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An Elective Advanced Course

Jeanne Kaiser & Beth Cohen, Western New England College School of Law

At Western New England College School of Law, there is no required third semester of legal research and writing. Although the students must complete a qualified writing course, there was, until recently, no general advanced legal research and writing course. However, for the last three semesters, we have offered an Advanced Legal Research and Writing tutorial as an elective. This course is taught by a member of the Legal Research and Writing faculty on a rotating basis.

Our plan with this course was to offer the same type of experience that a required third semester might offer—a more complex and sophisticated legal research and writing experience to build upon the foundation of skills acquired in the first-year course—but absent the requirement. The advanced LRW course is designed to further develop and refine the research, analysis, citation, and writing skills introduced in the first-year course. For instance, in the first-year required course, students write and argue a trial court brief for the final assignment. Consequently, we assign an appellate brief as the final project in the advanced LRW class. Similarly, while the research in the first-year class focuses primarily on statutes and case law, the advanced LRW course seeks to incorporate more sophisticated research. With close supervision and guidance, students are expected to develop their own research strategies using a wide range of materials such as regulations, legislative history, and advanced secondary sources. Students also have the opportunity to design their own independent research projects and present their findings to the class in the form of a detailed bibliography and an oral report.

Offering the course as an elective, rather than as a requirement, has both advantages and disadvantages. On the positive side, because the course is not required for every student, we are free to limit the class size. Enrollment in each section is limited to approximately twelve students. The small class has proven, not

surprisingly, to be ideal for this experience. With a small number of students, we approach the class as a collaborative-learning seminar. The class includes peer assessment, self-editing, small group projects, group and individual conferences, and multiple presentations. There are also the obvious benefits of more individual attention to research and writing issues and a greater amount of time for individual student conferences with the limited number of students.

Other less obvious benefits include the greater level of comfort and collegiality which can be developed in a small group setting that incorporates a collaborative learning approach. Students grow comfortable working together on a variety of projects in a small and supportive setting. In some classes we have been able to do live, on-screen editing of student work using a laptop and projector without an undue level of discomfort for the student whose work was being reviewed. This has been an effective tool to teach line-by-line editing that would not be as constructive in a large group where the students had not bonded through the small group experience. Also, most of the students who sign up for the course are beyond their third semester in law school. Consequently, in addition to having completed numerous electives on a wide range of topics, many students have practical work experience to bring to the class as well. This provides greater flexibility in choosing the substantive law that forms the basis of the advanced writing assignments. Instructors feel less confined to limit assignments to the more familiar topics covered in the first-year curriculum and instead can explore more compelling issues.

There have also been some unanticipated twists. Many students who elected to take the advanced LRW course are students in their very last semester of law school. These students often state their motivation for taking the course bluntly: “I’m in the last semester of law school and I’d better learn how to research and write now!” Faced with impending graduation and entry into the work-force, it is no real surprise to us that students suddenly seem to recognize the far-reaching significance of the first-year LRW curriculum. The power of hindsight! They

go on to say that they feel as though they have forgotten what they did in the first-year, that their moot court argument was “so long ago,” and that they have only the dimmest memory of how to begin and to shepardize.

In response to this, the first part of the advanced class has necessarily been a review of the first-year basics. Students need to be refocused and refreshed on rudimentary book and computer research, as well as in basic legal writing methods. This experience has confirmed our view that students ideally need to exercise their research and writing muscles every semester, lest they wither. Thus, although an advanced LRW class is helpful, a required third-semester that provides students with a more immediate opportunity to build upon the first-year LRW course might help to alleviate this phenomenon. An advanced course that follows a required third semester could then be tailored to provide a more in-depth and arduous experience.

In conclusion, although we are pleased to be able to offer our students an essential supplement to the first-year legal research and writing experience, it is still not enough of a good thing. Ideally, all students would have the opportunity to research and write every semester of law school, either through advanced LRW courses, qualified writing courses, a required extra semester of LRW, internships, or more writing across the curriculum. Our advanced LRW elective is an effort to provide at least one more of these opportunities for our students. ♦

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