement and support, we came to realize, however, that our greatest sense of fulfillment comes from a broader notion of scholarship: active participation in—and planning of—regional and national conferences that enhance the vibrant kinship of our legal writing community.31

The other great benefit of attending the One-Day Conference was that traveling to New York forced us out of our insularity in ways that reading scholarly articles cannot. Conferences allow presenters to watch the audience react to their ideas; the presentation allows the presenter to give voice to an idea and as an audience we take notice.32 We become better listeners. At the One-Day, we got to see firsthand how legal writing faculty test the limits of each others’ analytical thinking in a positive, supportive way. To call this high-level learning and exchange of knowledge scholarly work simply is not sufficiently about something we are already doing. Conference presentations...
are no less scholarship – they are interactive, real-time scholarship, a nurturing environment where we push each other to learn and adapt to new ideas with an energy that would otherwise lay flat on the page of written scholarship.

In the spring of 2010, just a few months after our first meeting at the One-Day, Amy chaired the first annual Empire State Legal Writing Conference, at Hofstra Law.34 Iselin and Karen were encouraged to submit proposals because the call for proposals stated a preference for presentations by new faculty. Taking to heart the expert advice we heard at the One-Day Conference about making time for scholarship, we saw our presentations as a way to give voice to ideas we were developing in our first months of teaching.

We were particularly inspired to attend the inaugural Empire State conference because creating a new conference was not something we had ever given thought to before. We had only previously attended the well-established Central States and Rocky Mountain conferences. After Empire State, we asked our GW Law colleagues, “When is the DC-area conference?” fully expecting that, with at least nine law schools in the immediate region, there was already an established conference in the area. When we learned that no one had ever hosted a local conference before, we realized an amazing opportunity lay before us. What better way to speak up in the parlor than to create a new venue for the community of legal writing scholars to continue the conversation in Washington, DC?

B. Planning and Hosting a Local Legal Writing Conference Can Take the Conversation to a New Level

We encourage you to consider hosting a legal writing conference in your community. As we learned firsthand through the planning process, there are three main beneficiaries of hosting a conference: you, your law school, and your region’s law schools.

You will benefit. Hosting a conference is a powerful tool for professional development. It will help you make contacts at other schools in the region and even within your own school. Staff and faculty colleagues will learn your name and you will get to know the leadership at your law school. You will gain exposure at the national level through the Legal Writing Institute listserv and other online outlets and at the conference, veterans will be able to associate your face with your name. Hosting a conference in the early years of your career will also enable you to demonstrate to the dean your professional growth and a broader scholarship portfolio, if you have not yet had an opportunity to publish traditional scholarship. Including an ALWD Scholar’s Forum or Workshop at your conference will create space to incubate more traditional forms of scholarship within the broader conference participation as scholarship.35 The Forums can encourage conference participants to use a conference presentation as the outline for a piece of traditional, written scholarship. The Workshops can benefit planners, not just the author participants, by expanding one’s depth of knowledge about a topic just by virtue of reading the proposals and arranging the peer groups.

Creating a forum for creative exchange and professional development among legal writing teachers can help you gain a sense of ownership of your career as a legal writing professor. Gathering together a community that values inclusiveness over rank can strengthen your sense of worth if you are conscious of your status within the hierarchy of your law school faculty.

Your school will benefit. Your law school, both the LRW program and the school as a whole, will also benefit. Hosting will place your school on the regional and national map of institutions committed to taking their legal writing programs seriously. It may help attract high-quality candidates for future LRW job openings. And it may help boost the law school’s rankings if other faculty and deans take notice.

Your region’s schools will benefit. Your region’s law schools will also benefit from a new conference within the region. Schools in the area will benefit from the schools’ legal writing professors meeting, interacting, and building relationships that can lead to other partnerships in the future. Other schools may decide to host in the future based on the success of the conference at your school, leading to long-term benefits associated with hosting and collaboration. In addition, your region will gain respect nationally as an area professionally attractive to legal writing professors.

Adjunct professors and librarians will benefit. An oft-overlooked constituency that can benefit from a regional conference are adjuncts and local practitioners who aspire to teach Legal Writing, as well as librarians. Attending a local conference when travel to a distant one is impossible gives these individuals access to teaching ideas, connections to other LRW programs, and possible full-time job leads. Those interested in breaking into the field also get an opportunity to meet people and create a network. Presenting at a local conference gives adjuncts an opportunity to develop as legal writing professionals and contribute to the field.

CONCLUSION

As legal writing professors, we all know “the magic of writing: it makes us think deeply and in an entirely different way than speaking does.”36 The scholarly endeavor includes writing, yes, but it includes much more than that. The members of this vibrant legal writing community are bringing scholarship to life in myriad ways every single day through their teaching, collegiality, and other forms of professional engagement. Planning and presenting at legal writing conferences is a powerful way to embrace the multidimensionality of the scholarly endeavor. We hope that this article serves as a springboard for further discussion about conference work as an important dimension of the scholarly life, one which advances the discipline of legal writing both on its own and in conjunction with traditional written scholarship. And we hope we may have inspired you to take part in – or host! – a conference in your community in the months and years ahead.