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Making a Case for Legal Writing Instruction
... Worldwide

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Abstract

This article discusses the merits of teaching legal analysis and writing and of developing a legal writing program at a faculty of law, and recommends that law faculties around the world incorporate this subject. Once absent from the American law school curriculum, this subject has become a required subject in all American law schools over the past 25+ years. The article suggests steps for implementing a legal writing course or program, and offers a variety of resources for doing so.



MAKING A CASE FOR LEGAL WRITING INSTRUCTION... WORLDWIDE

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Abstract. *This article discusses the merits of teaching legal analysis and writing and of developing a legal writing program at a faculty of law, and recommends that law faculties around the world incorporate this subject. Once absent from the American law school curriculum, this subject has become a required subject in all American law schools over the past 25+ years. The article suggests steps for implementing a legal writing course or program, and offers a variety of resources for doing so.*

Keywords: *legal writing, legal skills, curriculum development, American legal education, globalization of the law school curriculum.*

The language of the law must not be foreign to the ears of those who are to obey it.
Learned Hand, ‘Is There a Common Will?’ in *The Spirit of Liberty: Papers and Addresses of Learned Hand* 56 (I. Dilliard, 3d ed. 1960)

Introduction

Judge Learned Hand’s words, addressed to the American Law Institute in 1929, were spoken in the context of his hope that the Institute would help to make the law ‘more ascertainable’ to society,¹ also ring true in the halls of legal education. In other

1 Hand, L. Is There a Common Will? In *The Spirit of Liberty: Papers and Addresses of Learned Hand* 56 (I. Dilliard, 3d ed. 1960).

words, isn't it important for those who study and practice law to learn how to understand and use that language as early as possible in their legal training, so that they can develop strong legal communications skills and convey understandable legal advice to their future clients?

In a large majority of nations, the first degree in law is an undergraduate degree. Students spend most of their legal education studying legal theory in a variety of doctrinal settings—obligations, criminal law, constitutional law, property law, and the like. Courses in legal *skills*, that is, legal analysis, writing, oral advocacy, as well as client counseling, negotiation, and the like, are taught, if at all, during the upper class years of a student's legal education. In contrast, American law schools, which all offer a first degree in law as a graduate degree—require all first-year students to enroll in at least a year-long course in legal analysis, writing, and oral advocacy. There is ample support for the conclusion that any strong legal education should include, early on, a foundational course that focuses on written legal communication rather than legal theory and other doctrinal subjects alone. This brief article will attempt to make a case for including a foundational legal analysis and writing course in every law school's curriculum—worldwide. Moreover, this article will suggest steps for developing a legal writing curriculum, and explain how a legal skills course can serve as a mode of introducing students not only to ways of developing their own legal skills, but to legal systems other than their own.

1. Background

1.1. Legal Skills Teaching in American Law Schools

There is no question that legal skills instruction² is central to American legal education. During the past thirty years, legal writing,³ in particular, has grown from a field that drew from a small number of individuals in the early 1980s⁴ into a field so complex and diverse that legal writing professors meet regularly in conferences that draw hundreds, perhaps more than a thousand, participants on a biennial basis.⁵ Moreover, the American

2 In this article, 'legal skills' refers to a broad variety of skills used in everyday law practice, including, for example, legal research, legal analysis and writing, oral advocacy, negotiation, client counseling, and the like. Legal skills instruction contrasts with what is referred to in American law schools as 'doctrinal', 'case-book', 'podium' or 'substantive' law, such as criminal law, the law of contracts (obligations), etc.

3 In this article, 'legal writing' refers to a variety of courses taught in American law schools. The courses all include the study of legal analysis and writing, and oral advocacy at the trial and/or appellate level. Some include legal research as well, and others include components of negotiation, counseling, and other lawyering skills. For an idea of the breadth of the content and titles of legal writing courses, see the Annual Survey of Legal Writing Programs, conducted by the Legal Writing Institute ('LWI') and the Association of Legal Writing Directors ('ALWD') [interactive]. [accessed 15-12-2009]. <<http://www.lwionline.org/surveys.html>>.

4 For an informal history of the Legal Writing Institute, see Lawrence, M. S. The Legal Writing Institute—The Beginning: Extraordinary Vision, Extraordinary Accomplishment. *J. Legal Writing Institute*. 2005, 11: 213, [interactive]. [accessed 15-12-2009]. <<http://www.lwionline.org/about/history/marylawrencearticle.pdf>>.

5 See the website of the LWI [interactive]. [accessed 15-12-2009]. <www.lwionline.org>. The fourteenth Biennial Conference will take place in June 2010 [interactive]. [accessed 15-12-2009]. <<http://indylaw.indiana.edu/LWIconference/>>. ALWD meets annually [interactive]. [accessed 15-12-2009]. <www.alwd.org>.

Bar Association (the ‘ABA’), which regulates the conduct of American law schools, provides explicit direction to ensure that all American law students receive substantial instruction in legal skills.⁶ Both the ABA and the Association of American Law Schools (‘AALS’) have sections that focus on lawyering skills.⁷ To fulfill the ABA’s requirements, American law schools have mandatory first-year legal writing programs, and required upper-level writing courses as well.⁸ Moreover, American law schools place a premium on student writing, so much so that the highest honor a law student can typically achieve—and, therefore, generally the most significant credential on a student’s *curriculum vitae*—is membership on a student-run law review.⁹

and although much smaller an organization than the LWI, draws attendance of approximately 150 directors of legal writing programs, both from the United States and abroad.

- 6 See ABA Standard 302, which provides:
- (a) A law school shall require that each student receive substantial instruction in:
 - (1) the substantive law generally regarded as necessary to effective and responsible participation in the legal profession;
 - (2) legal analysis and reasoning, legal research, problem solving, and oral communication;
 - (3) writing in a legal context, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year;
 - (4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and
 - (5) the history, goals, structure, values, rules and responsibilities of the legal profession and its members.
 - (b) A law school shall offer substantial opportunities for:
 - (1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence;
 - (2) student participation in pro bono activities; and
 - (3) small group work through seminars, directed research, small classes, or collaborative work.
- American Bar Association, 2009–2010 Standards and Rules for Procedure for Approval of American Law Schools, Chapter 3, Program of Legal Education, Standard 302, Curriculum [accessed 15-12-2009]. <<http://www.abanet.org/legaled/standards/2009-2010%20StandardsWebContent/Chapter3.pdf>>.
- The ABA provides further guidance in Interpretation 302-1, which states:
Factors to be considered in evaluating the rigor of writing instruction include: the number and nature of writing projects assigned to students; the opportunities a student has to meet with a writing instructor for purposes of individualized assessment of the student’s written products; the number of drafts that a student must produce of any writing project; and the form of assessment used by the writing instructor.
Ibid. (italics in original).
- 7 The ABA Section on Legal Education has a Communications Skills Committee, which ‘examines and promotes effective communication skills, prepares materials for dissemination to law schools and the practicing bar, and plans programs on current issues relating to communication skills.’ <<http://www.abanet.org/legaled/committees/committees.html>> accessed 15 December 2009. Similarly, the AALS has a Section on Legal Writing, Reasoning and Research [interactive]. [accessed 15-12-2009]. <https://memberaccess.aals.org/eWeb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=b1def4dc-ec71-4168-8d29-a5517d2a18c7>.
- 8 See LWI/ALWD Surveys (n 3). For further discussion of the structure of legal writing programs, see n 20 below and accompanying text.
- 9 Virtually every American law school has at least one law review or journal. The LexisNexis Publishing Company maintains a list of ‘general’ focus student law journals, as well as lists of ‘special focus’ (e.g., environmental law, international law) law journals, and peer-edited law journals [interactive]. [accessed 15-12-2009]. <https://memberaccess.aals.org/eWeb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=b1def4dc-ec71-4168-8d29-a5517d2a18c7>. Student-run law journals also hold annual conferences [interactive]. [accessed 15-12-2009]. <<http://www.ncrlaw.com/index.php>>.

Outside the United States and Canada,¹⁰ and, more recently, Africa,¹¹ legal writing instruction appears to have a less universal presence.¹² However, in recent years, there has been sufficient interest in developing legal writing programs abroad to warrant enthusiastic participation in legal writing conferences in Prague, Nairobi, Istanbul, Pretoria, and Monterrey.¹³ However, only one legal writing text in a language other than English has been published in the past decade, at least in the Baltic countries.¹⁴ In fact, in the Baltics, legal writing or a related course is taught at only a few law faculties.¹⁵

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- 10 Approximately half of Canadian law schools offer first-year courses in legal writing. See chart on file with author.
 - 11 Legal Writing is taught in a growing number of law faculties in Africa, including Moi University in Kenya and in more than a dozen law faculties in South Africa. See E-mail from Lesley A. Greenbaum, Associate Professor, Faculty of Law, University of KwaZulu-Natal, to author (Dec. 3, 2009, 03:42 EDST) (on file with author); E-mail from Edwin Abuya, Law Lecturer, Moi University (Dec. 3, 2009, 02:34 p.m. EDST) (on file with author). For further perspective on legal skills education in Africa, see generally Dauphinais, K. Training a Countervailing Elite: The Necessity of an Effective Lawyering Skills Pedagogy for a Sustainable Rule of Law Revival in East Africa. *North Dakota Law Review*. 2009, 85: 53.
 - 12 As of this writing, the author is collecting information regarding the teaching of legal analysis and writing in languages other than English. This will be the subject of a later article. In addition, this article will not address the related issues of teaching civil law concepts to common-law trained students, and vice-versa. This is, however, an important area for the professor considering teaching legal writing to students from a different legal culture to keep in mind. See generally Whalen-Bridge, H. The Reluctant Comparativist: Teaching Common Law Reasoning to Civil Law Students and the Future of Comparative Legal Skills. *Journal of Legal Education*. 2008, 58: 364 (acknowledging the inherent comparative nature of teaching common law legal reasoning to civil law trained students).
 - 13 In May 2005, 75 legal writing and 'legal English' professionals attended a conference in Prague, Czech Republic, entitled 'Preparing for Practice: A Conference on Legal Skills Training in Central and Eastern Europe' [interactive]. [accessed 15-12-2009]. <<http://www.lwionline.org/news/2005praguebrochure.pdf>>. In addition, Academics Promoting the Pedagogy of Effective Advocacy in Law ('APPEAL') has held conferences in Nairobi, Kenya and in Pretoria, South Africa, during the past few years [interactive]. [accessed 15-12-2009]. <<http://sites.google.com/site/legalwritingconference/appeal>>. The first Istanbul Legal Skills Conference took place in August 2008, see <<http://www.istanbulskills.com>>, and the second is scheduled for 2011. Finally, the Global Legal Skills Conference, bringing together legal skills professionals from all over the world, was first held in 2005, and has taken place annually since 2007, alternating between venues in and outside of the United States. See, e.g., the website for the 2010 Global Legal Skills Conference V [interactive]. [accessed 15-12-2009]. <<http://sites.google.com/site/globallegalskillsconferencev/>>. Many panels at LWI and ALWD conferences have also addressed issues relating to global legal skills instruction.
 - 14 Johansen, S. *Juridiska Analize un Textu Rakstisana*. Broka, B.; Iljanova, D. (trans.). Tiesu Namu Agentura, 2001.
 - 15 See <https://luis.lanet.lv/pls/pub/kursi.kurss_dati?l=1&p_kods=2JUR1024&p_par=druk> (in Latvian). European Humanities University, formerly located in Minsk, Belarus, offers a legal writing course at the graduate level [interactive]. [accessed 15-12-2009]. <http://ehu.lt/studies/master/catalogue/international_and_european_law/0005161/>, and in 2009-2010, is offering legal writing to undergraduates. Legal English and Moot Court are taught at the University of Tartu in Estonia [interactive]. [accessed 15-12-2009]. <<http://www.ut.ee/en/studies/exchange-and-semester-abroad/courses-taught-in-english>> (see link for semester course offerings). In addition, the Riga Graduate School of Law offers a master's program in Legal Linguistics that features Legal Writing and related courses [interactive]. [accessed 15-12-2009]. http://www.rgsl.edu.lv/index.php?option=com_content&task=view&id=53&Itemid=93. In Lithuania, English for Lawyers is offered at the Institute for Foreign Languages at Vilnius University [interactive]. [accessed 15-12-2009]. <<http://www.tris.cr.vu.lt/courses/index.php?content=course&num=1987>>.

1.2. The Content of First-Year Legal Writing Courses

Most American law schools require students to enroll in two semesters of a Legal Writing course during their first year of law study.¹⁶ During the first semester, students typically learn how to write ‘objective’ or ‘predictive’ office documents, called office memoranda, in which they analyze a series of hypothetical legal problems presented to them by a ‘senior attorney’—that is, their professor. Professors at many law schools first present their students with a ‘closed universe’ problem. That is, the professor gives the students a hypothetical problem *and* gives them all of the research materials that they will need. For example, the professor may give the students a copy of a statute (legislation) and several court decisions; the students will be able to use only that specific research material to analyze the client’s problem and prepare their memoranda to the senior attorney. By using this method, the professor chooses not to assess the students’ *research* abilities, but rather, assesses the students’ abilities to *analyze* the research materials, *apply* the research materials to the client’s problem, *organize* their analysis in a logical manner, and *write* their analysis in a clear, understandable manner.

After their students complete at least one basic closed research memorandum assignment, they typically proceed to prepare one or more ‘open research’ memoranda, that is, memoranda for which students *do* perform their own legal research, and then prepare memoranda that are usually more complex than the closed research memoranda. For any of these closed or open assignments, the professor may present the problem in any number of ways—for example, by written instructions, oral description of the problem, or use of simulated legal documents or even live ‘client interviews’. In addition, professors may assign grades for any or all of these assignments; at many American law schools, earlier assignments are ungraded so that students can develop skills that are assessed for grades in later assignments. During the first semester legal writing course, students may also complete a variety of other types of writing assignments, including drafting of court documents, advice letters to clients, transactional documents, and the like.

During the spring semester, American law students typically learn how to write persuasive, rather than objective or predictive legal documents. These documents, unlike the predictive memoranda prepared for a senior attorney, are directed toward a *court* as an audience. In other words, the predictive document, most often called a *brief* or *memorandum of law*, is a document that is filed in court in order to persuade the court that the client’s legal position is correct and that the court should rule in the client’s favor. Some law schools require students to prepare a brief to the trial court, but most require students to prepare a brief that could be submitted to an appellate level court.¹⁷ Regardless of

16 For an excellent overview of the typical American law school legal writing curriculum, see Rowe, S. E. Legal Research, Legal Writing, and Legal Analysis: Putting Law School into Practice. *Stetson Law Review*. 2000, 29: 1193, available at <<http://justice.law.stetson.edu/LAWREV/abstracts/PDF/29-4ROWE.pdf>>. As the discussion of curriculum in this article shows, American legal education and practice supports the conclusion that ‘[t]he purpose of all legal writing is communication and persuasion.’ Aldisert, R. J., *et al.* Opinion Writing and Opinion Readers. *Cardozo Law Review*. 2009, 31(1): 22.

17 For an excellent example of how criminal and civil cases proceed through the United States federal court system, see the Federal Judicial Center’s primer, ‘How Cases Move Through Federal Courts’ [interactive].

which type of brief a student prepares, the student will also learn how to present his or her client's case to the court in an oral presentation which is called an *oral argument*.¹⁸ If a student learns how to brief and argue a persuasive trial-level argument during the first year of law school, the student typically will have an appellate brief writing and oral argument experience in the second or third year of law school.

1.3. Legal Writing Program Structure

Legal writing programs in American law schools come in all shapes and sizes. Some programs are taught by tenured or tenure-track faculty; some are taught by long- or short-term faculty, while others are taught by part-time ('adjunct') faculty, or are 'hybrid' and use a mixture of different types of teachers.¹⁹ Very few legal writing programs rely on upper-level law students to teach legal writing to first-year students,²⁰ although professors in most programs use student research or teaching assistants to help guide students through various aspects of the legal writing curriculum.²¹ Regardless of the structure used, establishing a quality legal writing program demands the investment of resources so that a law faculty can 'attract and retain' talented legal writing professors and develop a strong writing program.²²

2. Making the Case

So how should a law faculty that does not have a legal writing program, or perhaps does not offer a legal writing course, go about making a thoughtful decision regarding

[accessed 15-12-2009]. <<http://www.fjc.gov/federal/courts.nsf/autoframe?OpenForm&nav=menu4&page=/federal/courts.nsf/page/5074A7FC2DA7043E852568270078DCB1?opendocument>>. The federal court system in the United States is distinct from the court systems of the individual states and territories. For a brief comparison of the federal and state court systems, see <<http://www.uscourts.gov/outreach/resources/compara-fedstate.html>>.

- 18 The term 'oral argument' is really somewhat of a misnomer, as the student (or real-life attorney) is not arguing with the court, but is, rather, presenting a set of persuasive arguments *to* the court intended to convince the court why his or her client should prevail over the adverse party. Many transcripts and audio and/or video recordings of real oral arguments are available on-line, and are excellent learning tools for students and practicing lawyers alike. One of the best-known websites, which features arguments before the United States Supreme Court, is <www.oyez.org>.
- 19 See Levine, J. M. *Legal Research and Writing: What Schools Are Doing, and Who is Doing the Teaching*. *Scribes Journal Of Legal Writing*. 1998-2000, 7: 51, updated in 2002 by Jan M. Levine and Sue Liemer [interactive]. [accessed 15-12-2009]. <http://www.alwd.org/publications/pdf/LRW_ProgramDesignChart.pdf>.
- 20 *Ibid.*, p. 19. As of December 2002, only five American law schools used current law students to teach legal writing to first-year students.
- 21 See LWI/ALWD 2008 Survey [interactive]. [accessed 15-12-2009]. <http://www.alwd.org/surveys/survey_results/2008_Survey_Results.pdf>, responses in section X, at p. 68-70.
- 22 The American Bar Association dictates that 'A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is well qualified to provide legal writing instruction as required by Standard 302(a)(3), and (2) safeguard academic freedom.' ABA Standard 405(d) [interactive]. [accessed 15-12-2009]. <<http://www.abanet.org/legaled/standards/2009-2010%20StandardsWebContent/Chapter4.pdf>>. See also *supra* note 7.

whether and how to develop such a program? Here are some steps that a law faculty can follow.

2.1. Needs Assessment

Intelligent curriculum design should take into consideration the needs of the students' likely legal practice community. In an urban environment, for example, it makes sense for a law faculty to offer courses that relate to urban real property development and leasing, while in an agrarian community, courses relating to agricultural law would be useful. Similarly, it is logical for a law faculty to consider what types of documents lawyers in its society need to be able to prepare, whether they be intended for filing with a court, concluding a transaction, or for filing in the attorney's office for future planning or litigation. A law faculty will typically have this awareness of its students' future possible practice needs, and can design legal writing (or more generally, legal skills) courses to fit that need. Local and national bar associations can be helpful in needs assessment as well.

2.2. Information Gathering

There is an abundance of teaching expertise and course material (including both classroom and assignment materials) for developing legal writing and other legal skills courses.²³ The ABA's Sourcebook on Legal Writing alone has an extensive bibliography of materials about the pedagogy and fundamentals of teaching legal writing,²⁴ and the Legal Writing Institute maintains an 'Idea Bank' stocked with classroom exercises and a wide variety of writing assignments.²⁵ A law faculty interested in developing such courses should consider sending one or more interested faculty members to one of the biennial conferences of the Legal Writing Institute,²⁶ or might consider hosting a local or regional conference to consider this matter, perhaps including an experienced legal writing professional in its program. Although it may well be possible for an interested law faculty to develop a legal writing course solely based on materials available on the internet, it is far preferable for the faculty member(s) who will develop this course to personally attend a legal writing conference to network with and share ideas directly with experienced teachers.²⁷

23 See, e.g., ABA Section of Legal Education and Admissions to the Bar. *Sourcebook on Legal Writing Programs*. 2nd ed. 2006.

24 *Ibid.*; The bibliography is available at <www.abanet.org/legaled/publications/sourcebook/sourcebookbibliography.pdf>. The Social Science Research Network has a legal writing database rich in resources as well. See <<http://www.ssrn.com/link/Legal-Writing.html>>.

25 See <www.lwionline.org/idea_bank.html>.

26 See *supra* note 6.

27 The LWI Conference typically features an entire track of conference presentations for new legal writing teachers. See, e.g., <<http://indylaw.indiana.edu/LWIconference/2010/AcceptedProposals.pdf>>.

2.3. Trying It Out

What might be a good way to both ‘try out’ the idea of incorporating a legal writing course and providing a law faculty with the opportunity to learn about teaching this subject first-hand? If a law faculty can afford to give up a faculty member for a period of time, it might consider sending a professor to study the pedagogy of legal writing as a Fulbright scholar at a law school in the United States.²⁸ Similarly, a law faculty can invite a Fulbright scholar to visit it on a long- or short-term basis, to teach and/or help to develop a legal writing curriculum.²⁹ Alternatively, a law faculty can benefit from having a visiting consultant sent under the auspices of the American Bar Association, by means of the Rule of Law Initiative.³⁰ In any of these circumstances, the United States government bears a significant amount of the cost, thus reducing the cost for the host law school. The host school’s government or other resources might also be available for this type of scholarly exchange.

2.4. Networking

Numerous opportunities for academic networking of a more general nature may also assist a law faculty in determining whether and how to establish a legal writing curriculum. Of particular interest are the meetings of not only the Association of American Law Schools,³¹ but also meetings of the International Association of Law Schools,³² the European Law Faculties Association,³³ and similar national or regional groups. Discussion among law faculty administrators and professors at these more general professional meetings would provide additional perspective on the benefits and costs of developing a legal writing/legal skills curriculum.

2.5. Going Global

Practicing law in a world made smaller and more connected by technology requires successful lawyers to have some knowledge of legal systems outside their own.³⁴ In

28 For information relating to opportunities for non-United States Fulbright Scholarships [interactive]. [accessed 15-12-2009]. <http://www.cies.org/vs_scholars/vs_awards/>.

29 A scholar from the United States can visit abroad on a long-term traditional Fulbright scholarship [interactive]. [accessed 15-12-2009]. <http://www.cies.org/us_scholars/us_awards/>, or on a short-term Fulbright Specialist scholarship [interactive]. [accessed 15-12-2009]. <<http://www.cies.org/specialists/>>. Visits need not be based only on formal programs like Fulbright. Development of legal writing programs can result from less formal relationships as well. See Lewis, J. E. D. Developing and Implementing Legal Writing Programs in Korean Law Schools. *Journal of Korean Law*. 2009, 9: 125.

30 The ABA sponsors consultants in several areas of legal reform, including legal education reform [interactive]. [accessed 15-12-2009]. <<http://www.abanet.org/rol/programs/>>.

31 See <http://www.aals.org/events_annualmeeting.php>.

32 See <<http://www.ialsnet.org/meetings/index.html>>.

33 See <<http://elfa-afde.eu/events.aspx>>.

34 See generally Brand, R. A. Uni-State Lawyers and Multinational Practice: Dealing with International, Transnational, and Foreign Law. *Vanderbilt Journal of Transnational Law*. 2001, 34: 1135; Kollonay Lehoczky, C. Preparing Students for International Legal Practice and Improvement of Their Legal Systems. *Dickinson Journal of International Law*. 2000, 18: 473; Double, P. Tips on Starting to Practice International Law. *Whit-*

recent years, law schools have focused on methods of ‘internationalizing’ their curricula to expose students to other legal systems.³⁵ Typically, students start to learn about other legal systems in a comparative or international law course that is focused on doctrinal law rather than on law practice. Legal writing courses, however, present an excellent opportunity for students to be exposed to international and comparative legal concepts.³⁶ In fact, international and comparative law concepts can be woven into both predictive and persuasive writing assignments.³⁷

Conclusions

Does this article call for a drastic change in law teaching world-wide?

Simply put, it does not. Legal writing and related practical lawyering skills need not be taught in English, nor do they need to be taught by English-speaking professors. Rather, a law faculty can use its own faculty, and offer legal writing and related courses in the language(s) that its students expect to use in law practice. This article is not intended to impress a common law or English language-oriented course upon law students whose native language is not English; nor does it insist that only American law professors know how to teach legal writing.³⁸ Rather, it suggests that the benefits of offering a legal writing course early on in a student’s legal education are significant, and the resources for developing such a course—or a broader legal writing program—are plentiful. Moreover, as the world-wide legal writing community grows, we can only continue to become better teachers by learning from one another, and we can make the language of the law familiar—not foreign—to others.

tier Law Review. 1992, 13: 183; Moore, J. H. *Going Global: A Guide to Growing an International Practice*. *Texas Bar Journal*. 2006, 69: 998.

35 See, e.g., Maxeiner, J. R. *Learning From Others: Sustaining the Internationalization and Globalization of U.S. Law School Curriculums*. *Fordham International Law Journal*. 2008, 32; Symposium on Internationalizing the First-Year Curriculum. *Penn State International Law Review*. 2006, 24: 801; Gevurtz, F. A., *et al.*, Report Regarding the Pacific McGeorge Workshop on Globalizing the Law School Curriculum. *Pacific McGeorge Global Business and Development Law Journal*. 2005, 19: 1; Symposium on Working Together: Developing Cooperation in International Legal Education. *Penn State International Law Review*. 2001, 20: 1; Symposium on Emerging Worldwide Strategies in Internationalizing Legal Education. *Dickinson Journal of International Law*. 2000, 18: 411.

36 See, e.g., Edelman, D. P. *It Began at Brooklyn: Expanding Boundaries for First-Year Law Students by Internationalizing the Legal Writing Curriculum*. *Brooklyn Journal of International Law*. 2002, 27: 415. Approximately one-half dozen American law schools offer an international law-oriented legal writing course in the first-year or upper level curriculum. See chart on file with author.

37 *Ibid.*, p. 429–438.

38 In fact, professors from many countries have many ideas to contribute to the pedagogy of legal writing and related subjects. See, e.g., *supra* note 14 and accompanying text.

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TEISINIO RAŠYMO MOKYMO PASAULINĖS TENDENCIJOS

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Santrauka. Šiame straipsnyje aptariami teisinės analizės ir rašymo mokymo bei teisinio rašymo programos sukūrimo teisės fakultete pranašumai. Autorė rekomenduoja šį dalyką įtraukti į pasaulio universitetų teisės fakultetų mokomąsias programas. Nors kadaise Amerikos teisės mokyklų programose tokio dalyko nebuvo, per paskutinius 25 metus jis tapo labai reikalingas. Straipsnyje pateikiamos teisinio rašymo kurso programos įgyvendinimo pakopos bei šaltiniai.

Ar šiuo straipsniu autorė nori pasakyti, jog teisės mokyme reikalingi drastiški pokyčiai pasauliniu mastu?

Trumpai tariant – ne. Teisinis rašymas ir susiję praktiniai teisininko įgūdžiai nebūtinai turi būti dėstomi anglų kalba ar angliškai kalbančių profesorių. Iš tiesų teisės fakultetai gali išnaudoti savo galimybes ir pasiūlyti teisinio rašymo ir su juo susijusius kursus tomis kalbomis, kurias studentai tikisi vartoti savo teisinėje praktikoje. Autorė nesiūlo brukti bendrosios teisės ar anglų kalbos teisės studentams, kurių gimtoji kalba yra ne anglų, ir neteigia, jog tik Amerikos teisės profesoriai žino, kaip teisinis rašymas turi būti dėstomas. Iš tiesų straipsnyje teigiama, jog itin naudinga kuo anksčiau studentams pasiūlyti teisinio rašymo kursą ir kad yra gausu šaltinių tokiam kursui (ar net platesnei teisinio rašymo programai) sukurti. Be

to, gausėjant pasaulinei teisinio rašymo bendruomenei, belieka tik tobulėti kaip mokytojams, mokantis vieniems iš kitų ir sudarant galimybę teisinei kalbai nelikti svetimai, o tapti gerai žinomai.

Reikšminiai žodžiai: *teisinis rašymas, teisiniai įgūdžiai, mokomosios programos tobulinimas, Amerikos teisinis mokymas, teisės mokyklų programų globalizacija.*

Diane Penneys Edelman, Villanova universiteto Teisės mokyklos prodekanė tarptautinėms programoms ir teisinio rašymo profesorė. Mokslinių tyrimų kryptys: teisinė analizė ir rašymas, tarptautinių mokomųjų programų plėtra, meno teisė, kultūrinio paveldo teisė.

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