

Education & Practice

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Section Takes the Conclave Challenge: Improving Legal Writing in Virginia By Rich DiMeglio

How long has it been since you discussed misplaced modifiers, the use of commas, or sentence and paragraph construction? When was the last time you had a refresher on effectively and persuasively writing a discussion or argument section of a memorandum? Have you ever had the opportunity to have writing professionals or judges personally evaluate your writing style and legal documents one-on-one?

From April 28–29, 2016, the Legal Rhetoric Department at American University’s Washington College of Law conducted a legal writing workshop for 35 attorneys. The intensive 1.5-day program was developed for Virginia lawyers in direct response to observations and recommendations about lawyer communication skills made during the 2012 Virginia State Bar Conclave on the future of legal education in Virginia. The workshop was a collaborative effort by the Virginia State Bar Section on the Education

of Lawyers, Virginia CLE, and American University’s WCL Department of Legal Rhetoric, and was cosponsored by The Virginia Bar Association’s Law Practice Management Division.

This unique course, organized by WCL Professor David Spratt and led by on-site WCL faculty, was designed for a limited enrollment and provided 11 hours of MCLE credit (including 1 hour of ethics). The course included didactic presentation, exercises to reinforce ideas offered, discussions of writing approaches and experiences, and sessions on document drafting and editing. The didactic content was a blend of how to plan and prepare for drafting, how to organize a legal argument, and checklists of “dos and don’ts,” such as words and phrases, redundancies, and grammar tips. The faculty stressed the need to develop a writing system to aid in preparing and writing a document. The faculty also emphasized the need to tailor one’s writing to



Seated (l to r): Lise Beske, Elizabeth Keith, Alan Rudlin. Standing (l to r): Heather Ridenour, David Spratt, Teresa Phelps, Justice Elizabeth Lacy, Jeanne Franklin, Rich DeMeglio, Judge Pam Sargent.

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Rich DiMeglio is the Program Attorney for Virginia Continuing Legal Education. He joined the collaborative team on behalf of VA CLE and contributed significantly to the implementation of the pilot program deliberations and arrangements.

Chair's Column

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

But as proud as we should be of the quality of our system, here is what I believe is more important still: the work of Boards like ours, here in Virginia and nationwide, shows that even though we have the best legal education system on earth, we have not and must not grow complacent.

The Best Legal Education on Earth

My two years as Chair of the marvelous Board of the Section on the Education of Lawyers will close in June. Naturally, such moments call for some healthy reflection. Mine is influenced by work I have done in US legal education for 34 years, and now during the past 12 years in legal education beyond our borders.

Since 1982, I have served on the faculties of five law schools, the last 28 years of which has been in Virginia. Since 2004, I have worked with lawyers, judges and legal academics in 15 countries outside our own. The places I have worked are as different from one another as can be imagined, from China to Spain to Australia to Indonesia to Republic of Georgia and 10 others. I have seen close-up the bar and judicial discipline systems in these countries, but for today, my focus is on the legal education systems I have seen.

We can and should take great pride in what I have concluded from first-hand involvement: we have the best, most effective system for educating lawyers and judges on earth. In Europe and Asia, legal education is mainly an undergraduate affair, sometimes followed by a period of internship. The level of student-teacher interaction in class is very modest, with the vast majority of classes being run strictly as one-speaker lectures with students passively receiving information from the professor. There are few, and at many law schools no, opportunities for students to engage in clinics, externships that are guided by teachers, or designed simulations of law practice. In short, there is little or no opportunity for students to be educated in the role of lawyer, or to experience what lawyers do and how they do it. The internships that follow formal legal education are more oriented toward low-cost labor for law firms than for the education of the interns. In most countries there is no system of continuing legal education. Once licensed, a lawyer is largely on his or her own.

One of my tasks when I am engaged whether by a country-wide project or by a specific law school is to assist the development of a more practice-rich, more interactive legal education. I do demonstration classes in interactive style for the students, observed by the professors. I do teaching methods workshops for interested teachers. I partner with local professors to design new courses on legal analysis, legal writing, client interviewing, negotiation, and lawyer ethics. I do public presentations at open forums on the value of interactive legal education and on lawyer ethics courses. I design ethics CLE courses so that a country's lawyers and judges can better understand the meaning of the

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provisions in their lawyer ethics code.

In some law schools abroad, I am pleased to say, teachers have begun to see the value of interaction with students in class and of opportunities for the students to be placed in the role of lawyer. In the US, of course, interaction with students in class is the order of the day. It begins from the first day and never ends for three years. Here, the opportunities and even requirements for students to engage instruction in the role of lawyer have multiplied dramatically over the last few decades, resulting in students who have far more exposure to what it means to be a lawyer and how to do the lawyer's work, including writing, problem solving, relationship skills, negotiation, advocacy, and business practice skills. And yet, for all the positive features of modern American legal education, there remain many flaws and significant room for improvement.

I am proud to be an American legal educator and to have watched and played some role in the expansion of experiential education in the US over the past three decades. But as proud as we should be of the quality of our system, here is what I believe is more important still: the work of Boards like ours, here in Virginia and nationwide, shows that even though we have the best legal education system on earth, we have not and must not grow complacent. We must always continue our intense efforts to evolve and improve the education of lawyers both in law school and in practice. If we truly believe that lawyers and judges are the backbone of the rule of law, a just society, a system in which people can place their confidence and trust, then our devotion to improving the education of lawyers must never take a day off. ✧

Section Takes the Conclave Challenge

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the recipient and to a particular purpose, and covered planning strategies to allow lawyers to write any type of legal document and convert one type of legal document into another, e.g., turning an internal office memo into a client letter and/or a trial court brief. The course even had a "homework" aspect to it, as attendees were emailed materials in advance and asked to use those materials to generate a legal memorandum to bring to the workshop.

During the Thursday lunch panel presentation, Judge Pamela Sargent, D. Alan Rudlin, and Jim Moliterno offered their seasoned insights and advice on the importance of effective legal writing. Jim Moliterno, a Professor at Washington and Lee University School of Law and current Chair of the VSB Section on the Education of Lawyers, noted that achieving great writing is a product of science, attention to detail, and some "art." After discussing the science (organization) and attention to detail (grammar, edits, and proofing), Alan Rudlin stressed the "art" aspects and "getting your legal writing to sing." The lunch panel was recorded and will be made available for future viewing.

In their evaluations of the workshop, students commented favorably on the materials and handouts provided, and on the engaging interactions with the faculty and the "hands on learning sessions." One attendee specifically appreciated "the opportunity to have someone critique my writing." Another noted the unique opportunity to have a sitting Magistrate Judge and a retired Supreme Court Justice personally evaluating her work. Another reflected, "I learned a lot about my own writing. I am curious now to look through my old documents and apply what I learned."

The sheer talent and diversity of background experience of the faculty (from many walks of legal life) were striking. The generosity of each in terms of time and effort donated to the cause was outstanding. The Faculty were:

- **Professor David H. Spratt** (Course Planner), American University Washington College of Law
- **Hon. Elizabeth B. Lacy**, Virginia Supreme Court
- **Hon. Pamela Sargent**, Magistrate Judge, Western District of Virginia
- **Professor Elizabeth E. Beske**, American University Washington College of Law
- **Professor Paul Figley**, American University Washington College of Law
- **Professor Elizabeth Keith**, American University Washington College of Law

- **Professor James E. Moliterno**, Washington and Lee University School of Law
- **Professor Heather E. Ridenour**, American University Washington College of Law
- **Professor Teresa Godwin Phelps**, American University Washington College of Law
- **D. Alan Rudlin**, Hunton & Williams
- **Tom Spahn**, McGuireWoods

One of the course organizers, Jeanne Franklin, past President of The Virginia Bar Association and a member of the VSB Section on the Education of Lawyers,

noted that the demand for the course was tremendous. She hopes to continue the collaboration for future legal writing seminars and workshops, noting: “This pilot program began as an effort to identify what interventions might be most useful to help Virginia lawyers achieve the quality of writing skill that would best serve their career goals, their clients, and the justice system. We now hope to assess the success and the impacts of the pilot course and determine what might be next — for our students and for broader access by Virginia lawyers to additional writing instruction and mentorship.” ✧



Rich DeMeglio, Justice Elizabeth Lacy, and Jim Moliterno



Lunch Panel – Judge Pam Sargent, Jim Moliterno, and Alan Rudlin

2016 Annual Meeting June 16-19, 2016 • Virginia Beach

This year’s meeting will include the best of the Annual Meeting’s time-honored traditions while incorporating new hotels and a slightly revised schedule. Visit the [2016 Annual Meeting website](#) and click on [What’s New](#). For easy access, download the [mobile app](#) for schedules, programs, speakers, sponsors, maps and more.

Be sure to participate in the **Joint Lunch for Sections and Conferences** on Friday, June 17. It will be held at the **Hilton Oceanfront Hotel**, from 11:45-1:15, between morning and afternoon CLE tracks. This will be a great opportunity to reconnect with your colleagues and catch up on section business over a casual lunch. During lunch, there will be an informal business meeting to elect officers and board members for next year. Be sure to request a ticket when you [register](#) for the Annual Meeting.

CONTRIBUTIONS

SECTION ON THE EDUCATION OF LAWYERS

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

Gentry Locke

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Help for Veterans Could Soon Be As Near as Your Neighborhood Starbucks

By Patty Roberts

Last June the Puller Veterans Benefits Clinic at William & Mary Law School launched a pilot program called Military Mondays in collaboration with Starbucks Armed Services Network. News of the program spread quickly through social media, and stories published in *Virginia Lawyers Weekly* and the *National Law Journal*. Less than a year has passed, and Military Mondays is now offered by numerous law schools and legal service organizations at Starbucks locations across the nation, with more locations to debut the program in coming months. By sharing information in this newsletter about the program, it is hoped that faculty looking for ways to expand clinical training opportunities for students, and attorneys involved in *pro bono* legal services for veterans, will consider expanding this model across the Commonwealth.

On two Mondays a month, Starbucks sets aside space for the Clinic's use in one of their stores close to campus; they create a patriotic display and reserve tables, with snacks and free coffee set out for the veterans we serve. Teams of clinic faculty and students meet with veterans and service members seeking advice about disability compensation claims, discharge upgrades related to service connected disabilities, or preparation for separation from

service. We also provide referrals to additional resources in the community. Although we accept walk-ins when there is availability, the majority of our meetings are held by appointment, so that we can maximize the assistance provided to those who seek advice, and ensure that we are the proper venue for their questions.

Following the start in Williamsburg, clinicians and practitioners from across the country expressed interest in offering these services and replicating Military Mondays. The Puller Clinic provides technical assistance and shares forms and best practices, and Starbucks connects interested parties with local leadership who can help in identifying the best locations for additional programs. The program is available or being developed in more than sixteen locations nationwide, just nine months after its Williamsburg debut. On the West Coast, for example, the Veterans Legal Institute introduced Military Mondays at events in November and January at a Starbucks in Santa Ana, California. Military Mondays has also gotten off to a terrific start in Starbucks in Atlanta and Washington, D.C., made possible through collaborations with Emory University Law School and the University of the District of Columbia Clarke School of Law. Starbucks in multiple locations near Charlotte,

North Carolina, began hosting Military Mondays in March presented by staff of Legal Services of Southern Piedmont. There are plans to begin the program in Arizona, Massachusetts, Missouri, New York, and Ohio, among other locations.

Military Mondays is making a difference. Each session offers faculty and students an opportunity to share their legal knowledge while providing legal assistance to veterans and service members at no cost; this is also an opportunity to express gratitude to those who have served our country, many of whom feel forgotten. One afternoon this past fall, a Vietnam veteran and Bronze Star recipient came to a Military Mondays appointment. He said he was in failing health due to a terminal illness and did not know where to turn after repeated denials of his service-connected disabilities. Recognizing the scope of the assistance he needed, we scheduled an appointment with him at our clinic to undertake longer-term representation. Before we could meet with him again, however, he was hospitalized. We rushed to make sure that he signed the forms needed before he died so that his wife could continue his claim. Faculty, students, and Starbucks helped ensure that this veteran's claim did not pass away with him.

Patty Roberts is Director of the Lewis B. Puller, Jr. Veterans Benefits at William & Mary Law School. She is a Clinical Professor of Law and also serves as Director Clinical Programs at the law school.

News and Events Around the Commonwealth

Regent

- ◆ Regent will host the annual national Conference for Religiously Affiliated Law Schools on September 29-30, 2016. Four workshop panels will be featured at this year's conference: Pursuing Global Justice; Implementing Ethical Formation & Professional Identity in Law Schools; The Dilemmas for Religiously Affiliated Law Schools After Obergefell; and New Scholarship.

University of Richmond

- ◆ The Richmond Journal of Law and Technology hosted its annual e-Discovery Symposium to a sold-out crowd in February.
- ◆ Richmond Law hosted several speakers in Spring 2016, including Bryan Stevenson, author of *Just Mercy*, and Justice Edwin Cameron, a Justice of the Constitutional Court of South Africa.

William & Mary

- ◆ The Law School's Election Law Society hosted various experts in the fields of election law and voter registration data in March.
- ◆ The William & Mary Property Rights Project will hold its 13th annual conference in The Hague this October. Peruvian economist Hernando de Soto, president of the Institute for Liberty and Democracy (ILD), headquartered in Lima, Peru, will receive the 2016 Brigham-Kanner Property Rights Prize. ✧

Faculty News

Regent

- ◆ Associate Professor Gloria A. Whittico was awarded Tenure on the law faculty of Regent University School of Law.
- ◆ Assistant Professor Tessa Dysart with Judge Leslie Southwick will publish the 3rd Edition of "Winning on Appeal" with the National Institute

for Trial Advocacy in 2016.

- ◆ Professor James Duane will publish his latest book, *You Have the Right to Remain Innocent* this September.

University of Richmond

- ◆ Richmond Law announced the hire of three new faculty members. Erin Collins and Paul Crane will join the faculty in the area of criminal law. Professor Collins is the executive director of the Clemency Resource Center at New York University Law, and is a former acting assistant professor in the NYU Lawyering Program. Professor Crane is a Bigelow Fellow at the University of Chicago Law School. Jud Campbell will join Richmond Law in the field of constitutional law. Professor Campbell is the executive director of the Constitutional Law Center at Stanford Law School.
- ◆ The Metropolitan Richmond Women's Bar Association awarded Tara Casey with the 2015 Woman of Achievement Award. Virginia Business Magazine named her to the Legal Elite Class of 2015 in the category of Legal Services/Pro Bono.
- ◆ Professors Chris Cotropia and Jim Gibson were awarded a grant from the Chicago-Kent Center for Empirical Studies of Intellectual Property to study how higher education institutions handle copyright issues.

University of Virginia

- ◆ Risa L. Goluboff has been selected as the 12th dean of the University of Virginia School of Law, effective July 1. Goluboff, a renowned legal historian specializing in civil rights, is the John Allan Love Professor of Law and Professor of History at UVA and serves as the director of the J.D.-M.A. in history dual-degree program. She also is a faculty affiliate of UVA's Carter G. Woodson Institute for African-American and African Studies and a faculty associate of the Governing America in a Global Era Program at UVA's Miller Center. Goluboff will be the first female dean of the School of Law.
- ◆ Professor Richard Bonnie has been awarded his second Special Presidential Commendation from the American Psychiatric Association, recognizing his work in the field of law and psychiatry.

William & Mary

- ◆ Professor Jayne Barnard was named a Life Member of the American Law Institute in December.
- ◆ Professor Paul Marcus was unanimously elected to the position of President-Elect of the Association of American Law Schools in January.
- ◆ Professor Aaron Bruhl was elected to the AALS Legislation Section Executive Committee in January.
- ◆ Professor Patricia Roberts accepted the ABA Brown Select Award on behalf of the Puller Veterans Benefits Clinic's Military Mondays project at the ABA's mid-year meeting in February.
- ◆ Professor Alan Meese was elected to the Executive Committee of the AALS Section on Antitrust and Economic Regulation in February.
- ◆ Professor Tara Leigh Grove received the Federalist Society's 2016 Paul M. Bator Award in February. ✧

Donald W. Lemons Receives the Section's Rakes Leadership in Education Award

Donald W. Lemons, Chief Justice of the Supreme Court of Virginia, has been named the recipient of the William R. Rakes Leadership in Education Award by the section.

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

Throughout his career, Chief Justice Lemons has been involved in educational efforts to improve the quality of lawyers in the commonwealth. He began lecturing in numerous continuing legal education seminars sponsored by the bar early in his career. He was a member of the MCLE Board, and was on the faculty of the Judicial Conference of Virginia and the Judicial Conference for District Courts. For years he served on the faculty of the bar's annual disciplinary conference and on the faculty for the bar's Harry L. Carrico Professionalism Course. He was also a member of the board of governors for the Education Section of the bar from 1994-97.

In his letter nominating Chief Justice Lemons for the award, Robert K. Walsh, dean emeritus of the Wake Forest University School of Law, wrote: "He has been passionate about educating law students and young lawyers. In addition to his leadership of the American Inns, Justice Lemons has taught and been very well received by students at several of the Virginia law schools. It is hard to imagine someone who has contributed more to legal education in your state and the nation."

Chief Justice Lemons served as the A. L. Philpott Distinguished Adjunct Professor from 1998-2000 and the John Marshall Professor of Judicial Studies

from 2005-2007 at the University of Richmond School of Law. Since 2007, Chief Justice Lemons has been the Distinguished Professor of Judicial Studies at Washington and Lee University School of Law, where he teaches his extremely popular appellate advocacy class.

Chief Justice Lemons has also been very engaged in the American Inns of Court. The mission of the American Inns of Court is to inspire the legal community to advance the rule of law by achieving the highest level of professionalism through example, education, and mentoring. In 2014 he finished two terms as president of the American Inns Of Court. He has also been the Master of the Bench in both the John Marshall Inn of Court and the Lewis F. Powell, Jr. Inn of Court, and he was the president of the John Marshall Inn of Court in 2002-2004. In 2008, he was awarded the rare honor of being named an Honorary Master of the Bench by the Middle Temple Inn of Court in London.

Wyatt B. Durette Jr., of DuretteCrump PLC in Richmond, wrote: "There are few who can match Don's contribution to the field of education in the legal profession and he is highly deserving of this recognition."

Among Chief Justice Lemon's many awards are the Virginia Trial Lawyers' Distinguished Service Award (2012), and the William Green Award for Professional Excellence (2006), which is the highest honor awarded by the University of Richmond School of Law. ✧



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