Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? Or More?

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Lucia Ann Silecchia*

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* Assistant Professor of Law, The Catholic University of America, The Columbus School of Law. J.D. 1990, Yale Law School; B.A. 1987, Queens College of the City University of New York. I am deeply indebted to the 111 representatives of legal research and writing programs who took time from their all-too-busy schedules to respond to the "Scope of Coverage" survey whose results are reported here. See infra note 26. I hope they find this article to be as helpful to them as their responses were to me. I spoke on these curricular issues at the Mid-Atlantic Regional Legal Writing Conference in Villanova, Pennsylvania, on May 22, 1995, and at the Legal Writing Directors' Retreat in San Diego, California, on July 29, 1995. I am very grateful to the participants at both of those conferences for their feedback and questions. This article is dedicated to my family.
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Appendix I: Legal Writing Directors' Survey: Scope of Coverage for First Year Courses
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I. Introduction

As legal education in the United States moved from apprenticeship to academy,¹ the need to retain a practical component was


Strange as it may seem, there were some advantages in the older methods of preparation for the bar. As you know, the law school is relatively a matter of
The popularity of skills training has waxed and waned, and it still remains the victim of some stigma in the academy. Nonetheless, the need for law schools to provide some skills training is widely acknowledged — enthusiastically by some."}

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recent growth. Formerly, a student, working in the office of a practitioner, combined the study of law with its daily application to the troubles and businesses of clients . . . . You know much more law after coming out of a university [law school] than these former students ever knew, but you know less about the method of its application and how to handle and use it.

*Id.*

2. See Leonard L. Baird, *A Survey of the Relevance of Legal Training to Law School Graduates*, 29 J. LEGAL EDUC. 264 (1978) (studying extent to which practitioners believe additional skills training would have been more relevant to success in practice); *id.* at 293 ("[A]lthough the knowledge that law school teaches is important, the general habits of thinking and skills in behaving that they inculcate may be more useful to their graduates in their careers."); Tom Leahy, *New Lawyers Need More Than a Knowledge of the Law*, Chtl. DAILY L. BULL., Apr. 23, 1994, at 18; see also Timothy P. Terrell, *What Does and Does Not Happen in Law School To Prepare Students To Practice Law: A View from Both Sides of the Academic/Practice Dichotomy*, 83 LAW LIBR. J. 493 (1991). Terrell suggests:

Practitioners claim that law schools are not doing what they should and could to prepare students to practice law. Students are emerging from law school functionally illiterate, causing law firms to expend significant time and effort to bring new associates up to speed . . . . Academics, on the other hand, respond that practitioners have a narrow, short-sighted sense of academic preparation for the legal profession.

*Id.* at 494.


begrudgingly by others. While the skills training law students receive takes almost as many different forms as there are law schools, most schools

5. The "grudging" attitude toward legal skills training has resulted in part from the tension between the "trade school" and "graduate academy" views of American schools. See Gary S. Laser, Educating for Professional Competence in the Twenty-First Century: Educational Reform at Chicago-Kent College of Law, 68 CHI.-KENT L. REV. 243, 268 (1992) ("Historically, most law school educators rejected the idea that a law school education ought to include broad-based instruction in skills and values and in the art of lawyering. The traditional approach to legal education essentially borrowed a liberal arts methodology and applied it to professional education . . . . It also assumed that a law school connected to a university ought to teach research-based theory and theoretical skills and not the practical skills and values associated with trade schools."); Harry H. Wellington, Challenges to Legal Education: The "Two Cultures" Phenomenon, 37 J. LEGAL EDUC. 327, 329 (1987), cited in Perny, supra note 1, at 169 n.1; Christopher G. Wren & Jill Robinson Wren, The Teaching of Legal Research, 90 LAW LIBR. J. 7, 24 (1988) ("Proponents of a graduate school model advocate a curriculum concentrating almost exclusively on the theoretical and policy underpinnings of legal doctrines and generally disdain courses intended to develop "grubby" skills considered useful only in practicing law. A trade school model, on the other hand, presumes that a law school exists to train students principally to practice law."); see also George Priest, The Increasing Division Between Legal Practice and Legal Education, 37 BUFF. L. REV. 681 (1988/1989).

For a somewhat more optimistic view of this issue, see Solomon, supra note 1, at 38 ("Looking to the 21st century, legal educators will hopefully perceive that theory and practice are not polar opposites (dichotomies), but rather complement each other. The spectrum of law schools, consistent with their various missions and the career patterns of their graduates, will choose to strike the balance among doctrine, theory and practical skills differently."); see also Susan L. Brody, Teaching Skills and Values During the Law School Years, in MACCRATE CONFERENCE PROCEEDINGS, supra note 1, at 22, 24; John J. Costonis, The MacCrate Report: Of Loaves, Fishes, and the Future of American Legal Education, 43 J. LEGAL EDUC. 157 (1993); Carrie Menkel-Meadow, Narrowing the Gap by Narrowing the Field: What's Missing from the MacCrate Report — Of Skills, Legal Science and Being a Human Being, 69 WASH. L. REV. 593 (1994) (describing "the contentious intellectual history of legal education and legal scholarship, that . . . has too long polarized both the intellectual value and rigor of 'law' . . . and 'skills'"). But see Drew L. Kershen, Humanities and the First-Year Curriculum in Law School, 34 OKLA. L. REV. 790 (1981) (arguing for humanistic rather than practical focus in first year curricula).


7. For an excellent synopsis of the variables that lead different schools to create different types of legal skills programs, see Allen Boyer, Legal Writing Programs Reviewed: Merits, Flaws, Costs, and Essentials, 62 CHI.-KENT L. REV. 23, 25-26 (1985); see also Brody, supra note 5, at 24 ("So many different models and variations of programs exist that it would be impossible to mention them all here. The model and its implementation must be tailored in the particular institution, given each school's administrative, economic, and political constraints."); Costonis, supra note 5; Richard A. Danner, Teaching Legal Research, 78 LAW LIBR. J. 599 (1986) ("No clearly superior model [for a legal research and writing course] has
require a first year course\(^8\) designed to introduce students to basic
legal skills.\(^9\) These first year programs are generally created in the
hope that students can build upon this training through upper level
electives,\(^10\) extracurricular programs,\(^11\) clinical course work,
externships, and work experience. These basic courses vary
greatly,\(^12\) but the vast majority were originally designed as re-
search and writing courses.\(^13\)

Legal research and legal writing have traditionally been
identified as the two most fundamental skills that a first year
student should master.\(^14\) This emphasis is reflected by the fact
that so many of these first year courses are called, simply, “Legal
Research & Writing.”\(^15\) A school of thought has emerged,
however, that advocates that the first year legal skills course
become the training ground for a wide variety of diverse practice
emerged, which probably is appropriate given the varying mission and objectives of
American law schools.”).

8. Throughout this paper, the term “first year” is used generically to apply to all the
basic skills courses. While the vast majority are mandated in the first two semesters of law
study, this term will also be used to refer to courses that are given in semesters two and
three as well as those that are required for more than two semesters.

9. See Angela J. Campbell, Teaching Advanced Legal Writing in a Law School Clinic,
24 SETON HALL L. REV. 653, 659 (1993) (“Almost all law schools require first year students
to take a course in legal research and writing. Such courses typically instruct students on the
elements of good legal writing and require students to draft legal documents such as an office
memorandum and an appellate brief.”).

10. These electives may include such varied offerings as legal drafting, appellate
advocacy, interviewing and counseling courses, alternative dispute resolution, trial skills, and
upper level independent research courses, to name but a few.

11. Most notably, these extra-curricular or co-curricular activities will include work on
specialized law reviews, academic journals, and moot court competitions.

12. As Professor Robert Park commented in a true understatement, “The concept of
legal skills is an elusive one.” Robert Park, Appropriate Methods for the Teaching of Legal
Skills in Practical Training Courses, 8 J. PROF. LEGAL EDUC. 161, 161 (1990) (describing
legal skills training in Australia).

13. Some programs are the result of a fusion between a “legal writing” course and a
“legal bibliography” research course, two courses previously taught as discrete units.

14. While this is the most widely-held view, it is by no means unanimous. See, e.g.,
study identifying “the lawyer's four central skills” as “drafting, advocacy, negotiations, and
counselling — but not research”); Geoffrey C. Hazard, Jr., Curriculum Structure and Faculty
Structure, 35 J. LEGAL EDUC. 326, 328 (1985) (identifying “basic practice skills and
techniques” to include “the ability to listen carefully, to speak precisely, to read critically,
and to write clearly and concisely . . . [as well as] competence in various controlled behavior
such as aggression, conciliation, and judiciousness”).

15. Alternatively, they may be called “Legal Process,” “Legal Method,” “Lawyering
Skills,” or “Legal Skills.” While it seems intuitive that the course name should reflect the
course's pedagogical philosophy, this is not universally true.
skills. As professional competence is defined more broadly, as legal research and writing cease to be seen in a vacuum, as legal writing instruction becomes more professional, and as law schools face increased pressure from the bench and bar to graduate highly skilled attorneys, the scope of skills covered in the first year curriculum has been expanded by many schools in a movement from "research and writing" courses to "legal skills" courses.

This change of focus raises a number of issues for all law schools, whether they choose to adopt a more expansive notion of basic skills training or opt to retain the traditional focus on research and writing. These issues include:

16. See notes 61-64 and accompanying text (MacCrate Report's call for increased emphasis on skills); note 73 (value of teaching ethics in the first year); see also part III.B (discussing skills-based programs).

17. Legal research and writing professionals are evolving into a distinct part of the legal academy. More and more directors and instructors are now full-time professionals. In a 1994 survey, nearly one half of 132 law schools responding reported that their legal research and writing course was taught by full-time legal research and writing teachers. Jill J. Ramsfield & Brien C. Walton, Survey of Legal Research and Writing Programs (1994) (unpublished survey on file with Catholic University; used with permission of the authors). I am very grateful to Professor Ramsfield for her permission to cite this survey.

Legal research and writing professionals have also formed professional organizations. In 1984, Professors J. Christopher Rideout and Laurel Currie Oates founded the Legal Writing Institute. The Institute's goal is "to unite LRW [Legal Research and Writing] professors intellectually, to share resources, and to monitor and encourage the development of effective LRW courses across the United States and Canada." Jill J. Ramsfield, Legal Writing in the Twenty-First Century: The First Images, 1 J. LEGAL WRITING INST. 123, 134 n. 3 (1991). A Section on Legal Research, Writing and Analysis was created as part of the Association of American Law Schools, and in 1995, legal writing program directors began forming an association geared to the specific pedagogical, administrative, and professional concerns of program directors.

18. See, e.g., Colton, supra note 1, at 975 ("Perhaps the most telling complaint about law schools of today is that they do not adequately prepare students for the practice of law."); Alex M. Johnson, Jr., Think Like a Lawyer, Work Like a Machine: The Dissonance Between Law School and Law Practice, 64 S. CAL. L. REV. 1231 (1991).

19. For a description of how such first year courses have been expanded, see Susan L. Brody, Teaching Skills and Values During the Law School Years, in MACCRATE CONFERENCE PROCEEDINGS, supra note 1, at 22, 23 (1994) ("There exists in every law school a required course or series of courses which, when taught properly and well, reflect the importance of oral and written communication. Usually labeled 'Legal Writing and Research,' these courses teach almost all of the other skills that the MacCrate Report identifies as fundamental. For example, it would be impossible to teach a first-year course in legal writing and research without including problem solving, analysis, and reasoning as part of the course content. At schools offering more comprehensive writing and research curricula, other skills are a necessary part of the upper level writing and research courses, e.g., negotiation, and resolution of ethical dilemmas.").
• Why have research and writing achieved the preeminence they currently enjoy in the first year program?\(^\text{20}\)
• What additional skills — if any — should receive the same focus in the first year?\(^\text{21}\)
• Does expanding the scope of skills taught in the first year weaken the ability of traditional programs to provide substantive research and writing training, resulting in programs that introduce many skills but provide in-depth training in none?
• How can first year programs avoid being overloaded with additional responsibilities that should be covered in other parts of the curriculum or in later years?\(^\text{22}\)
• How much can be added to first year programs beyond research and writing, given the fact that such courses are often not given sufficient credit or attention as they now stand?\(^\text{23}\)
• Can research and writing be taught in a vacuum without introducing students to the other skills they will need in practice?\(^\text{24}\)
• To what extent does expanding first year skills offerings affect the qualifications needed to teach such courses?\(^\text{25}\)

---

\(^{20}\) As with many curricular issues, the unspoken but still essential inquiry underlying this question is whether a recent consensus has been reached that these skills are essential, or whether law schools are responding to an inertia that tends to support retaining those approaches that have “always” been followed.

\(^{21}\) A corollary question is, of course, whether a uniform canon of first year skills can even be articulated given the great variety of educational missions of American law schools.

\(^{22}\) This may be accomplished through additional skills courses, the pervasive teaching of lawyering skills in other doctrinal courses, clinic offerings, simulation courses, and externship programs.

\(^{23}\) Jack Achtenberg, Legal Writing and Research: The Neglected Orphan of the First Year, 29 U. MIAMI L. REV. 218 (1975) (describing insufficiency of time and attention paid to first year writing programs); Shapo, supra note 3, at 721 (The legal writing course “suffers from low status in the law school for several reasons. First, the course typically carries fewer credits than the other courses. . . . Second, the course is often graded on a pass/fail basis. Being ungraded puts legal writing at a disadvantage compared to other courses and the course is stigmatized as being less important . . . .”).

\(^{24}\) See infra part III.C.2 (advocating the benefits of “contextuality” for legal writing projects).

\(^{25}\) The term “skills” is often used to refer to a range of competencies that may not all involve the same abilities. It may be difficult to find a single instructor skilled in all the areas that a broad-based course should include. Professor Helene Shapo comments on this issue in a similar context. As law schools moved from a system in which legal bibliography
This Article will explore the issues that arise as more and more law schools face important definitional questions: To what extent should first year programs focus on providing in-depth research and writing training? To what extent should those programs adopt a more holistic curriculum that exposes students to a range of skills beyond research and writing?

The Article will begin with a description of what is actually done in first year programs at American law schools. This information was gathered in a Spring 1995 survey of law school research and writing programs, to which representatives of 111 schools responded. It will then address why these definitional questions are so significant. Following that, the Article will provide an analytic sketch of two composite skills courses, beginning with a discussion of a “traditional” legal research and writing program and an evaluation of its strengths and drawbacks. The Article then explores the broader-based skills approach, with special attention to the types of skills covered, and the strengths and weaknesses of this philosophy of first year training. The article will then propose a compromise plan that attempts, realistically, to incorporate the strengths of both these approaches. Hopefully, this will provide guidance to law schools in reexamining the core identity of their first year skills programs. The Article concludes by positing that these two approaches are not mutually exclusive; it is possible and,
indeed, preferable, for schools to design courses that give their students the best of both worlds.

II. Scope of Coverage of First Year Skills Programs

Before discussing the merits and flaws of various approaches to the "scope of coverage" question,\textsuperscript{27} it is essential to understand what law schools are currently doing and what models they have selected. A Spring 1995 survey of the legal writing program directors at America's law schools\textsuperscript{28} revealed several trends.

A. The Identity of Today's Legal Skills Courses

The very first question that the directors were asked in the survey was whether they would describe their programs as "a traditional course focusing on in-depth development of research and writing ability" or as "a course that focuses significantly on lawyering skills other than, or in addition to, legal research and writing."\textsuperscript{29} Of 111 respondents, 83 defined their programs as "traditional" courses. Thus, the vast majority of programs remain primarily focused on research and writing.\textsuperscript{30}

Seventeen schools classified their programs as following the "lawyering skills" model. While clearly still a minority position, it appears that a consensus exists among a solid core of schools that the lawyering skills model is the appropriate one. Perhaps more indicative of the uncertainty governing this question is the fact that eleven respondents could not, or did not, put their program in either category. These directors added third categories,\textsuperscript{31} checked both descriptions,\textsuperscript{32} or left the question unanswered. While the clear consensus indicates that the majority of schools still follow a traditional research and writing based model, the number of schools describing their programs differently is significant enough to

\textsuperscript{27} See supra part I.
\textsuperscript{28} See supra note 26 (discussion of the survey procedures); infra part II (discussion of survey results); infra Appendix I (copy of the survey); infra Appendix II (summary of survey results).
\textsuperscript{29} Scope of Coverage Survey, supra note 26; see infra Appendix I.
\textsuperscript{30} See infra Appendix II.
\textsuperscript{31} These categories included such descriptions as "a combined approach."
\textsuperscript{32} This was often accompanied by an explanation that the program met one description in one semester, and the other description in a later semester. Arguably, the ability to do this may well be influenced by the length of the program in question. That is, a two-year program is more likely to be able to accomplish both goals well, while a one-year program may not.
warrant additional inquiry into what direction legal skills programs should take.  

B. Scope of Coverage

A second survey question asked directors to indicate what percentage of time in their first year courses is devoted to development of a number of different skills. The results of this question proved to be difficult to collect and tabulate for a number of reasons. Most importantly, many of the skills overlap so much that it is difficult to isolate them and assign exact percentages to the coverage of any one. As many directors correctly pointed out, it is nearly impossible to isolate the skill of "legal analysis" from other.  

33. Beyond that, it must also be remembered that curricular reform is a lengthy process, requiring much "lead time" before a new course model is implemented. Hence, the survey was unable to determine with much accuracy whether any of the schools with traditional course models had a new program in the developmental stages. Some insight into this was achieved, however, in the questions on motivations for curricular change. See infra part II.C.

34. See infra Appendix I. The skills from which directors could choose included: legal writing (including drafting), legal research (including CALR), legal analysis, client interviewing and/or counseling, fact investigation, professional responsibility, law office management skills, oral advocacy, law school study skills, alternative dispute resolution, and "other." Scope of Coverage Survey, supra note 26.

35. For a good explanation of the close link between analysis and writing, see Joseph Kimble, On Legal-Writing Programs, 2 PERSP. 1, 2 (1994) ("Unfortunately, there is a profound misconception among non-writing teachers that what we teach you in the writing course is mostly style and mechanics. We do have to teach those things, certainly, but in addition, the legal-writing courses are the only courses in which legal analysis is systematically taught. We have to teach, in the writing courses, the structure of analysis: how to analyze cases, how to connect one case to the other, and how to apply them by deduction or analogy to a client's problem, a client's story."); see also Pertnoy, supra note 1, at 174 ("[I]t should be abundantly clear that these law school disciplines, namely traditional analysis and skills education, are totally interdependent, intertwined, and integrated with one another."); J. Christopher Rudeout & Jill J. Ramfield, Legal Writing: A Revised View, 69 WASH. L. REV. 35, 45 (1994) ("[W]riting is an integral part of thinking and cognitive development."); Shapo, supra note 3, at 727 ("A student who does not understand how to analyze a problem will have difficulty researching it and cannot write about it effectively."); Marilyn R. Walter, Retaking Control over Teaching Research, 43 J. LEGAL EDUC. 569, 582 (1993) ("We believe that students benefit from seeing research, writing, and analysis as part of a single process."). For fuller discussion of the teaching of "legal analysis" in the first year of law school, see generally Paul Bergman, The War Between the States (of Mind): Oral Versus Textual Reasoning, 40 ARK. L. REV. 505 (1987); Hans F.M. Crombag et al., On Solving Legal Problems, 27 J. LEGAL EDUC. 168 (1975); Linda Edwards & Paula Lustbadder, Teaching Legal Analysis, 2 PERSP. 52 (1994); Alfred L. Gausewitz, Teaching Legal Method and Analysis, 23 ROCKY MTN. L. REV. 67 (1950); Peter W. Gross, On Law School Training in Analytical Skills, 25 J. LEGAL EDUC. 261 (1973); Alan D. Hornstein, The Myth of Legal Reasoning, 40 MD. L. REV. 338 (1981); Harry W. Jones, Notes on the Teaching of Legal Method, 1 J. LEGAL EDUC. 13 (1948); John O. Mudd, Thinking Critically About "Thinking Like a Lawyer," 33 J. LEGAL EDUC. 704 (1983); Kurt M. Saunders & Linda Levine, Learning
any of the other skills. Additionally, in many programs the amount of class time spent on a skill may not be in proportion to the amount of time that students spend developing that skill by working on assignments outside of class. A final problem with deriving any precise figures on the percentage of time devoted to any particular skill is the fact that within the same program at the same school this percentage will often vary by instructor and by class.

Given these caveats regarding the results of this question, a few observations may be made by looking at how many directors stated that they spend at least ten percent, at least thirty percent, and at least fifty percent of their course time teaching a particular skill. Looking at these figures will illustrate which skills play "some" role, a "significant" role, and a "dominant" role in the 111 legal writing programs for which data was collected.


36. Any time "analysis" is divorced from other aspects of the educational enterprise, there should be cause for some alarm or, at least, some dissatisfaction. As Professor Jill J. Ramsfield commented, "[A]nalysis is writing." Jill J. Ramsfield, Legal Writing in the Twenty-First Century: The First Images: A Survey of Legal Research and Writing Programs, 1 LEGAL WRITING 123, 132 (1991) (emphasis added).

37. This may be most true in the writing context, where a project assigned and explained in one fifty-minute class may generate an out of class project that will take students much longer to complete, instructors much longer to critique, and both instructors and students much longer in conference and rewriting time.

38. This degree of variety will depend on how standardized the law school's writing program is, and how much autonomy individual teachers have. In some programs, for example, the syllabus and all assignments are uniformly created by the director, while in other programs each instructor has complete autonomy. Between these two extremes are many compromise models.

39. See infra Appendix II. The total for some schools added up to over 100%, based on the directors' judgment that the skills could not be quantified on a 100-point scale. Because that was the case, some figures add up to represent more than 111 schools.
<table>
<thead>
<tr>
<th>Name of Skill&lt;sup&gt;40&lt;/sup&gt;</th>
<th>Schools Devoting “Some” (10% - 29%) Amount of Course Time to Skill</th>
<th>Schools Devoting a “Significant” (30% - 49%) Amount of Course Time to Skill</th>
<th>Schools Devoting a “Dominant” (over 50%) Amount of Course Time to Skill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Writing</td>
<td>16</td>
<td>58</td>
<td>35</td>
</tr>
<tr>
<td>Legal Research</td>
<td>59</td>
<td>36</td>
<td>6</td>
</tr>
<tr>
<td>Legal Analysis</td>
<td>51</td>
<td>32</td>
<td>13</td>
</tr>
<tr>
<td>Oral Advocacy</td>
<td>56</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Professional Responsibility</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Client Interviewing/Counseling</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Fact Investigation</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Alternative Dispute Resol-</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Management</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Study Skills</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

40. In addition to these options offered by the survey, several schools indicated that they covered “other” skills in their courses, including: oral presentations to partners, negotiation, case planning, exam preparation, citation form, document drafting, introduction to law, pleadings, depositions, and relationship skills.
Several observations may be made from this range of responses. First, it is clear that research, writing, and analysis topped the lists of subjects covered in first year skills courses, based both on the number of times they were cited and on the relative percentages that they were allocated. The only other skill on the list that was mentioned consistently was "oral advocacy." Only research, writing, and analysis were ever mentioned as accounting for more than twenty-nine percent of the first year course coverage. In addition, as measured by the percentage of course time devoted to it, legal writing skills seemed to outweigh legal research skills by a fairly significant margin. Regardless of how law school programs may characterize themselves, the focus clearly remains on the traditional trio of basic skills. The major difference in the programs appeared to be how much time was given to providing a small scale introduction to a range of skills rather than redirecting the major focus of the course.

C. Internal and External Motivations for Curricular Change

Because legal skills courses tend to be fairly dynamic and subject to frequent change and innovation, the surveyed direc-

41. This may be due to the fact that 62.1% of law schools report that moot court is part of the first year legal research and writing course. Ramsfield & Walton, supra note 17, at Q12; see also John T. Gaubatz, Moot Court in the Modern Law School, 31 J. LEGAL EDUC. 87 (1981) (discussing role of moot court programs in law schools). Although the respondents were not asked to specify what type of "oral advocacy" was involved, such advocacy in a first year course is typically linked to the appellate brief; the relative uniformity in students' writing experience is mirrored in their relatively limited oral experience. "Most programs require oral arguments associated with a brief, but few offer any practice in reporting information to a supervising attorney or in speaking to a client. Similarly, motion arguments to a trial judge or negotiation sessions allow students to rehearse the language appropriate for those contexts." Rideout & Ramsfield, supra note 35, at 80.

42. Of course, it is probably impossible to state with any certainty what this balance is where research is both an integral part of the writing assignments and a discretely taught skill.

43. The Ramsfield and Walton Survey, supra note 17, examines the scope of first year programs by asking what types of assignments are required, rather than how class time is allocated. When asked what types of writing assignments are required in the first year course, 43.9% required client letters, 99.2% required legal memoranda, 40.2% required pretrial briefs, 22.7% required trial briefs, 73.5% required appellate briefs, and 21.2% required drafting documents. Fewer than 3% required law review articles or drafting legislation. Id. at Q23. When asked about required speaking skills, 28% required a pretrial motion, 72% required an appellate brief argument, 20.5% required in-class presentations, and 9.1% required an objective argument. Id. at Q24.

44. See, e.g., Boyer, supra note 7, at 23 ("Law schools re-examine and change these programs far more often than they do the rest of their curriculum."). This change may not
tors were next asked whether their programs had made "significant changes to the substantive coverage" of their first year courses since 1990, and if any such changes were planned for the future. The response to this question indicated a great deal of major innovation in legal skills programs during the 1990s.

Of the 111 schools participating, directors at seventy-eight indicated that significant changes had been made to their programs since 1990, and directors at thirty-six schools indicated that significant changes were being contemplated. The reforms and changes mentioned most often among both groups included changes in staffing models, increased or more fully integrated training in CALR, addition of client interviewing and negotiation training, incorporation of fact-finding exercises, reduced emphasis on appellate advocacy, increased attention to professional responsibility issues, fuller integration of research and writing, combination of skills training with other first year courses, more reflect an entirely positive trend. See Ramsfield, supra note 36, at 135 ("Unable or unwilling to devote extensive resources to LRW programs, many law schools try new models every few years, often without the benefit of any comprehensive information about what has or has not worked elsewhere.").

45. It was left up to the individual schools to determine whether a particular innovation constituted a "significant change to the substantive coverage" of the program. In one school, a director may have thought a change in text was a significant change, while in another, a director might deem this to be mere "fine tuning" not justifying reporting.

46. See infra Appendix I.

47. See infra Appendix II.

48. Some of these schools were, of course, the same ones that had made changes since 1990 and were contemplating additional reforms.

49. These "staffing" changes included shifting away from student-taught programs, adding of full-time legal writing teachers, and hiring tenure-track directors and instructors.

50. See infra notes 101-02 for a full discussion of the role of CALR in legal research courses.

51. See Appellate Litigation Skills Training, supra note 4 (discussing poor suitability of appellate advocacy as vehicle for legal skills training).

52. See infra note 73 for a discussion of professional responsibility training in the first year course.

53. See infra note 79.

54. In 1994, directors of 24.2% of first year programs reported that their legal writing assignments were, in fact, coordinated with assignments in other first year courses. Ramsfield & Walton, supra note 17, at Q13. Obviously, this type of "coordination" may take many different forms and be of varying levels of formality. For example, coordination may involve something as extensive as having the writing course entirely subsumed into another course or something as casual as conversations between legal writing instructors and other teachers regarding the substance of the problems chosen. For a fuller discussion of this integration, see Robin K. Mills, Legal Research Instruction in the Law Schools, The State of the Art: Or, Why Law School Graduates Do Not Know How To Find the Law, 70 LAW LIBR. J. 343 (1977). Mills suggests:
extensive use of multiple drafts,\textsuperscript{55} and changes in the grading system used for the course.\textsuperscript{56}

Very often, what drives this process of reform includes a number of changes within the law school that make curricular revision and program development possible. For example, staffing changes that lead to the use of full-time instructors\textsuperscript{57} or the addition of a full-time director\textsuperscript{58} often make a more extensive program possible. An increase in the number of credit hours or semesters devoted to the skills course has an obvious impact on the coverage of the program.\textsuperscript{59} Several schools also mentioned that they are changing (or, in some cases, are unable to change) their programs based on a mandate from their faculty about the direction the program should take. These internal factors seem to

\textsuperscript{55}A\ number of schools have done away with the concept of a separate legal methods or legal writing course and are instead providing that their first year students receive this training in small sections of the substantive law courses. Usually each student is assigned to a small section of about twenty students for one of his substantive courses. There, in addition to varying the usual material, the faculty member also instructs them in general techniques of legal analysis and requires that they complete writing assignments. The instruction in legal bibliography is usually given separately, as is work in appellate advocacy. These programs are considered to be quite successful by the schools which offer them. Students receive a more thorough grounding than usual in the needed skills and it is felt to be easier to teach them in the context of a substantive course rather than separately. There do, however, remain problems as to evenness of the quality of instruction and the everpresent problem of finding enough time to give the students the needed individual attention. Also, a fact which is not to be considered lightly, they are very expensive to operate.

\textit{Id.} at 347 (footnote omitted); \textit{see also} Rideout & Ramsfield, \textit{supra} note 35, at 81-83 (discussing practical difficulties of integrated courses); Robert G. Vaughn, \textit{Use of Simulations in a First Year Civil Procedure Class}, 45 J. LEGAL EDUC. 480 (1995) (describing simulation element of basic civil procedure class).

\textsuperscript{56}The Ramsfield and Walton survey, \textit{supra} note 17, reports that of 130 respondents, 24.6\% required at least one rewrite of all assignments, 56.2\% required rewrites of some assignments, and only 19.2\% reported rewrites were not required. \textit{Id.} at Q25.

\textsuperscript{57}Changes to the grading system often mean either changing to a system that grades the writing course on the same basis as students' other courses, or creating grading schemes that allow instructors to differentiate more precisely than a "Pass/Fail" system would allow.

\textsuperscript{58}See supra note 17 (regarding the increased use of full-time instructors).

\textsuperscript{59}See Jan M. Levine, \textit{Voices in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Research and Writing Programs}, 45 J. LEGAL EDUC. 530 (1995) (discussing the impact of adding tenure-track directors to legal writing programs).

\textsuperscript{59} Obviously, a decision to lengthen the number of semesters in which a course will be offered makes it much more feasible to add breadth to the program without sacrificing the basics.
drive many of the programmatic changes and decisions regarding scope of coverage.60

In the survey, directors were asked to comment on the role, if any, that the MacCrate Report61 had on the scope of coverage of their first year programs.62 The MacCrate Report is among the most highly publicized and controversial documents to be introduced to the world of legal education in many years.63 The

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60. One factor largely ignored in the literature about skills programs is the value of a law school's self study and output evaluation to determine the efficacy of its skills training programs. This evaluation of outputs of various skills programs should be pursued and used as a significant factor in developing an individual institution's skills training priorities. See Susan R. Gainen, Gather Facts Before Continuing the MacCrate "Skills" Debate, in MACCRAE CONFERENCE PROCEEDINGS, supra note 1, at 152 ("Working with a survey designed by its curriculum committee and career services office, each school's alumni office could provide access to graduates who could compare the skills they had at graduation with the skills they now know they need in practice. . . . Without their input, the 'skills' debate rests on little more than speculation and has the potential for wasting thousands of hours of faculty and administrative time."). For a discussion of the ways in which some law schools have attempted to survey their graduates to gather information like this, see Baird, supra note 2.

61. SECTION ON LEGAL EDUC. AND ADMISSIONS TO THE BAR, AMERICAN BAR ASSOC., LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT — AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION (1992) [hereinafter the MACCRAE REPORT]. This Report was not the first time that widespread study of lawyer competence was conducted by the ABA. For earlier studies, see SPECIAL COMM. FOR STUDY OF LEGAL EDUC., AMERICAN BAR ASSOC., LAW SCHOOLS AND PROFESSIONAL EDUCATION (1980); ABA TASK FORCE ON PROF. COMPETENCE, FINAL REPORT AND RECOMMENDATIONS (1983); ALI-ABA COMM. CONTINUING PROF. EDUC., ENHANCING COMPETENCE OF LAWYERS: THE REPORT OF THE HOUSTON CONFERENCE (1981); see also E. Gordon Gee & Donald W. Jackson, Current Studies of Legal Education: Findings and Recommendations, 32 J. LEGAL EDUC. 471 (1982).

62. See infra Appendix I.

Report centers on the need to introduce law students to a continuum of legal skills. Those skills, identified in the Report's "Statement of Fundamental Lawyering Skills," include problem solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation and alternative dispute resolution procedures, organization and management of legal work, and recognizing and resolving ethical dilemmas. Obviously, the MacCrate Report is not limited to research and writing but advocates a broader perspective.

Indeed, the Report has been criticized for its failure to focus more on research and writing. The surveyed directors, therefore, were asked to comment on the role that the MacCrate Report has had on influencing the design of their skills program. Surprisingly, the MacCrate Report appears to have been relatively uninfluential in the design of first year skills programs. Of the 111 schools responding, only three reported that the MacCrate Report had a

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on various aspects of the MacCrate Report. The conference proceedings have been published in the MacCrate Conference Proceedings, supra note 1.

64. MacCrate Report, supra note 61, at 138-40. In addition to this statement of skills, the Report also identified four "Fundamental Values of the Profession." These were enumerated as: providing competent representation; striving to promote justice, fairness, and morality; improving the profession; and pursuing professional self-development. Id. at 140-41.

65. The MacCrate Report does not devote a separate section to legal writing but, instead, includes it under the more general heading of "legal communication." This has been the subject of some criticism. See Brody, supra note 5, at 25 ("Despite widespread agreement that oral and written communication are the most important skills for lawyers and despite the known successes of the schools which require comprehensive programs, the MacCrate Report lacks little more than minimal references to legal writing, reasoning, and research curricula."); Jill J. Ramfield & J. Christopher Rideout, Using Legal Writing To Narrow the Gap: Socializing Students into the Legal Education and Law Practice, in MacCrate Conference Proceedings, supra note 1, at 155, 157 (1994) ("According to a widely-noted study by the American Bar Foundation, legal writing is among the most important activities for law practitioners. Yet, the MacCrate Report devotes a scant five pages to legal writing, and in its Statement of Skills and Values lists legal writing under the broader fabric of Communication.").

66. See infra Appendix II. For a possible explanation, see Solomon, supra note 1, at 36. Professor Solomon suggests that "[h]ostility to outside intervention" is a significant obstacle to law school curricular reform. Id. "Because innovation may result from outside intervention, it is noteworthy that an organization and its participants usually evidence suspicions of and hostility to outsiders. The tendency to reject outsiders may block outsider-led innovation unless diffused by local initiative and participation." Id. But see Nina W. Tarr, Current Issues in Clinical Legal Education, 37 How. L.J. 31, 32 (1993) ("As a result of the [MacCrate] Report, many law schools will be re-evaluating the clinical and skills components of their curriculums to determine whether students are receiving adequate training in the skills and values identified by the ABA.").
"significant impact" on their program design. In fifty-two schools, the Report was deemed to have had "some influence" on program design, while fifty-four directors reported that the Report had "no influence" at all in the design of their first year skills programs.

Not surprisingly, textual responses to the question about the MacCrate Report indicated that the Report's influence was often directly linked to the age of the skills curricula in place at the responding schools. Obviously, it has had more impact on those schools whose programs were overhauled most recently. Some respondents indicated that while the Report did not affect their program structure per se, it did help to validate their efforts. In some schools, the Report was also useful in advocating curricular reform. While the MacCrate Report may have had a greater impact than is apparent on first examination,6 the overall response to this question suggests that its direct impact is less significant than might be expected.68

D. Priorities and Perceptions

After asking directors for basic descriptive information about the scope of their course coverage, the survey then asked two questions that should help frame the debate over the proper scope of coverage in first year skills courses. The answers to these two questions indicate the priorities and perceptions — rather than the practices — of current programs.69

First, the survey asked directors how they would most like to spend extra time if they could have more class hours and course

67. The impact of the MacCrate Report may be seen in the recent attention paid to legal skills on the state bar level, and in the increasing pressure of local bar associations to improve the competence and professionalism of practitioners. See, e.g., Amy Travison, Craco Recommendations Could Change Profession, N.Y. ST. B. NEWS, Nov./Dec. 1995, at 1.

68. The informal impact of the Report and the controversy surrounding it on incremental and largely undocumented informal changes in law school skills curricula should not be underestimated. See Macchiarola, supra note 1, at 535 ("Law schools have differed in the extent to which they have introduced the skills advocated by the MacCrate Report. Where schools have made these changes, they are often part of the informal curriculum long before they make their way into a formal curriculum adopted by the law school faculty.").

69. Although this may seem counterintuitive, considering priorities, philosophies, and perceptions may be more useful in this debate than actually studying practice. While practice is often determined by budget constraints and other institutional limitations over which directors have no control, such limits do not apply to their ideals. Thus, directors' goals may be a truer reflection of what is most important to them, whether or not they are ultimately able to accomplish those goals.
credits allocated to their first year skills programs. Additional time to spend on writing skills was the clearest priority. Of the 111 directors responding, sixty eight would use any additional time for writing training. In contrast, twenty-five directors would use additional time for research training, and forty-three would like to have more time to teach "additional skills." Of those additional skills, professional responsibility and legal ethics ranked among the most popular. Also listed repeatedly in the range of "other skills" were legal drafting, client counseling, oral advocacy, fact investigation, non-litigation tasks such as contract drafting, office management skills, alternative dispute resolution, trial skills, motions practice, and greater attention to legal analysis. Therefore, while writing remains the primary focus, a significant number of

70. See infra Appendix I. This question did not ask directors whether an addition in either the credit hours or course hours would, necessarily, be a wise move. Without reducing the other academic requirements in the first year, increasing the hours of the legal research and writing course might be counterproductive. According to Professor Ramsfield's survey of 128 responding schools, 4.7% allocate one semester credit hour to legal research and writing; 14.1% allocate two credits; 25% allocate three credits; and 33.6% allocate four. Ramsfield & Walton, supra note 17, at Q8.

71. Again, some directors checked off more than one wish, so the total here is greater than 111. See infra Appendix II.

72. Many of those who indicated that they would like additional time for research training would devote this time to instruction in CALR.

directors appears to be interested in expanding the scope of their courses if the number of credits and class hours is correspondingly increased.

Finally, to determine how aggressively law schools would pursue an expanded first year skills curriculum if that were otherwise possible, the survey asked directors to identify the single most important goal of first year skills courses.\(^4\) Not surprisingly, the overwhelming majority — eighty-five of the 111 directors — identified the development of “competency in legal writing and analysis” as the single most important goal. The second most popular goal, selected by seventeen directors, was “to introduce students to a range of practice skills that they may then develop more fully in their advanced course work.”\(^5\) Finally, twelve directors selected “develop[ing] competency in legal research.” Again, writing and analysis remained the clear focus of the directors’ attention. Interestingly, no directors selected the fifth option, which asked if the goal of the first year programs is or should be “to provide an orientation to law school.”\(^6\)

While these findings are based on a single survey of legal research and writing program directors, they help provide the framework for a full discussion of the “scope of coverage” question. It is clear that the questions of what to cover and on what to focus are of fundamental concern to many programs and represent a basic identity question that each program must address.

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\(^4\) See infra Appendix I. Again, some totals may be greater than 111 because several instructors perceived several goals to be equally important or saw several of these objectives as so closely intertwined that they could not be separated. See infra Appendix II.

\(^5\) An interesting corollary inquiry would be to determine if this option was more often chosen by those directors in schools that offer a rich panoply of upper level courses. Only in such schools could students really “develop more fully” these skills.

\(^6\) The fact that none perceived this “orientation/introduction” goal to be central to the first year is interesting in light of the common view that “lawyering skills” courses are a useful forum for wide-reaching discussions about the role of the legal profession in American society, and the role of different attorneys within the profession. See Jack Achtenberg, Legal Writing and Research: The Neglected Orphan of the First Year, 29 U. MIAMI L. REV. 218, 226 (1978) (identifying “socialization of the student to the law school process and to lawyering” as first on a list of goals for a first semester legal writing program, and commenting that “[t]he legal writing faculty is uniquely situated to introduce students to the ‘socialization process’ called law school”).
III. Designing an Effective First Year Skills Program

Legal research and writing programs change and develop over time in response to a variety of internal and external influences. As these programs adapt, they face many significant definitional issues, including credit hours, grading systems, form and substance of assignments, provision of feedback, integration of research with writing, qualifications for and status of skills instructors, institutional support, student motivation, teaching methods, and links to clinical programs and other first year courses. Indeed, as the discussion accompanying notes 44 to 60, supra, indicates, there is reason to believe that research and writing programs may be the most frequently "reformed" part of the law school curriculum. See Allen Boyer, Legal Writing Programs Reviewed: Merits, Flaws, Costs, and Essentials 62 CHI.-KENT L. REV. 23 (1985) ("Law schools re-examine and change [legal writing] programs far more often than they do the rest of their curriculum."). But see Michael Botein, Rewriting First Year Legal Writing Programs, 30 J. LEGAL EDUC. 184 (1979) ("Too many discussions have ignored any serious analysis, however, of methods for teaching students the vital lawyering skills of researching, synthesizing, and writing. Aside from Professor Rombauer's 1973 study . . ., there has been virtually no empirical work and very little discussion of the subject in the last two decades."); Reed Dickerson, Teaching Legal Writing in the Law Schools (With a Special Nod to Legal Drafting), 16 IDAHO L. REV. 85 (1979) ("[T]here has been little improvement in the pedagogy of legal writing in the past 40 years."); John C. Weistart, The Law School Curriculum: The Process of Reform, 1987 DUKE L.J. 317 (arguing that not just legal skills programs but law school curricula, generally, are in a state of flux).

These influences include new developments in the field, the niche the school's graduates fill in the job market, the demands of the bench and bar, the philosophy underlying the law school's program, and the specific talents and goals of those who lead the program.

These issues are, individually, beyond the scope of this Article. In many ways, the answer to the question of the scope of coverage of the course should, and must, drive the way in which law schools answer many of these subsidiary questions. For excellent discussions of these specific issues in the context of first year programs, see Achtenberg, supra note 76; Roger W. Andersen, Stating Objectives for a Legal Writing Course, 30 J. LEGAL EDUC. 358 (1979); Robert Batey, Legal Research and Writing from First Year to Law Review, 12 STETSON L. REV. 735 (1983); Albert P. Blaustein, On Legal Writing, 2 PERSP. 57 (1994); Albert P. Blaustein, On Legal Writing, 18 CLEV. MARSHALL L. REV. 237 (1969); C.B. Bordwell, A Writing Specialist in the Law School, 17 J. LEGAL EDUC. 462 (1965); Botein, supra note 77; Boyer, supra note 77; Norman Brand, Legal Writing, Reasoning and Research: An Introduction, 44 ALB. L. REV. 292 (1980); William J. Bridge, Legal Writing After the First Year of Law School, 5 OHIO N.U. L. REV. 411 (1978); Donald S. Cohen, Ensuring an Effective Instructor-Taught Legal Writing and Advocacy Program: How To Teach the Teachers, 29 J. LEGAL EDUC. 593 (1978); Robert N. Covington, The Development of the Vanderbilt Legal Writing Program, 16 J. LEGAL EDUC. 342 (1964); John C. Dernbach, The Wrongs of Legal Writing, STUDENT LAW., Oct. 1987, at 18; Dickerson, supra note 77; Boyd Kimball Dyer, Whatever Happened to Legal Writing at Utah?, 26 J. LEGAL EDUC. 338 (1974); Elizabeth Fajans & Mary R. Falk, Against the Tyranny of Paraphrase: Talking Back to Texts, 78 CORNELL L. REV. 163 (1993); Mary Ellen Gale, Legal Writing: The Impossible Takes a
While these questions help shape the program, adopting a clear theory behind the “scope of coverage” question is more fundamental. Because “scope of coverage” goes directly to the basic identity of the program, all other questions are subsidiary. While those questions address the means to the end, and affect whether that end is achieved, determining the scope of coverage addresses the end itself.

First year skills programs must avoid developing an ad hoc curriculum that creates a particular type of program as the result of random evolution, rather than of a conscious decision. Only after determining the desired direction of the first year course can schools begin to address subsidiary questions. For example, a program that seeks to teach a range of skills, rather than focus only on research and writing must also grapple with such questions as:

- How can sufficient time be devoted to developing research and writing skills if the class time devoted to them must be “diluted” with training in other skills?
- Will additional credit hours or semesters be required to complete the desired course coverage? If so, how will this impact on the rest of the first year curriculum and students’ freedom to pursue other doctrinal and skills-based electives?

Does increasing the range of skills taught change the qualifications necessary for instructors who are hired to teach in the program? Relatedly, does it make an adjunct-driven or student-taught program unfeasible or undesirable?

Does a broad-based skills program provide an opportunity for remedial research and writing training for those students who have weaknesses with those basic skills? 

What is the impact of a skills-based program — good and bad — on the upper level skills curriculum, including clinical programs?

If adopting an ambitious skills-based program requires an increase in the number of instructors needed or time spent, from where will the necessary financial resources come?

Answering these questions in a way that makes sense both practically and pedagogically is necessary for a law school wishing to move from a research and writing based program to a skills-based one.

Alternatively, retaining an in-depth focus on research and writing cannot come without answering another set of equally hard questions:

- Can research and writing be taught without a realistic context in which students can see how these skills are applied?
- If there is no upper level skills requirement, should the first year be made as comprehensive as possible to provide at least an introduction to a broad range of issues?
- Are research and writing more likely to capture the sustained interest and attention of students if they are

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80. See Stephen R. Ripps, A Curriculum Course Designed for Lowering the Attrition Rate for the Disadvantaged Law Student, 29 How. L.J. 457 (1986) (discussing special educational program for disadvantaged law students, including training in basic skills).

taught in conjunction with other skills that are more “inherently interesting”?  

- If the first year skills curriculum is limited to a research and writing focus, is there a way of guaranteeing — perhaps through upper level skills requirements — that graduating students are at least exposed to a broad range of practical skills before entering the workplace? Will the good researchers and writers be the only ones opting for upper level electives and writing opportunities?

Until the law school makes a decision about which philosophy will govern its first year course, it will be impossible to answer any of these questions or work out the details of a coherent program that will achieve either goal well.

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83. There is some reason to believe, however, that either a competitive job market, advice from practitioners, or wise practicality will lead even weak researchers and writers to opt for advanced skills electives, even at the “risk” of hard work or poor grades. See, e.g., Robin K. Mills, Legal Research Instruction After the First Year of Law School, 76 LAW LIBR. J. 603, 604 (1983) ("Student demand will nearly always take care of itself. Law students are very pragmatic, recognize their own legal research weaknesses, and will be grateful that the opportunity to improve their skills is offered them.")

84. Such “opportunities” include, most obviously, the law review experience. For understandable reasons, such writing and editing practice will hone those skills. For equally understandable reasons, however, it is generally only the skilled writers who get that opportunity. Creating quality writing opportunities for all students remains a serious challenge.

85. For a pessimistic view that neither goal may be entirely realistic, see Steven Stark, Why Judges Have Nothing To Tell Lawyers About Writing, 1 SCRIBES J. LEGAL WRITING 25 (1990) ("Lawyers have always written badly and no doubt always will."). Professor Stark blames this poor writing on the law school’s traditional emphasis on reading case decisions that are often poorly written by judges. See also Laycock, supra note 79.
A. Pursuing a Research and Writing Based Program

Many first year skills programs began as programs focusing primarily on research and writing. While a "new and improved" curriculum is always appealing, a research and writing based plan has a great deal to offer. Schools that adopt this approach should do so not merely because it is traditional. There are sound reasons to structure a modern curriculum almost exclusively around these two skills.

First and foremost, research and writing — along with analysis — have been repeatedly identified as the two most basic skills needed by competent attorneys. They are at the heart of what attorneys do in practice. Devoting the first year skills course to development of these areas may be necessary in light of their importance. In a course frequently lacking sufficient classroom hours, it is logical to spend that time on the most important skills, rather than diverting it to other less fundamental pursuits.


87. See Brody, supra note 5, at 22 ("There is widespread agreement, it seems, that effective oral and written communication are the two most important skills for lawyers."); Campbell, supra note 9, at 654 n.3 (noting that "a survey by one legal writing teacher found that many lawyers spend over fifty percent of their time writing") (citing 1 THERESA GODWIN PHELPS, PROBLEMS AND CASES FOR LEGAL WRITING 2 (2d rev. ed 1990)); Ken Myers, Professors Say Legal Writing Is More Than Just Another Skill, NAT'L L.J., Aug. 15, 1994, at A16; Gary Spencer, New State Bar President Sees Better Communication as Key, N.Y. L.J., June 24, 1994, at 1. But see FRANCES KAHN ZEMANS & VICTOR G. ROSENBLUM, THE MAKING OF A PUBLIC PROFESSION 200 (1981) (general communication skills a key to a successful legal career).

88. See Boyer, supra note 7, at 24 ("Grades in substantive courses help students obtain starting positions, but it is research and writing skills which make careers.").

89. Interestingly, most textbooks designed for use in the first year skills course tend to devote substantially all of their attention to the basic skills of research and writing, rather than to a broader base of skills. Some of these books do deal with the issue of oral arguments, a valuable consideration given the role of moot court in most first year legal skills courses. See supra note 35. Beyond that, however, the texts are designed for a traditional course. See, e.g., GERTRUDE BLOCK, EFFECTIVE LEGAL WRITING: A STYLE BOOK FOR LAW STUDENTS AND LAWYERS (4th ed. 1992); CHARLES R. CALLEROS, LEGAL METHOD AND WRITING (1994); VEDA R. CHARROW & MYRA K. ERHARDT, CLEAR AND EFFECTIVE LEGAL WRITING (1986); JOHN C. DERNBACH ET AL., A PRACTICAL GUIDE TO LEGAL WRITING AND LEGAL METHOD (2d ed. 1994); ALAN L. DWORSKY, THE LITTLE BOOK ON LEGAL WRITING (2d ed. 1992); MARTHA FAULK & IRVING M. MEHLER, THE ELEMENTS
In addition, teaching basic writing and research will take more time each year. Much has been said about the declining written communication abilities of today's law students, as students spend less and less time learning basic writing in their pre-law school education.\(^{90}\) If students arrive at law school with less developed


See, e.g., Donald J. Dunn, Why Legal Research Skills Declined, or When Two Rights Make a Wrong, 85 LAW LIBR. J. 49, 55 (1993) ("Law school faculties were increasingly encountering deficiencies in the writing skills of new law students, while at the same time colleges were complaining of the poor preparation of the high school graduates entering college. By the time this double level of poor training had reached the law schools, it had exacerbated the point that it was intolerable."); George D. Gopen, A Composition Course for Pre-Law Students, 29 J. LEGAL EDUC. 222, 222 (1978) (Legal educators "complained bitterly of the low quality of writing among law students, and some suggested that the problem has been increasing in recent years."); Gopen, supra note 79, at 191 ("The writing proficiency of first-year [law] students has declined shockingly in recent years."); Helen Leskovac, Legal Writing and Plain English: Does Voice Matter?, 38 SYRACUSE L. REV. 1193, 1193-94 (1987) (reporting argument of Professor Richard Hyland that "today lawyers do not write well in any style . . . because they do not think well, having no training in rigorous, disciplined thinking since the demise of formalism and required courses in classical languages"); Failing Grade, WASH. TIMES, Sept. 18, 1995, at A2; Student Writers Falter at Making Their Point: U.S. Testing Finds Widespread Deficiencies, WASH. POST, June 8, 1994, at A3 ("[T]he Education Department said yesterday that its testing of 30,000 fourth-, eighth- and 12th-graders found writing deficiencies at all three levels — and in particular in the ability to write persuasively.").


Some commentators attribute this decline in writing ability to cultural changes that make modern society less likely to value written communication. See Meyer, supra note 79, at 782 ("We are all affected by the seismic shift of popular culture from a print-based culture to a post literate, technology based, oral and visual story culture. We process information almost exclusively via imaginistic narratives. Attention spans are compressed. Intellectual
writing skills than they had in the past, teaching them legal writing will necessarily require more time and effort. By definition, this will reduce the amount of time available to train those students in other skills.

activity is conflated with entertainment.

91. In all fairness to today's law students, it is not only in recent years that commentators have faulted pre-legal education for the poor preparation of students' written communication skills. See Teaching of Legal Writing and Legal Research — A Panel, 52 LAW LIBR. J. 350, 359 (1959) (remarks of Prof. Albert P. Blaustein) ("We know that students can't read and write when they enter law school, and they can't read and write when they leave law school. This is not wholly a problem of legal education. To find the cause, we have to go back to the colleges and perhaps even back to infancy."); see also supra note 90.

92. Beyond the scope of this Article is the significant question of remedial writing programs in the law schools.

93. Unfortunately, underdeveloped writing ability is not a problem confined to law students. For discussions of this problem in other fields, see The Coming Revolution in Graduate Writing Programs, CHRON. HIGHER EDUC., Aug. 29, 1984, at 80; Medical Schools Urged To Stress Critical Thought, CHRON. HIGHER EDUC., Sept. 26, 1984, at 1.

Another issue to be considered when evaluating the amount of time necessary to teach writing should be whether the law school serves students for whom English is a second language.
Research skills also take an increasing amount of time to teach, and have become the target of very pointed criticism. No longer can research be taught by acquainting students with the major reference books, case reporters, statutory compilations, LEXIS, and Westlaw. Now, as the number of books grows, the number of reported cases continues to escalate, statutes...
become ever more important, knowledge of non-law related information becomes more essential, CALR systems become more comprehensive and diverse, CD-ROM products be-

appeared exclusively in an electronic format.

99. The teaching of statutory research is particularly problematic, because statutory law, by and large, is ignored in the case-centered, common law-oriented legal education most American law students now receive. See Robert F. Williams, Statutory Law in Legal Education: Still Second Class After All These Years, 35 MERCER L. REV. 803 (1984) (describing general lack of attention paid to statutes in legal education). Although it often plays second fiddle to caselaw, "[s]tatutory law has replaced common law as the most important source of law and legal tool in America." Id. at 804; see also GUIDO CALABRESI, A COMMON LAW FOR THE AGE OF STATUTES (1982) (discussing general rise in importance of statutes to American law in modern age); Berring, supra note 96, at 29 ("[A]s the coin of judicial precedent has been debased by overpublication, the use of non-judicial sources has increased. Legislation is now at the center of the research endeavor, and it shares center stage with administrative materials."); Steven D. Pepe, Clinical Legal Education: Is Taking Rites Seriously a Fantasy, Folly, or Failure?, 18 U. MICH. J.L. REF. 307, 315 (1985) ("With statutes outdistancing case law in doctrinal expansion, the case method has yielded to the problem method for teaching many statutory subjects.").

100. See Judith Wegner, The Changing Course of Study: Sesquicentennial Reflections, 73 N.C. L. REV. 725, 744 (1995) ("As specialization has increased, lawyers find it more and more necessary to negotiate boundaries between legal and non-legal cultures. Lawyers increasingly need to understand the details of financial dealings, welfare bureaucracies, medical procedures, and environmental regulation in order to afford clients competent representation.").


102. Although most students and attorneys still associate "CALR" exclusively with LEXIS and Westlaw, this is not accurate:

In the practice of law, attorneys often find that their information needs exceed what LEXIS and WESTLAW have to offer, and that they must rely on material available through other commercial database sources. Depending on the size of the law firm or corporate legal department, attorneys may have in-
come more widespread, and the Internet grows ever more ubiquitous, the amount of time spent teaching research must increase rather than decrease. If it takes more time to teach the basics of research and writing, any additional time that schools can devote to such programs should, perhaps, be devoted entirely to ensuring that research and writing are given the growing attention that they need.

House access to the nonlegal interdisciplinary databases of Dialog, Information America, Prentice Hall Online, Legis-Slate, and numerous other databases. Krause, supra note 101, at 578. LEXIS and Westlaw are distinct from other services in that these two CALR systems were designed for use by attorneys directly rather than by specialized librarians. "CALR systems are designed to be used directly by a lawyer — the person who will use the information retrieved — not by an intermediary computer research specialist. This sets CALR apart from other computer-based research systems." Cherry, supra note 101, at 74. Training students in these two major systems is a logical priority. 103. In 1995, Perspectives, a magazine for legal research and writing professionals, asked its readers, "Should using the Internet to locate and acquire legal and nonlegal resources be taught in legal research courses? What have you done, if anything, to incorporate the Internet into your teaching?" Our Question — Your Answers, 4 PERSP. 59, 59 (1996). The responses reflected a broad range of views about teaching the Internet in a basic research and writing course. Of the eleven law school professors and librarians responding, five favored teaching the Internet in the first year, two opposed it, three advocated saving the Internet for an advanced legal research course, and several seemed truly ambivalent. Id. at 59-61; see also Ethan Katsh, Law in a Digital World: Computer Networks and Cyberspace, 38 VILL. L. REV. 403 (1993); Erik J. Heels, Why Lawyers Should Get on the Internet: Research on — and Legal Issues Raised by — the Internet, LAW PRACTICE MGMT., Nov./Dec. 1994, at 24 (discussing new role of Internet in law practice).

104. The increased scope of "basic" legal research is well described in S. Blair Kauffman, Advanced Legal Research Courses: A New Trend in American Legal Education, 6 LEGAL REF. SERVICES Q. 123, 124 (1986). Even ten years ago, Professor Kaufmann recognized that the scope of "basic" legal research requires more time and attention. Indeed, in 1969, Professor Morris L. Cohen commented, "There is no doubt that the rapidly accelerating volume of case reports and statutes requires search books and finding tools of greater complexity." Cohen, supra note 14, at 185; see also id. at 187 ("Most of us are by now familiar with the statistical horror stories of how the contents of law libraries are overflowing both their shelves and the capacity of our retrieval tools."); Rideout & Ramsfield, supra note 35, at 37 ("The demands of modern legal practice are increasing. Today's lawyers must incorporate new technology, create more versatile research strategies, and produce better products — faster.").

105. Beyond the scope of this Article is the trend at some schools to integrate the research and writing program with other first year "doctrinal" courses, based partly on the theory that skills are best taught in a substantive context, and partly on the theory that there is "a false dichotomy between analytical and practical skills. . . . [W]e cannot teach doctrine without also teaching application." Saunders & Levine, supra note 35, at 126. In these schools, not only does research and writing training include other skills, but often it may involve other doctrinal areas as well. The notion that the legal skills course is easily integrated with the other first year courses is not, however, universally accepted. See Boyer, supra note 7, at 30 ("One shortcoming, however, is that linking writing assignments to a
It can also be argued, quite persuasively, that research and writing are the two basic "foundational skills" upon which a great deal of a student's subsequent law school success depends. If this is true, it follows that these skills should be the focus of the student's early education, rather than those skills that — while important — may be more tangentially linked to the student's future success. For example, sound writing ability is needed to do well on law school examinations, in law review competitions, and in applications for summer jobs. Likewise, research ability is necessary for handling term papers, clinic or externship projects, moot court briefs, and seminar projects. This is not to say that the full range of skills will not help first years become well-rounded students and — more importantly — competent practitioners. Research and writing, however, are the sine qua non without which a student is unlikely to achieve success in law school.

Students should be taught the necessary skills chronologically, devoting the first year to these basic skills and leaving the fuller range of skills to later years.

The substantial devotion of the first year to research and writing also poses the classic advantages of pursuing "depth" rather
than "breadth" in law school curricula.109 While both approaches have their advantages, the pursuit of breadth (in this case, the introduction of a full range of skills) may well involve a sacrifice in depth of research and writing skills.110 Abandoning a focus on research and writing may mean that instructors will give students only a cursory introduction to a smattering of skills. In contrast, a research and writing based program will allow them to offer "rewrite" assignments,111 conferences to critique student writing, class time for research drills, workshops on research designs, on-line research laboratories, and student self-critique or peer critique of writing. This latter approach will leave first year students with a solid background in research and writing, along with a strong recommendation (or mandate) to pursue other skills in later years.

109. See Barbara J. Cox & Mary Barnard Ray, Getting Dorothy out of Kansas: The Importance of an Advanced Component to Legal Writing Programs, 40 J. LEGAL EDUC. 351, 354 (1990) ("Legal writing, however, does offer challenges, subtleties, and evolution comparable to other areas of legal study. It draws from many disciplines. It presents ethical questions. It offers intricate matrices of interrelated objectives. Thus, it is inaccurate to characterize legal writing as an unfortunate necessity or a rudimentary skill. To settle for a view that never rises beyond the good to the excellent is to settle for much less than can be attained.").

Legal research is a more complex enterprise than a cursory examination would lead one to believe. For example, the process of creating a research design, winnowing out the relevant from the irrelevant, and learning how to use non-legal resources effectively are skills that can be addressed only in a research course with depth.

In addition, the legal writing course provides students with their first opportunity to "explore the differences between legal discourse and those studied in undergraduate courses by examining rhetorical contexts." Ramsfield & Rideout, supra note 65, at 163.

110. There is some perception that skills programs are already too broad, even in their traditional "research and writing" form:

The striking thing about these [first year research and writing] programs is how much they are trying to accomplish in a very little bit of time. Not only are they attempting to provide the students with background in legal analysis, research techniques, citation form, and the skills of legal writing, but they are also intended to function as a general introduction to the study of law and serve as an aid to the law school socialization process.

Mills, supra note 54, at 345.

111. For a discussion of the benefits of using multiple drafts of writing projects, see Rideout & Ramsfield, supra note 35, at 72. As Professors Rideout and Ramsfield explain, through the use of multiple draft assignments, "students not only have an opportunity to use earlier drafts as the basis for thinking through their analysis, but also so that they can benefit from 'mid-stream' advice, either from teachers or from peers working collaboratively." Id.; see also Lynn B. Squires, A Writing Specialist in the Legal Research and Writing Curriculum, 44 ALB. L. REV. 412, 418 (1980) ("[R]evision should be a formal part of the first-year curriculum in a legal research and writing course. At least one piece of writing should be completely revised as a standard assignment for each student.").
rather than a frustrating "show and tell" introduction to a broad range of skills.\textsuperscript{112}

On a related pedagogical point, some skills may be more difficult to offer in the first year because students lack the background or experience to appreciate them at that early stage in their careers.\textsuperscript{113} For example, without completing a course in civil procedure, students may be poorly equipped to appreciate some of the intricacies of drafting pleadings; likewise contract drafting is best taught after students have completed their doctrinal course in contracts. Even if limited time were not an issue, it may be unwise to include certain topics in the first year curriculum.\textsuperscript{114} If basic knowledge of a substantive area will increase the benefits that students will derive from specific skills assignments, it may be wise to delay such assignments and training until students are able to get a greater benefit from them.\textsuperscript{115}

\textsuperscript{112} Professor Dunn argues that one cause of the decline in legal research skills has been the increased attention being paid to legal writing in first year skills courses. Dunn, supra note 90, at 53-58. While he does not fault the new recognition of writing's importance, Dunn argues quite persuasively that this new focus results in short shrift for research training. If it is already difficult for research and writing to coexist, this tension can only be compounded if a panoply of additional skills are added to the mix. See also id. at 62-63; Sadow & Beede, supra note 94, at 29; Shapo, supra note 3, at 720.

\textsuperscript{113} Some literature suggests that there are certain legal skills that are ill suited to being taught in law school at all and are better acquired in practice. See E. Gordon Gee & Donald W. Jackson, \textit{Current Studies of Legal Education: Findings and Recommendations}, 32 \textit{J. LEGAL EDUC.} 471, 482 (1982). Professors Gee and Jackson describe a 1981 survey of Chicago attorneys conducted by Frances K. Zemens and Victor G. Rosenblum. According to that survey:

When questioned about the contribution that law schools might be able to make to practical skill acquisition, the Chicago attorneys thought several of the interpersonal skills could not be taught successfully in law school. Instilling others' confidence in you is an example of one of these. Certain skills which were given little attention in law school were, however, perceived as capable of being effectively taught in law school. These skills included fact gathering, effective oral expression, drafting legal documents, and, to a lesser degree, understanding the viewpoints of others, letter writing, interviewing, opinion writing, and accounting skills.

\textit{Id.}

\textsuperscript{114} Unfortunately, it may be that the first year is too early for students to have a full appreciation for any of their skills training. This is evidenced by the unfortunate reality that many students do not fully appreciate their first year skills course, in any form, until their summer jobs, clinics, or externship experiences demonstrate to them how important skills truly are. See Berring & Vanden Heuvel, supra note 94, at 442 ("Most second-year students have worked in some law related job during the summer between first and second year; their discomfort at being unable to perform legal research at their jobs is fresh in their minds.").

\textsuperscript{115} Of course, the practical problem with this theory is that at many schools no writing course is required beyond the first year. Unfortunately, then, at the point when students
In planning for the first year, thought should also be given to the types of summer jobs students will pursue. To some extent, the first year program is rationally designed to include a focus on those skills most necessary for success in the first summer job. The "typical" work experience of a law student after the first year will generally involve more research and writing than other skills such as oral argument, client interviewing, deposition review, or discovery. Arguably, then, the limited amount of time that is available for skills training in the first year should be spent on those skills that have immediate practical advantages for students. This is particularly true in an increasingly competitive job market in which the importance of making a good impression at one's summer job cannot be underestimated.

Much has also been said about the increasing, and potentially dangerous, level of stress among first year law students. This may be best able to benefit from particular research and writing assignments, there is no course requiring them to do so.

116. See Wren & Wren, supra note 5, at 484-85 ("At the end of the first year of law school, most students who clerk will find themselves in small law offices or overburdened government agencies that have few if any resources to help summer clerks compensate for the consequences of their ignorance of legal research techniques. These offices are unlikely to offer formal (or even informal) in-house legal research training, and if they employ law librarians, these individuals are unlikely to have the time to help students learn legal research if the law schools have failed to teach this skill.").

117. The need for law schools to focus on training students for success at their earliest jobs is exacerbated by the fact that legal employers may be devoting less time to their training responsibilities. See Laser, supra note 5, at 269 ("Too many settings in which young lawyers have been employed are 'apprenticeships' in name only. In fact, the young associate's supervisor has provided little or no supervision and the young lawyer essentially has learned the art of lawyering on her own."); Ramsfield, supra note 36, at 136 n.76 ("On-the-job training in firms, with its inherent potential for penalty, may not be the most effective method for training lawyers to think and communicate well: too little, too late."); Solomon, supra note 1, at 61 ("[A]n increasing number of students who graduate from less prestigious schools may be practicing in environments devoid of such supervision. In such a context, the practice of law acquires a new meaning.").

118. See Dunn, supra note 90, at 51 ("Law students, summer clerks, and new associates are afraid of being ill prepared for the workplace, not because of poor analytical skills, but because they do not know how to use the primary and secondary authorities that will put that analysis to its best use. They are afraid that they lack a critical lawyering skill, and their fears are legitimate.").

119. See generally Phyllis W. Beck & David Burns, Anxiety and Depression in Law Students: Cognitive Intervention, 30 J. LEGAL EDUC. 270 (1979); G. Andrew H. Benjamin
is attributable to many causes — including many entirely unrelated to the law school curriculum. It may be wise to consider that a program that tries to accomplish more than is realistically possible in the time given may become counterproductive if it increases the level of student stress without a corresponding benefit.

Finally, unlike other skills, research and writing skills are the ones that legal employers expect students to bring to their jobs when they graduate from law school. Other skills are expected to be taught on-the-job. To the extent that the practicing bar expects to teach skills other than research and writing, perhaps law schools should focus their time and attention on those skills that the profession assumes newly-minted lawyers will possess upon graduation.

1996] LEGAL SKILLS TRAINING

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120. These concerns include, but are not limited to, the sharply escalating cost of legal education, the increasing debt load carried by typical law students, a tighter job market for entry level attorneys, and an increasing cynicism about the legal profession.

121. But see Baird, supra note 2, at 293. Baird identifies six skills "described as important" by practitioners: "counseling clients," "interviewing clients," "directing the work of others," "organizing the flow of work," "interviewing witnesses," and "negotiating." Baird suggests that it is further training in these general communication skills that practitioners would like law schools to provide.

122. One question not discussed in this Article, but still worthy of consideration, is the extent to which the practicing bar should be a partner with the law school in conducting legal skills training. See Terrell, supra note 2, at 499 ("The practicing bar needs to reconsider its role in the process of legal professional development, recognizing that the schools do not necessarily provide the best models for meeting the bar's obligations."). To the extent that the relationship between the bench, bar and academia changes, there may be an effect on the nature of skills training to be provided by law schools. As discussed in notes 116-17, supra, however, the modern legal workplace has not become a reliable place for new lawyers to hone their skills.
B. Pursuing a “Skills-Based” Program

Notwithstanding the obvious benefits of a first year program that centers primarily on research and writing, a great deal may be said for a first year course that is “skills-based” — that is, one that teaches research and writing as part of a curriculum that exposes students to a broad range of legal skills. Such a program might include oral advocacy, fact investigation, client interviewing and counseling, legal drafting, law office management, professional responsibility, alternative dispute resolution, and trial skills.¹²³ The primary advantage of such an approach is that it provides students with contextual learning. The broader the base of skills, the clearer it will be to students that a well-rounded practitioner possesses a range of skills, and that these skills are interrelated. A broad-based first year skills course could be structured around a hypothetical case, beginning with a simulation of the initial client interview, and then moving into discussions of the business practicalities of finding and maintaining a clientele, potential ethical issues raised by the client’s problem, and possible responses to the client’s questions. Students could then evaluate the alternatives and begin the work of representing the client, writing client letters, researching office memoranda, drafting and arguing motions, and re-researching and re-writing documents as the case unfolds. In such a course, the research and writing process has much greater context because students see — in very practical terms — the ways

¹²³ Two of the most ambitious “skills-based” programs are the legal skills programs in place at New York University Law School and the City University of New York Law School. The City University of New York Program is described in Charles R. Halpern, A New Direction in Legal Education: The CUNY Law School at Queens College, 10 NOVA L. REV. 549 (1986). The New York University Program is described in Meyer, supra note 79, at 793-96. See also Anthony G. Amsterdam, Clinical Legal Education — A 21st Century Perspective, 34 J. LEGAL EDUC. 612 (1984). Students in the NYU program go through a simulated, clinically based course which integrates various skill topics, including research and writing skills . . . . The students cope with the problems of clients who have not entered the litigious world portrayed in traditional appellate-oriented courses. Using role-playing, videotaped clinical simulations and factually complex problems set in a pre-trial timeframe, the NYU course emphasizes negotiation, interpersonal relationships and alternative dispute resolution mechanisms.

Solomon, supra note 1, at 22. Professor Solomon’s article also describes the comprehensive skills-based program at the College of William and Mary, Marshall-Wythe School of Law. Id. at 23-27; see also James E. Moliterno, The Legal Skills Program at the College of William and Mary: An Early Assessment, 40 J. LEGAL EDUC. 535 (1990).
in which research and writing are closely related to broader issues in the practice of law.\textsuperscript{124} When they are removed from their vacuum, the importance of research and writing becomes more apparent.\textsuperscript{125}

A broad-based skills program also recognizes that a good lawyer does many different things and that the practice of law involves many different skills. All too often, first year programs are so litigation-focused that they give students the impression that litigation is the only type of law practice.\textsuperscript{126} A broader-based program offers a more realistic view, and makes those students not inclined to litigate more invested in the first year program.

It is also undeniable that at many law schools students are given little opportunity to take skills courses beyond their first year.\textsuperscript{127} A course that introduces students to a range of skills has the distinct advantage of ensuring that students are at least familiar with the full range of skills that they may need upon graduation. While first year students will not truly have mastered any of these skills, this is the only way to ensure that all students will, at a minimum, have a basic familiarity with a broad range of skills.\textsuperscript{128}

\begin{itemize}
\item \textsuperscript{124} See Meyer, supra note 79, at 794. In describing the skills-based program at New York University, Professor Meyer commented:
\begin{quote}
[T]he significance of careful analysis became apparent in the context of preparation for a negotiation or a trial, in addition to writing a trial brief or an office memorandum. . . . For many students, the program contextualized legal analysis as, simultaneously, a discrete lawyering skill and the bedrock that underlies the legal practitioner's world.
\end{quote}
\textit{Id.}
\item \textsuperscript{125} It may be that even if the \textit{only} goal of the course was to teach research and writing, this is the model that should be adopted.
\item \textsuperscript{126} This focus on the adversarial/litigation-based model of practice is the source of criticism about legal education. \textit{See, e.g.}, Re, supra note 4, at 93 ("Law schools have taught the adversary system as the focus of the study of law. Learning cases and learning how to read a case are presented as the . . . primary skills to be acquired. Hence, from the very start, law students are taught the adversary system and to regard winning cases as the goal and the sign of success. Introductory civil procedure and legal method courses instruct students that the courts only operate properly when there is a real dispute."); see also Margaret Martin Barry, \textit{A Question of Mission: Catholic Law School's Domestic Violence Clinic}, 38 How. L.J. 135, 146 (1994); Jack Himmelstein, \textit{Reassessing Law Schooling: An Inquiry into the Application of Humanistic Educational Philosophy to the Teaching of Law}, 53 N.Y.U. L. REV. 514, 529 (1978); Macchiarola, \textit{supra} note 1, at 537-38; Menkel-Meadow, \textit{supra} note 5, at 614.
\item \textsuperscript{127} See Laser, supra note 5, at 277 ("[M]ost law students take no more than one or two skills courses while in law school, in addition to legal writing and trial advocacy."); id. at 278 ("[T]oo many students receive no in-house clinical education while in law school.").
\item \textsuperscript{128} Of course, the alternative is to require extensive upper level skills courses. However, without that, a comprehensive first year program is the only alternative.
\end{itemize}
Even if students do not have a chance to develop them fully, a cursory introduction to such skills is perhaps better than no introduction at all — even if this can be accomplished only at the expense of research and writing.129

It can also be argued that "other" skills are intrinsically more interesting than basic research and writing — particularly from the point of view of the first year student. Although no one would dispute the fact that a sound foundation is essential to build a skyscraper, most would find it more fascinating to watch the building rise from the ground, rather than watch the foundation be dug. Similarly, some students will find that skills other than research and writing possess more intrinsic appeal. While this is a poor basis on which to build a curriculum, it may help students overcome the stigma often attached to a research and writing course that is otherwise undervalued in the curriculum.130 This heightened interest may improve their performance in and attitude toward the course with beneficial educational results.

Although a broader-based program will have the disadvantage of sacrificing depth in writing, it will also have the advantages present in any law school course emphasizing breadth rather than depth. By introducing students to many skills, a broad-based course helps students to make intelligent decisions about upper level electives. If the first year course touches briefly on skills such as negotiation, law practice management, or trial practice, interested students will be able to select upper level courses based on informed interest.131

129. Of course, this precise argument can be used to advocate retaining research and writing as the central first year focus. That is, while it is true that there are often no other skills course requirements, it is equally true that very often there is no formal writing requirement after year one. "After their first year, most students fend for themselves in an atmosphere that tests their writing abilities in only two of several potential genres - exams and seminar papers." Rideout & Ramsfield, supra note 35, at 37.

130. For a discussion of this issue in the context of civil procedure, see Vaughn, supra note 54, at 485 ("Changes in student attitudes toward the subject matter influence and color every class. More important, this good will rests not on the cleverness or popularity of the instructor but attaches to the subject itself as students glimpse its intrinsic interest and importance.").

131. This is no different from any other doctrinal area of law. For example, a basic property course that emphasizes breadth rather than depth can introduce students to areas such as estates, real estate, land use, environmental regulation, zoning law and landlord/tenant relations. Once students have this basic survey, they can then select particular courses in the upper level curriculum that will develop their knowledge in those areas more fully. If the basic course does not cover any of those advanced areas, students may not know that they have an interest to pursue. Similarly, a skills course that presents a broad range
A broader-based program also allows the first year skills course to have more connections with other aspects of the law school curriculum. If many skills are addressed in the first year, it is likely that members of the faculty who teach in related areas such as clinics, trial practice, negotiation, counseling, professional responsibility, and civil procedure, will have expertise to contribute to the program. To the extent that an inclusive curriculum may help foster further integration of the first year skills course with the rest of the law school curriculum, this may be a worthwhile goal to pursue.

Although the majority of schools have not yet adopted a broad-based skills curriculum, it should not be assumed that the idea has little merit. Depending on how the law school perceives its goals, much can be said for a broad-based approach.

C. The Myth of Mutual Exclusion

Although the "research and writing" and the "skills" approaches both have their advantages and disadvantages, there is a third way to view this issue. It is this third view that this Article advocates. Rather than choosing between the two models, schools may find it wiser to recognize that they may not need to make an exclusive choice, but may be able to include in their courses key elements of both designs. With careful planning and thoughtful curriculum development, it may well be that the two models are not mutually exclusive and can coexist in a course that combines the best features of both.

The greatest challenge to legal research and writing programs today may lie not in trying to decide which of the two models to adopt, but in designing a program that creatively incorporates the best of both worlds. This can be done well only if it is done consciously, not as a compromise resulting from an unclear focus.

Any first year skills program should focus initially on research and writing, and develop these fundamental skills before focusing

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of issues can serve as a preview of upper level courses that students may select.

132. In contrast, a research and writing based course may be best suited for "integration" with a more limited set of traditional "doctrinal" courses — a marriage that has not always been a happy one. See supra notes 54, 105.

133. For an interesting discussion of the necessity for being clear about the goals of legal skills courses, see generally Roger W. Andersen, Stating Objectives for a Legal Writing Course, 30 J. LEGAL EDUC. 358 (1979); see also Botein, supra note 77, at 185.
on other competencies. It should do so, however, in a way that allows for the introduction of a wide range of skills. If presented correctly, these additional skills may strengthen the teaching of research and writing.

Programs must begin from the premise that research and writing are the fundamental legal skills that should be taught in the first year. That said, research and writing can be taught in a way that also exposes students to a broader range of skills. The three methods that follow illustrate practical ways in which a first year program may combine the best features of both philosophies and achieve the highest goals of each.

1. Teach Legal Research and Writing Through a Variety of Writing Formats and Genres.— The benefits of both course models may be realized through a legal writing course that requires students to write in a wide variety of contexts and in a range of genres. Too many first year courses limit student writing projects to the objective office memorandum and the appellate brief. Nothing is intrinsically wrong with either of these documents. Indeed, the office memorandum is a typical writing project for junior associates at many law firms, making it a practical teaching tool. However, there are many other ways in which lawyers write. There are, therefore, many other ways in which law students should be taught to write.

134. See supra part III.B.
135. Not addressed in this Article, but clearly another issue for law schools to consider is whether to expand their basic "first year" course beyond the first year. To the extent that a law school is capable of, or committed to, doing so, this may significantly change the applicability of some of this proposal to that school's legal skills curriculum. Such schools might be able to spend more time on the "other" skills in the later stages of their programs. However, even for a required "multiple year" skills course, the first year of that course should still focus primarily on research and writing. Also beyond the scope of this Article is a discussion regarding whether legal writing programs could or should begin later than the first semester of the first year. This may affect the selection of the skills that students are competent to learn. For a treatment of this question, see Botein, supra note 77, at 192.
136. See supra note 43 (describing the types of writing projects typically assigned in first year courses).
137. In addition to the office memorandum/appellate brief focus in the first year, upper level writing opportunities appear to be focused on academic legal writing. This academic writing comes in the form of seminar papers and participation in academic law reviews. Again, there is nothing intrinsically wrong with legal academic writing. Indeed, for a strong argument on the value of the law review as a vehicle for teaching legal writing, see Howard C. Westwood, The Law Review Should Become the Law School, 31 VA. L. REV. 913 (1945). Academic writing is, however, only one type of writing. Even when law school writing programs are viewed in a three year perspective, there is still only a limited variety of writing
For example, lawyers write letters, draft complaints and other pleadings, write memoranda advising clients, compose short articles for professional magazines, draft model legislation and regulations, comment on proposed regulations, draft parts of judicial opinions (if they are law clerks), write short pretrial or evidentiary motions, and propose settlement agreements or plea bargains. A legal writing course should require students to write as many of these different types of documents as possible. Doing so will improve the students' basic training in research and writing, and will expose them to a broader range of legal skills.

By employing a variety of writing projects, an instructor can emphasize the principles of good writing common to all legal writing: good grammar, careful organization, attention to procedural requirements, focus on audience, and development of good sentence structure and legal analysis. Illustrating these principles through a variety of formats will help hone writing skills more effectively than the memorandum/appellate brief. It will help students to realize that there is not just one generic form of “good legal writing.” Instead, the good legal writer is able to write well in a variety of contexts and understands which type of writing is most appropriate in a particular situation. A variety of exercises will also disabuse students of the notion that writing is something that can be done by rote following of a preset formula. Stu-
dents will learn that legal writing is best when the writer understands how to use the style of communication appropriate for the particular situation and audience.

As should be apparent from the list of potential writing assignments, many of these suggested alternatives result in much shorter writing projects than the traditional documents prepared in first year classes. Undoubtedly, more lengthy and involved projects have a critical role in the first year curriculum since they are the only vehicles through which students will be able to engage in a well-developed substantive analysis of a complex issue. However, the use of shorter projects will allow for more rapid feedback,\textsuperscript{1} will foster more attention to critiquing and rewriting drafts, and will give students projects to work on while their instructors are grading longer assignments.\textsuperscript{145}

This approach also allows instructors to teach legal research more effectively. Each short assignment requires students to conduct research with a slightly different focus. For example, requiring students to draft a response to a proposed regulation will introduce them to the Federal Register; asking students to draft model jury instructions will teach them how to research form books.\textsuperscript{146}

The true benefit of this approach is that it provides instructors with the opportunity to introduce students to a broader range of skills than does the traditional office memo/appellate brief format. As students write different types of documents, instructors have an opportunity to discuss with them a broad range of legal issues, which are logically tied to the writing assignments. For example, a writing project involving a complaint is a logical opportunity for a discussion of the ethical rules governing complaints, court rules

\footnotesize{opportunity to rewrite and perhaps repeat one genre such as the memo. This repetition reinforces genre-specific techniques. Then, those techniques, once reinforced, can be contrasted with those used in other genres, whose rhetorical constraints vary.

\textsuperscript{144} These shorter projects are also more appropriate and convenient for soliciting peer critique, allowing students to have the valuable opportunity to be critical readers and editors as well as writers.

\textsuperscript{145} If the assignment schedule is carefully planned, the use of shorter assignments might help ensure that students are always writing. These shorter projects also lend themselves to use as in-class writing exercises.

\textsuperscript{146} Other examples demonstrating the ways in which a variety of "non-traditional" legal writing projects will acquaint students with a wider range of research methods and sources abound. While a well-planned memorandum or brief can also further research skills, such projects tend to involve a universe of sources too often limited to case law and statutes, rather than to a range of materials.}
dictating drafting form, filing deadlines, choice of forum, pre-trial
discovery, and so on. Similarly, an assignment requiring students
to write a demand letter to adversaries may be a vehicle for
introducing discussions about alternative dispute resolution and
alternatives to litigation; an assignment involving a retainer letter
is a perfect springboard for a discussion of legal fee structures and
office management. Likewise, an assignment requiring comments
on a proposed regulation provides an excellent opportunity for a
discussion of the administrative process and the task of rule
making.

In all of these situations, each writing assignment provides
students with solid training in legal writing and research. The time
spent on any “extras” detracts only minimally from the focus on
research and writing. Unlike a traditional research and writing
course, a varied set of assignments will provide exposure to writing
in many different contexts. This enables the first year legal
research and writing course to be a vehicle for a more extensive
introduction to the full scope of a lawyer’s work.\textsuperscript{147} While that
introduction may not be as deep as many might want, it allows for
some breadth without sacrificing \textit{any} depth in the research and
writing component.

2. \textit{Teach Those Additional Skills That Put Writing Assign-
ments in Context and Are Geared Toward Making Students Better Writers.}— One of the most destructive ways legal research and
writing courses become overloaded is when skills are incorporated
into those classes that are only tangentially related to legal writing
and research. For example, teaching law office management or the
ethics of contingency fees or alternative dispute resolution may be
valuable, but these skills are not directly connected to legal writing
or research. Therefore, despite their usefulness, they do not
necessarily aid in development of the two basic skills. If the skills
taught in the first year legal research and writing course are not
directly linked to research and writing, the course may become

\textsuperscript{147} As part of this broader approach, students will also be effectively taught that many
lawyers spend significant amounts of their professional lives on work that is not litigation-
oriented. This would serve to counter the litigation focus of traditional first year skills
programs. \textit{See} Dickerson, \textit{supra} note 77, at 88 (“It is ironic that current courses in legal
writing are badly tilted in favor of litigation, when in the real world of modern lawyering
dependence on the drafting discipline is far more pervasive than is dependence on litigation
skills.”).
disjointed and overwhelming because students’ attention is being diverted. While training in those skills might be accomplished by coherent and discrete presentations, those presentations will do nothing to advance the research and writing competency of first year students. This is probably the major disadvantage of the skills based model.

To avoid this outcome, and to insure that the legal research and writing program can peacefully co-exist with a more broadly-based curriculum, the skills that enter that curriculum must be selected very carefully. The only skills that belong in the first year program are those that lead students back to, and not away from, research and writing. Skills should not be added to the program without planning the ways in which those skills support the development of writing and research.

Depending upon the structure of the program, the “connected” skills may vary. The essential point, however, is that the skills must be linked to the development of writing and research competency. For example, a study of fact development in a case might be presented as an adjunct to the writing program. It may be taught as a way of helping students write about facts, draw analogies between the facts of their problem and precedents, and discern where the factual gaps in their writing are. As students prepare to write a summary judgment motion, for example, they can be encouraged to analyze what facts they have to support their written motion, what gaps or inconsistencies exist in the facts, how those facts can ethically be presented in the light most favorable to the client, and what techniques would be used to gather any additional facts. This will be a much more efficient and effective use of the students’ writing time than spending that same amount of time in discrete lectures about deposition techniques, subpoenas, or witness preparation.148

A strict adherence to the principle that the skills taught must be linked to writing will, by definition, reduce the extent to which other skills are taught in the first year. The return on this

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148. For an example of the way in which non-research-and-writing skills may be used to place a writing project in context, see Rideout & Ramsfield, supra note 35, at 72 (“[L]egal writing professors can rely on scenarios such as mock client interviews, whether staged by other students or videotaped, to present the facts for an office memorandum assignment. Simulated scenarios force the students to reconstruct the problem for themselves and to become conscious of how discourse constraints can shape the law’s point of view and enable the legal issues to emerge.”).
investment will be a more substantial introduction to writing and research as well as a useful context for any other skills that work their way into the curriculum.

3. Select Research and Writing Assignments That Will Be Effective Vehicles for Introducing a Broad Range of Skills.— The third way to combine broad-based skills training with a primary focus on research and writing is to select the subjects of writing assignments and research topics strategically. The substance of the legal research and writing project can be a legal skills issue rather than one involving an unrelated substantive area of law.  

For example, a legal malpractice problem that requires students to research and analyze an attorney's liability for missing a filing deadline could be very effective. In the course of doing this research, students will read about law office management and professional responsibility, to name only two of the skills implicated. In fact, students might be asked to write about the issues involved in a malpractice action where the attorney is being sued for failure to do adequate legal research. In a case such as this, the students would be: (a) conducting legal research and writing to develop those basic skills; (b) learning about the professional responsibilities of competence and diligence; and (c) realizing the importance of legal research in "real world" practice. For a modern spin on this issue, students might also write about those cases addressing whether it constitutes malpractice for an attorney to fail to do computer-assisted legal research.

Similarly, students might draft a letter that advises a client as to whether he or she should accept a settlement offer. This will be a logical vehicle for students to explore the issues of alternative dispute resolution and negotiation. Students could also write a short article for a state bar publication that reviews a recent disciplinary decision of the state's attorney review board, or critiques a proposed change in a state discovery rule. Again, these

149. See Cohen, supra note 79, at 5 (discussing a writing assignment involving legal ethics used at Western New England College of Law).

150. For a discussion of these issues, see Cohen, supra note 14 at 193 ("Recent sociological studies of the legal profession indicate that most lawyers do very little research and too many do virtually none at all. . . . [T]here was a case decided many years ago in the State of Washington, In re Boland, which held that an attorney's failure to search the authorities in preparation for his client's case constituted gross negligence.").

151. For an interesting, albeit outdated, discussion of the impact of CALR on the practice of law, and the accompanying ethical obligations, see Childress, supra note 101, at 93-97.
are two ways in which teaching about professional responsibility and factual discovery become natural by-products of writing assignments.\(^{152}\)

In a beneficial cycle, students engage in research and writing that explores these skills-related issues. Whether consciously or more subtly, students' writing will open their eyes to a much broader range of professional issues.

IV. Conclusion\(^{153}\)

Very few questions will affect the success or failure of legal research and writing programs more than the question of focus: what is the role of the course in the school in which it is offered? Law schools today have a variety of models from which they can choose as they attempt to select a program that meets the needs of their particular students.\(^{154}\) Before a model can be selected, a philosophy for the program must be chosen. In selecting that philosophy, a law school must determine what it hopes to accomplish. Doing so is the first step in ensuring that it will accomplish those goals. Selecting the destination is the first step in planning the journey.

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152. I have used an attorney liability to non-clients issue for my Lawyering Skills students' writing project at Catholic University's Columbus School of Law. In addition to the tort and contract issues raised by the facts, this problem also addressed professional responsibility questions that raised interesting issues for classroom discussions.


154. See Botein, supra note 77, at 193 (discussing the value of individuality among law school programs). Professor Botein advocates that "each school [should] create its own model, by using specialized instructional techniques to achieve its particular educational goals. . . . [T]his approach would use different methods and programs to achieve different goals. To be sure, an infinite variety of approaches is possible." Id.; see also Rideout & Ramsfield, supra note 35, at 75 ("Legal educators should develop goals unique to their institutions. No one design for a legal writing program will suffice for every institution. The demographic differences among schools require that each institution's faculty build a program suited to its students' needs. To do so, faculty can examine the students' economic, cultural, and ethnic backgrounds, gender-based perspectives, and ultimate career choices.").
APPENDIX I

LEGAL WRITING DIRECTORS’ SURVEY:
SCOPE OF COVERAGE FOR FIRST YEAR COURSES

(Except for the final question that asks your optional consent to be quoted, none of the data requested in this survey will be reported in a way identifying you or your school.)

NAME:_____________________________________

TITLE:_____________________________________

LAW SCHOOL AFFILIATION:____________________

______________________________

1. How would you describe your first year research/writing/skills course?

___ As a traditional course focusing on in-depth development of research and writing ability

___ As a course that focuses significantly on lawyering skills other than, or in addition to, legal research and writing

2. What percentage of your first year research/writing/skills course is devoted to development of each of the following skills?

___ Legal Writing (including drafting)

___ Legal Research (including CALR)

___ Legal Analysis

___ Client Interviewing and/or Counseling

___ Fact Investigation

___ Professional Responsibility
3. In addition to legal research and writing assignments, are projects focusing on any of the skills identified above a part of your students’ grade in your program? Please specify, including oral advocacy projects.

4. What have been the most significant changes, if any, to the substantive coverage of your first year course since 1990? Please specify.

5. Are you planning any significant changes to the substantive coverage of your first year course? Please specify.
6. Has the MacRate Report had an influence on the way you have identified skills to be covered in your first year course?

___ Yes, it has had a SIGNIFICANT IMPACT on program design.

___ Yes, it has had SOME INFLUENCE on program design.

___ No, it has had NO INFLUENCE on program design.

7. If you were able to have more class time, course credits, etc., how would you MOST like to spend that extra time?

___ Providing more research training time

___ Providing more writing training time

___ Developing competency in an additional skill(s)

Please specify which ones:________________________

8. What do you perceive to be the SINGLE most important goal of first year skills courses?

___ To develop competency in legal writing and analysis

___ To develop competency in legal research

___ To introduce students to a range of legal practice skills that they may then develop more fully in their advanced course work

___ To provide an orientation to law school

___ Other ________________________________
9. OPTIONAL QUESTION: Please comment on YOUR OPINION as to whether first year skills courses are best designed with a nearly exclusive research and writing focus, or whether they should be expanded to be broader "lawyering skills" courses. Please indicate the strengths and weaknesses you perceive in the approach you advocate and/or whether you believe that there is a legitimate compromise position. Please indicate in your comments whether you consent to having the comments you make here quoted and attributed to you in the article that will result from these survey results.

_____________________________________________________________________

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_____________________________________________________________________


Thank you very much for your contribution!
Appendix II

Summary of Responses to Scope of Coverage Survey

**QUESTION 1**

Question: "How would you describe your first year research/writing skills course?"

Responses:

<table>
<thead>
<tr>
<th>response</th>
<th>number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;As a traditional course focusing on in-depth development of research and writing ability&quot;</td>
<td>83</td>
</tr>
<tr>
<td>&quot;As a course that focuses significantly on lawyering skills other than, or in addition to, legal research and writing&quot;</td>
<td>17</td>
</tr>
<tr>
<td>no response/both/other</td>
<td>11</td>
</tr>
</tbody>
</table>
Question 2

Question: “What percentage of your first year research/writing/skills course is devoted to development of each of the following skills?”

Responses:

<table>
<thead>
<tr>
<th>skill</th>
<th>10% - 29%</th>
<th>30% - 49%</th>
<th>over 50%</th>
</tr>
</thead>
<tbody>
<tr>
<td>legal writing</td>
<td>16</td>
<td>58</td>
<td>35</td>
</tr>
<tr>
<td>legal research</td>
<td>59</td>
<td>36</td>
<td>6</td>
</tr>
<tr>
<td>legal analysis</td>
<td>51</td>
<td>32</td>
<td>13</td>
</tr>
<tr>
<td>oral advocacy</td>
<td>56</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>professional responsibility</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>client interviewing/counseling</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>fact investigation</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>alternative dispute resolution</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>law office management</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>study skills</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
QUESTION 3

Question: "In addition to legal research and writing assignments, are projects focusing on any other skills identified above a part of your students' grade in your program? Please specify, including oral advocacy projects."

Responses:

<table>
<thead>
<tr>
<th>skill</th>
<th>number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>oral advocacy</td>
<td>74</td>
</tr>
<tr>
<td>negotiation</td>
<td>8</td>
</tr>
<tr>
<td>client counseling &amp; interviewing</td>
<td>7</td>
</tr>
<tr>
<td>drafting</td>
<td>7</td>
</tr>
<tr>
<td>editing &amp; research exercises</td>
<td>5</td>
</tr>
<tr>
<td>discovery &amp; fact investigation</td>
<td>4</td>
</tr>
<tr>
<td>broad range of lawyering skills</td>
<td>3</td>
</tr>
<tr>
<td>alternative dispute resolution</td>
<td>2</td>
</tr>
<tr>
<td>ethics &amp; professional responsibility</td>
<td>2</td>
</tr>
<tr>
<td>no; no response</td>
<td>24</td>
</tr>
</tbody>
</table>
QUESTION 4

Question: “What have been the most significant changes, if any, to the substantive coverage of your first year course since 1990? Please specify.”

Responses:

<table>
<thead>
<tr>
<th>changes</th>
<th>number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>organization restructuring</td>
<td>26</td>
</tr>
<tr>
<td>more lawyering skills</td>
<td>15</td>
</tr>
<tr>
<td>more research skills</td>
<td>8</td>
</tr>
<tr>
<td>more analysis</td>
<td>7</td>
</tr>
<tr>
<td>more ethics &amp; professional responsibility</td>
<td>7</td>
</tr>
<tr>
<td>additional faculty</td>
<td>7</td>
</tr>
<tr>
<td>additional research projects</td>
<td>6</td>
</tr>
<tr>
<td>alternative dispute resolution</td>
<td>4</td>
</tr>
<tr>
<td>greater integration of program</td>
<td>4</td>
</tr>
<tr>
<td>more rewrites</td>
<td>4</td>
</tr>
<tr>
<td>increased emphasis on oral advocacy</td>
<td>3</td>
</tr>
<tr>
<td>increased emphasis on basic writing skills</td>
<td>3</td>
</tr>
<tr>
<td>reductions due to budgetary cutbacks</td>
<td>2</td>
</tr>
<tr>
<td>more study skills</td>
<td>1</td>
</tr>
<tr>
<td>less oral advocacy</td>
<td>1</td>
</tr>
</tbody>
</table>

155. These responses total more than 111 because there are some directors who identified several changes as significant.
none; no response; miscellaneous 33

**Question 5**

Question: "Are you planning any significant changes to the substantive coverage of your first year course? Please specify."  

Responses:

<table>
<thead>
<tr>
<th>changes</th>
<th>number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>more lawyering skills</td>
<td>13</td>
</tr>
<tr>
<td>more computer research skills</td>
<td>6</td>
</tr>
<tr>
<td>unspecified changes</td>
<td>4</td>
</tr>
<tr>
<td>more emphasis on research &amp; writing</td>
<td>4</td>
</tr>
<tr>
<td>more advocacy skills</td>
<td>4</td>
</tr>
<tr>
<td>more hours; longer program</td>
<td>3</td>
</tr>
<tr>
<td>greater integration of program</td>
<td>3</td>
</tr>
<tr>
<td>more emphasis on ethics</td>
<td>1</td>
</tr>
<tr>
<td>none; no response; miscellaneous</td>
<td>75</td>
</tr>
</tbody>
</table>

156. Again, here some directors listed several changes that they were contemplating.
QUESTION 6

Question: “Has the MacCrate Report had an influence on the way you have identified skills to be covered in your first year course?”

Responses:

<table>
<thead>
<tr>
<th>response</th>
<th>number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Yes, it has had a SIGNIFICANT IMPACT on program design.”</td>
<td>3</td>
</tr>
<tr>
<td>“Yes, it has had SOME INFLUENCE on program design.”</td>
<td>52</td>
</tr>
<tr>
<td>“No, it has had NO INFLUENCE on program design.”</td>
<td>54</td>
</tr>
</tbody>
</table>

QUESTION 7

Question: “If you were able to have more class time, course credits, etc., how would you MOST like to spend that extra time?”

Responses:

<table>
<thead>
<tr>
<th>response</th>
<th>number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Providing more research training time”</td>
<td>25</td>
</tr>
<tr>
<td>“Providing more writing training time”</td>
<td>68</td>
</tr>
<tr>
<td>“Developing competency in an additional skill(s)”</td>
<td>43</td>
</tr>
<tr>
<td>none/more than one</td>
<td>31</td>
</tr>
</tbody>
</table>
Question 8

Question: “What do you perceive to be the SINGLE most important goal of first year skills courses?”

Responses:

<table>
<thead>
<tr>
<th>response</th>
<th>number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>“To develop competency in legal writing and analysis”</td>
<td>85</td>
</tr>
<tr>
<td>“To develop competency in legal research”</td>
<td>12</td>
</tr>
<tr>
<td>“To introduce students to a range of legal practice skills that they may then develop more fully in their advanced course work”</td>
<td>17</td>
</tr>
<tr>
<td>“To provide an orientation to law school”</td>
<td>0</td>
</tr>
<tr>
<td>“Other”</td>
<td>4</td>
</tr>
<tr>
<td>more than one</td>
<td>13</td>
</tr>
</tbody>
</table>