



2016-06-01

How Do Law Students Develop Writing Expertise During Summer Internships? An Interview-Based Study

Jonathan Francisco Garcia
Brigham Young University

Follow this and additional works at: <https://scholarsarchive.byu.edu/etd>

 Part of the [English Language and Literature Commons](#)

BYU ScholarsArchive Citation

Garcia, Jonathan Francisco, "How Do Law Students Develop Writing Expertise During Summer Internships? An Interview-Based Study" (2016). *All Theses and Dissertations*. 6356.
<https://scholarsarchive.byu.edu/etd/6356>

This Thesis is brought to you for free and open access by BYU ScholarsArchive. It has been accepted for inclusion in All Theses and Dissertations by an authorized administrator of BYU ScholarsArchive. For more information, please contact scholarsarchive@byu.edu, ellen_amatangelo@byu.edu.

How Do Law Students Develop Writing Expertise During Summer Internships?

An Interview-Based Study

Jonathan Francisco Garcia

A thesis submitted to the faculty of
Brigham Young University
in partial fulfillment of the requirements for the degree of

Master of Arts

Grant Boswell, Chair
Kristine Hansen
David Stock

Department of English
Brigham Young University

June 2016

Copyright © 2016 Jonathan Francisco Garcia

All Rights Reserved

ABSTRACT

How Do Law Students Develop Writing Expertise During Summer Internships? An Interview-Based Study

Jonathan Francisco Garcia
Department of English, BYU
Master of Arts

Many law students are required to take first-year writing courses. With the increased emphasis in legal education on practical skills training (Sullivan et al. 2007), legal writing scholars have begun exploring how these writing courses equip students with practical skills (Felsenburg and Graham 2010; Cauthen 2010). However, these scholars have not explored how summer internships serve as opportunities for students to practice the skills they gained in the classroom. Following the lead of writing studies scholars who examine the transition from classroom and workplace writing (Russell and Fisher 2009; Devitt 2004, Wardle 2004; Winsor 1990), this study explores how the genres students learned in legal writing classroom prepared them for internship writing. This study reports results from interviews of eight students who completed 15 internships during the 2014 and 2015 summers. The main findings indicate that students who performed well in the legal writing course eventually served in litigation-based internships. These students perceived a high rate of transfer from classroom to workplace writing. By contrast, students who struggled learning the legal writing classroom genres eventually accepted non-litigation internships where their writing tasks bore little resemblance to those of the classroom. Tellingly, both groups of students were not trained or mentored on how to write during internships because they were expected to be strong writers already. Therefore, these findings suggest that legal writing scholars need to better prepare students who are not pursuing litigation careers or who accept non-litigation internships. This support is vital because students' future internship and career options were deeply connected to their performance in the legal writing course.

Keywords: law students, legal writing, practical skills, internships, litigation, genres, training, mentorship, first-year legal writing course

ACKNOWLEDGEMENTS

I want to thank the members of my thesis committee who have so tirelessly mentored me from the beginning of this project to its completion. Grant Boswell encouraged me at key points in the project's unfolding; he has been a wise, encouraging chair. His interest in the intersection of rhetoric and legal writing helped form the genesis of this project. Kristine Hansen trained me on countless occasions on how to navigate the Institutional Review Board process, on how to craft my methods, and on how to interpret my data set. Her consummate professionalism inspired me to keep pushing forward. David Stock introduced me to writing studies and empirical research, and he graciously steered me towards conferences and publications that ensured this project's success. I am indebted to my committee more than I can say.

Finally, I want to thank my parents for their tremendous sacrifices in behalf of me and my brothers. Their pioneering work in Reinheit and their educational examples are invaluable. I especially want to thank my wife, Mandy, who has lovingly supported me throughout this project.

TABLE OF CONTENTS

TITLE PAGE	i
ABSTRACT.....	ii
ACKNOWLEDGEMENTS.....	iii
TABLE OF CONTENTS.....	iv
LIST OF TABLES.....	v
Introduction.....	1
Why Study the Internship Model?	2
Methods and Sample.....	5
Results for RQ1: On-the-Job Internship Training and Mentorship	7
Aligning Intern and Internship Provider Incentives.....	9
Independent Contractors, Models, and Trial-and-Error Learning.....	10
Gauging Writing Success: Four Indicators	14
Results for RQ2: Perceptions of Classroom-to-Workplace Transfer	18
Results for RQ3: The Process and Results of Learning the Memorandum and Brief	24
Perceived Effort and LW Success.....	29
Implications and Discussion.....	33
Conclusion: More than a Lightning Rod?.....	37
Works Cited	40
Appendix A.....	45
Appendix B.....	46

LIST OF TABLES

Table 1. The Eight Interns 6

Table 2. Thirty-one Types of Written Genres for Four Internship Provider Practice Areas 20

Introduction

Since 2007, legal educators have responded to the Carnegie Report's renewed call for practical skills training (Sullivan et al. 4-10), in part, by promoting summer internships. In this study I focus on how law students' writing skills—as learned in the classroom and practiced during an internship—answer the call for practical skills training. One assumption behind both the call for and the response to practical skills training suggests that law schools should equip students with career options and marketable skills. While there are various definitions and types of the term, I use “internships” here as an umbrella term for students performing non-academic legal work (either for pay or for credit) during the summers in between their first and second years of school. Internships allow students both to explore career options by gaining real-world legal experience and to apply skills they have learned in class, including writing skills. Many law schools recognize the value of what I will call the “internship model,” even if an understanding of how writing fits into the model is only as deep as the call for practical skills training is new.

By “internship model” I refer to the unwritten, but long-accepted, norm in the legal academy suggesting that students acquire practical skills training less in the classroom and more on the job: during a student's first- and second-year summers, and then during a student's post-graduation employment. When he was Harvard Dean of Law in the late nineteenth century, Christopher Langdell adopted the case study method (mirroring the scientific method) for teaching courses in law school. He thereby transformed the legal curriculum into an intellectual pursuit where students learned to “*think like lawyers*,” divorcing practical skills training from the curriculum (Robbins-Tiscione “Rhetoric” 2, 84; Neumann 153.) The resurgence of practical skills training, then, is not new, though it has only recently gained more momentum. Under the internship model, supervising attorneys mentor interns as they perform various entry-level or

higher-level tasks: writing emails, memoranda, demand letters, grants, briefs, etc. Students thus develop writing expertise—subject mastery that enables them to write in various genres for a myriad of audiences and purposes. Resurrecting the trade school’s practicality while attempting to preserve the law school’s academic rigor, the internship model aims to fuse both competing demands on the curriculum into one.

Yet if legal educators partly depend on summer internships to help develop students’ writing expertise, how much training and mentorship do summer interns actually get? The answer to this question must surely vary across the country. In this study I offer a piece of the answer by reporting on the findings from a convenience sample of eight law students who were interviewed about their 15 internships completed during the 2014 and 2015 summer breaks.

This study finds that most internship providers expect to hire already-skilled writers, so law interns receive little to no training or mentorship. Ironically, though interns reported learning how to write only memoranda and briefs in the Legal Writing classroom (“LW”), they were collectively asked to write in 29 new genres on the job. While these findings cannot be widely generalized, ultimately they suggest that much work remains to be done both to teach students the practical art of legal writing and to uncover what we still do not know. More broadly, this study argues that the internship model is a rich research site for both legal educators and LW instructors to explore the effectiveness of the first-year LW curriculum.

Why Study the Internship Model?

As one of the very few courses where students receive any type of feedback throughout the first-year, LW courses have become lightning rods attracting student complaints. Longtime LW instructors have begun documenting some student frustrations with learning legal writing (Felsenburg and Graham “Beginning” 223-4). This negative perception is ironic because LW is

perhaps best positioned to equip students with practical skills (Cauthen 224). Yet LW training appears not to be living up to its potential yet.

To counter this trend, recent studies by LW scholars have broken ground to explore the curriculum's weak and strong points. Felsenburg and Graham reported survey data on over 250 students at two law schools at three times within the students' first year (2010.) They suggest that some students' overconfidence about the difficulty of learning legal writing partly explains their later discontent. Cauthen conducted an ethnography to observe how six first-year students navigated their way through a year-long LW course (2010.) He detailed how the pressures of law school transform students, looking to their writing assignments as evidence. Both these studies reevaluate the structure of LW pedagogies, and they also encourage scholars to employ empirical methods to research the field's pressing questions about LW instruction (Spencer 142).

But these studies have only partially considered the way writing fits into the internship model since their scope ends precisely when the internship model begins: summer. These studies do not include internships as an extension of the LW context, or as a critical research site informing how a law student develops writing expertise throughout her education and beyond. Research that accounts for and examines these transition points—such as from classroom to internship to career—can help us see what is valued both within the classroom and workplace and how these transition points shape and are shaped by writing. Transition points such as internships are moments when transactions of power occur, granting entry and career advancement to students who excel at specialized tests and master certain writing concepts. Conversely, research that accounts only for students' development of writing expertise in an academic context, but not subsequent workplace settings, fails to offer critical insight about the value of a curriculum as a whole (Roozen 321; Wardle 297; Tardy 12; McCarthy 257-8).

Researchers continue to explore how writing expertise is developed, but we know some key elements about it. Ericsson et al. (2007) posited that expertise requires at least “10,000 hours” of “deliberate practice” (119) under the guidance of caring yet demanding mentors (120-21). The development of expertise means building complex “cognitive architecture” (McCutchen et al. 453), a process that obviously takes time (Kellogg 2). Students cannot master subject matter knowledge, rhetorical knowledge, writing process knowledge, genre knowledge, and information literacy and critical reading in one year (Beaufort 18-21), let alone in the first semester of LW. Writing studies scholars add that both trial and error (Edwards 68; Lunsford and Lunsford 801; Tardy 18, 31, 34; Sommers 584-5) and mentorship (Kellogg 17, 19-20; Tardy 29; Brandt “Sponsors” 47-8; Winsor 642) are critical. Enculturation also folds into expertise, a process that varies depending on the discourse community (Swales 220-22; Wardle 286, 297; McCarthy 258). If we focus only on a student’s LW experience to learn how she crafts legal writing yet fail to account for how she develops expertise in the workplace, then we underserve the field of legal education. Experience matters and should be holistically studied.

Thus legal educators need to understand how the internship model operates in tandem with the legal curriculum. This study therefore picks up at the boundaries of both Cauthen’s work and that of Felsenburg Graham. It investigates the following three research questions:

1. How are law interns trained and mentored to complete writing tasks throughout their internships?
2. How do interns perceive those writing tasks as either similar to or different from the writing tasks they performed in the LW classroom?
3. How do the genres of the legal memorandum and legal brief learned in the LW classroom prepare students for the writing tasks they complete during their internships?

To explore the answers I found to these questions, I first describe my data-collection methods.

Because timing constraints barred obtaining the customary random sample, I interviewed eight

law students about the 15 internships they completed during the 2014 and 2015 summer breaks. I then relate my findings to each of the research questions. I conclude by considering pedagogical implications and suggesting future research.

Methods and Sample

I employed methods common among writing studies scholars. In 2005, Brandt interviewed 12 individuals, including an attorney, about the role literacy played in their professional lives. While Brandt's "literacy narrative" interviews offer insights about established professional writers who have been employed for years, my interest here is how interns practiced the skills they learned in LW. I therefore interviewed eight young interns not yet established in the legal profession.

Following Ruecker's lead of informally interacting with individuals in the research site before initiating a study (Ruecker 96), I returned during the 2015 summer to intern at a law firm where I had previously worked. This move allowed me to relate more fully with my potential interviewees. While I have not been a law student at any time before or during this study, my previous 20 months of paralegal experience informed my hypotheses and interview questions. My institution's Institutional Review Board then approved the study I proposed.

I then recruited the interviewees as follows: three came from my 2015 internship, two were personal contacts, and three were referred by the others. Before each interview, the interns filled out a demographic questionnaire. (See Appendix A). Guided by the three research questions and their sub-questions (see Appendix B), I then interviewed each intern for about an hour. The data set of demographics, audio files, and notes were transcribed and coded for patterns and themes using Neff's three-step grounded theory model (129-30). The small sample

size and the non-random selection criteria prohibit generalizing, but the interviews allowed me to chart the contours of the internship model.

Among the interns were four men—Karl Meyer, Joel Perry, Matt Cook, and Scott Marshall—and four women—Amber Wood, Dawn Lockhart, Emily Call, and Lisa Meek (all names are pseudonyms). Table 1 details the interns' demographics.

Table 1. The Eight Interns

Name	Class*	Internship Provider	Location	Duration (weeks)	Attorneys
Karl Meyer	3L	General-services law firm	Stateside	16	12
	2L	General counsel, manufacturing corporation	Stateside	5	Unknown
		General counsel, nutritional corporation	Stateside	11	Unknown
Joel Perry	3L	General-services law firm	Stateside	15	12
Matt Cook	2L	Academic research assistantship	Germany	4	1
		Intellectual property law firm	Stateside	8	25
Scott Marshall	2L	General counsel, religious corporation	South Africa	5‡	4
		Academic research assistantship	Stateside	5‡	3
		Solo practitioner**	Stateside	4	1
		General-services law firm, estate planning†	Stateside	8	4-6
Amber Wood	2L	State Supreme Court	Stateside	8	3
		Government prosecutor's office, appellate division	Stateside	8‡	5-7
Dawn Lockhart	2L	General service law firm	Stateside	5	12
		Academic research assistantship	Stateside	5	1
Emily Call	2L	General counsel, energy corporation	Stateside	10	4
Lisa Meek	2L	Corporate law firm	Switzerland	4	6
		General counsel, healthcare corporation	Stateside	6	50

*3L=third-year law student; 2L=second-year law student.

** Scott fulfilled this internship as an undergraduate; it is not included in the 15 internship total.

† Scott fulfilled this internship at his father's firm before law school; it is not included in the 15 internship total.

‡These are approximate durations.

Collectively and over the span of the 2014 and 2015 summers, these eight interns completed 15 internships for law firms, various types of in-house corporate counsel, a government prosecutor's office, and a state Supreme Court; some of the interns also worked as research assistants to professors at their law school or to professors abroad. They worked in three states and in four countries. All interns were enrolled at the time of the interviews in the same law school in the western United States, a school that has been ranked by *U.S. News & World Report* near the top 40 during the last five years. The school teaches LW (5.0 credits total) traditionally, teaching students about the memorandum the first semester (3.0 credits) and the brief in the second semester (2.0 credits). Almost all the interns took LW from either Professor Sandra Prowman (tenured) or Professor Jennifer Thurgood (non-tenure track; both names are pseudonyms).

Results for RQ1: On-the-Job Internship Training and Mentorship

RQ1 asks: how are law interns trained and mentored to complete writing tasks throughout their internships? RQ1 is based on a simple hypothesis: the type of training and mentorship interns receive reveals the assumptions both legal educators and employers hold about interns' writing skills. To contextualize the main finding for RQ1, let me define what I mean by "training" in two parts. When I asked this question, I first had in mind internship providers offering an institution-wide, standardized program to spell out expectations, perhaps spanning a few days. Second, I realized this training may go beyond merely the first week, so I also had in mind mentored training provided from a supervising attorney who would, at key times, outline for interns the what, how, and why of writing assignments. Fundamentally, training presupposes a customary, replicable way of performing tasks, helping trainees understand the standard way of doing things. Training also suggests a hierarchy: internship providers know what work can be assigned to interns, based on difficulty level and expediency, and what work must be completed

by staff, associates, or partners. Training also implies a sense of permanency and enculturation with an eye towards return on investment; it is a costly service to provide, and should yield benefits. Lastly, training creates an expectation for productivity and perhaps an evaluative measure for gauging performance.

The main finding for RQ1 shows that providers did not train or mentor interns. Interns reported that in 13 of their 15 internships they received no institution-wide training or mentorship on how to write their specific assignments either at the beginning or during their internships. Karl, who worked at a law firm, said, “I didn’t receive any training on any of my writing tasks.” Emily, working for corporate general counsel, reported, “No training. I just started going.” And Amber, interning at a state Supreme Court, said, “You are not trained at all. They don’t feel like they need to train you. They see your grade in LW and say, ‘You already know. Here you go: write this bench memo.’” Collectively, the interns were quick to repeat, “We received no training or formal feedback; we were expected to know how to write.”

Part of the explanation for this lack of training and mentorship may be the varying internship purposes. Only two of the sample’s six second-years (2Ls) reported being trained and mentored well in two of their internships. All six 2Ls, however, knew the internships were more for gaining experience and skills, not securing permanent positions. Karl and Joel, the sample’s 3Ls, fulfilled a 16-week internship at the same firm where they would be “test-driven” to see if they should be offered jobs once they graduated. They anticipated upgrading their internships into employment. Although it appears counterintuitive, the process of seeking and being chosen for an internship actually served as a *substitute* for the training described above. To understand this finding, we turn to the incentives that fuel the internship acquisition process.

Aligning Intern and Internship Provider Incentives

Partly because of the competitive legal market interns faced at the time of the study, they were eager to secure resume-building internships. They also wanted to explore potential areas of legal practice. Most of the interns either applied for or interviewed with the providers as a result of some type of connection they made through their law school's career service office. As part of their application, interns provided a combination of resumes, cover letters, writing samples, and copies of transcripts, including LW grades for one or both semesters—in effect submitting a winning writing portfolio. Polished writing skills, as showcased in this portfolio, proved a solid way to secure an internship. This finding confirms anecdotal accounts of the process (Volokh 1-3, 8, 14, 15, 343). Though seven of the 15 internships were paid, the law school incentivized interns with academic credit for unpaid internships.

During recruitment, providers, especially the prestigious litigation firms, emphasized writing portfolios. These portfolios provided a shortcut for knowing who could be trusted to perform well without added training or mentorship. Joel reflected on this phenomenon saying, “As far as someone sitting down with you and saying, ‘This is how I want it,’ no, that did not happen. They’re paying me good money. They’re not there to babysit me or hold my hand...They had you turn in a writing sample. That’s part of the reason why I got the job. They don’t want to train you.” While some providers had more predictable workloads than others, many of them had dynamic caseloads and unpredictable sources of work requiring varying degrees of expertise. Interns filled in gaps. But even then, sometimes full-time staff were unavailable, or interns’ capabilities were unclear. This lack of clarity in matching qualified staff and interns to the right tasks was compounded because some providers’ offices could be eerily slowed to a stand-still one moment, and then they could receive an avalanche of work the next.

Sometimes communication about writing tasks suffered. Providers thus wanted productive interns who did not need training or mentorship, so shortcuts to achieve this end were valuable.

Add to this practical penchant that internships lasted from four to 16 weeks, and it is easy to see why firms neglected training and mentoring their interns. Interns are temporary; training is expensive. For instance, Matt had hoped his father-referred, supervising attorney would be a mentor. Instead, after Matt submitted a document that did not meet expectations, the supervisor told him, “I don’t have time to mentor your [writing] over and over again.” Matt concluded this cold-shoulder was partly due to the fact that he was only a 2L, a “lesser” intern than a 3L. In any case, under the billable-hour model of compensation, attorneys bill clients anywhere from \$125.00 to \$300.00 an hour (or more). Providers’ opportunity costs may be too high to spell out for interns writing process methods, office expectations, and genre features. Matt’s supervising attorney, like many others, placed a low priority on training interns.

The takeaway, then, is that many providers do not intend to train or mentor interns on their writing tasks because they expect students who took LW to somehow be all-purpose, skillful writers. Since students’ LW performance is ranked by a mandated curve, many providers, especially the prestigious ones, cherry-picked interns with the most promising writing skills. Providers assumed, perhaps, that students with lower LW grades still “needed” added training, something they did not want to provide.

Independent Contractors, Models, and Trial-and-Error Learning

Since interns were neither afforded front-end training nor sustained mentorship, I came to see them as independent contractors who happened to be housed within their providers’ offices. For example, the working relationship between provider and intern was temporary, much like the as-needed service that an outside contractor could provide. None of the interns reported

assuming full case management responsibilities. Instead, interns reported completing a mix of non-urgent tasks or intermittent projects that moved cases along. Some tasks required procedural, simpler documents, and some tasks required substantive, more complex ones. Finally, supervising attorneys gave interns access to firm resources—often large, advanced databases with key case file documents—and let them ask brief, clarifying questions. Providers offered these resources either in informal first-day orientations or in conversations later that first week. Emily perhaps speaks best for the sample: “I didn’t get training, but access.” Even with “access,” this contractor-like independence daunted many of the interns: expectations were often unclear for writing tasks.

In this uncertainty, interns learned almost unanimously from what they called “examples,” “old copies,” “similar types of documents,” and “templates.” I will call these “models,” but I do not mean they are all exemplary writing. Accounts of how both lawyers (Robbins-Tiscione “Rhetoric” 3) and engineers (Winsor 642) learn to write on the job also suggest that newcomers rely on models. Yet relying on models alone unnerved many interns who wanted detailed instructions and feedback. Many of the interns described receiving terse, ambiguous instructions, often with the directive to seek out models. Here is where database access mattered. Yet while these databases were often online, they were not always organized; sometimes they would be better called dumping grounds. Even if organized, every new case file tree became an unfamiliar lexis jungle. If lucky, interns would find relevant models.

Matt floundered, for example, with his model. He was tasked to write a summary-judgment letter brief for an escalating intellectual property case. Modeling the document from an “example,” Matt submitted the draft to his supervising attorney who, once he reviewed it, said, “[It’s] all right, but not what we’re looking for. We’re going to have to edit this a lot to get it up

to spec. Some of the arguments aren't crafted well. Look for empirical evidence to support arguments better." Disheartened, Matt recalled, "Well, no one really helped me with this...how was I supposed to know? I'll try to take your edits and 'fix it.'" Most discouraging, however, was that Matt reported, "I worked with another attorney to revise it for three to four weeks," only to find out that the letter never left the office. Matt surmises the reason was that the case evolved from the time that he wrote the letter brief to when the supervising attorney reread it, suggesting that Matt's learning curve was too steep. The model helped Matt start the task, but not master it.

On a simpler task, Dawn was more successful when she worked from a model. She compiled a checklist of federal workplace requirements for employees' rights: "The document I generated was based off the only relevant example, but I repurposed it. [The example] was old and unrelated...it looked incomprehensible. I made it an actual structure." Dawn's supervisor suggested a few revisions, but eventually she approved the product.

Working from models meant interns learned through trial and error. Amid this uncertainty and independence, some interns thrived. When Karl worked for the general counsel of a nutritional corporation, he was frustrated with the lack of training and mentoring on writing tasks. To make matters worse, he reported throughout the summer to various attorneys who each had different writing standards. When asked if he finally reached those standards, Karl replied

Yes... I had never written a motion *in limine* or anything like that, so the first one got a lot of feedback, and the next few that I did just got better each time. So when I got to the last one there was just not a lot of feedback at all. And part of that is just understanding the subjective nature [of writing] as well as I got through a couple and was like, 'OK, this is what he's looking for,' and so then I could implement that, and so it's kinda trial and error. I would feel like by the end of the summer, I had met their standards.

Tellingly, Karl received “a lot of feedback” on his first motion draft, but he repeatedly stated that he did not receive training or mentorship during his internships. This discrepancy suggests that “feedback” is a crucial ingredient in the development of writing skills, but it is perceived as distinct from training and mentorship. Despite the discrepancy, Karl reported improving his writing skills through repeated practice within the same genre.

By contrast, Lisa did not thrive because she faced several barriers. She was originally excited about her Swiss corporate firm internship. Yet when asked about her training, she said, “They didn’t know what to do with me.” Lisa’s supervisor apparently did not articulate his expectations well. “He gave me an assignment, but I knew nothing about the system to look up or research. I had no idea,” she recalled. “I was trying to write it in French. After that he didn’t give me any assignments.... The language was a barrier, and my lack of familiarity with the Swiss code was a barrier.” Lisa thus faced at least four levels of uncertainty—she spoke French with only school-learned proficiency, she fumbled through a legal code with which she had no background, she received no training in how to complete the writing task, and she apparently did not have any models. Even worse, unlike Matt, Dawn, and Karl, Lisa’s supervisor never said nor wrote what he thought of her first writing attempt, depriving her of an opportunity to “fix” it. He simply did not speak to her anymore. Lisa performed a few other “minor” tasks during the rest of her internship, but “not a lot of writing.” A self-described extrovert, Lisa was lonely in Switzerland, and was overjoyed to return home.

Thus, learning to write from models can be both an effective and an imprecise strategy. Interns like Dawn may accomplish their tasks by studying and improving upon models. Conversely, interns like Matt may confound their writing processes if they rely too heavily upon models alone and then do not practice within that same genre. It appears Matt short-circuited his

understanding of how to write summary-judgment letter briefs because he was not asked to write more of them. Karl, on the other hand, succeeded because he wrote motions again and again, getting valuable practice through trial and error. In a way, his previous writings, initially brimming with “feedback,” became his “models.” Lastly, interns like Lisa who do not have models nor any type of training or mentorship will almost surely flounder. This is why understanding the model genre’s features, context, and specialized area of law (Russell and Fisher 164-65; Devitt *Writing* 191), coupled with deliberate practice in that same genre (Kellogg 17), is key.

Gauging Writing Success: Four Indicators

That interns learned from models and trial and error suggests another reason why the independent contractor metaphor is useful. The metaphor answers how interns gauged whether they were successful in producing written work. I will focus on four indicators that are the most representative: first, how often interns are solicited for more work; second, how quickly they complete assignments; third, how often their work product is rubberstamped (or only requires minor additions or deletions), and fourth, how effectively they navigate intra-office expectations.

A steady stream of more work served as the first and best indicator of tacit approval (employment offers, usually extended near the end of internships, were also indisputable evidence). This finding is simple but important. If providers do not offer training or mentorship, then they are delighted when interns perform well on initial writing tasks. Providers and clients benefit, so interns are valued as assets, not deadweight. Providers then entrusted interns with either more of the same types of tasks, or with newer, more complex work. Joel said, “If you turn [a memorandum] in, and they ask you to do another, that’s a good sign.” He was asked to write about 12 memoranda in 15 weeks; Karl, Joel’s office mate, estimated he wrote somewhere between 15 to 20 in that same time period. In contrast, Matt’s firm may not have needed more

summary-judgment letter briefs, but since he speculated, “They weren’t over anxious to assign me things. Maybe they didn’t think I was available, or didn’t trust me to do good work,” it is likely that his anxieties proved correct. And Lisa’s pipeline of work all but dried up after her first assignment. A dry pipeline thus often meant interns had failed to earn provider trust. For providers, simply phasing out intern workloads was easier than giving actual training or feedback as to why the writing was wanting. The interns’ seats would be empty in a few weeks anyway.

Quickly completing assignments served as the second indicator. Joel agonized over the clock: “I was always nervous I’d get in trouble for spending too much time, so... that’s why sometimes I would work on something for four hours [but for] two of those hours I was spinning my wheels, and so I’d turn off the ticker, without billing. It was unethical to bill [my internship provider and its clients] for the hours I was spinning my wheels.” Thus, Joel sometimes recorded fewer billable hours, but he put more time on the clock just to keep up. That Joel later earned a position did not retroactively erase the reality that he felt pressured to produce solid work quickly. By contrast, Emily happily announced that she was successful when she quickly found quality answers to research questions. Her provider permitted Google searches, so she ran them, quipping, “If I had tried to go through LexisNexis or Westlaw, it would have taken me *forever*.” Rapid turnaround is valuable.

Rubberstamped work served as the third indicator. Karl reported that a few times his supervising attorneys made no revisions to his written products before they were sent directly to clients or courts. Karl understatedly admitted, “That’s kinda a big deal.” As a subset of this indicator, the only substantive “revision” Emily felt her supervising attorney made to any of her work was when she wrote a demand letter. He approved the letter after she omitted the citations, which he saw as unnecessary. One of Dawn’s supervising attorneys did not omit anything from

her work, but rather added clarifying material, signaling she had drafted well. For one memorandum he said, “This is good, but it almost feels like you’re driving towards a conclusion that you don’t make. Why don’t we make the conclusion?” Instantly seeing his point, Dawn gladly revised. Thus both relatively simple omissions and additions—instead of content-based, structural changes—also signaled successful drafting. These comments became the only “training” or “feedback” interns received. Interns therefore read volumes about their performance based on these minor comments.

Navigating intra-office dynamics served as the fourth indicator. Standardized trainings imply interns can learn procedures easily. Unstandardized procedures suggest the opposite. Much to their consternation, many of the interns repeated that they not only faced unclear expectations from the beginning of their internships, but they also had to adjust to different expectations within the providers’ offices. For example, interns commonly reported to more than one supervising attorney throughout the summer. Of his 2014 internship Karl observed, “We got assignments from almost every attorney.... That’s one of the things that bothers me about the whole thing. Each attorney is different. It’s a guessing game of what this attorney wants. What passed muster in one setting didn’t in another.” So not only were interns struggling with unclear genre expectations from task to task, they were also juggling attorney preferences. Even if they were writing in familiar genres, interns would need to adjust to new expectations. Joel said, “If a memo, to some partners, is less than 10 pages, they think that you haven’t done your work: ‘This is not thorough enough, I want to know the details, I want to know everything.’ And then there were others who if it was more than a page and a half: ‘I don’t have time to read this. Make it more concise.’” This juggling of expectations reinforces the contractor metaphor—interns often learned multiple intra-office preferences and styles, thus decreasing the likelihood that they

could successfully cater to all. For Karl and Joel, who wanted to prove they were promising associate candidates, this centrifugal process underscored the futility of learning universal legal writing skills that spelled success for any assignment.

To sum up these findings, let me return to RQ1: how are law interns trained and mentored to complete writing tasks throughout their internships? While some legal educators may promote internships as ideal apprenticeships that develop, among other skills, writing abilities, many providers assume interns are already strong writers. As a result, interns worked like independent contractors on islands of uncertainty. They were encircled by seasoned attorneys with too few free moments to train them and with too many ambiguous expectations. The most successful interns navigated unclear rhetorical situations, negotiated undefined expectations, traversed unfamiliar legal landscapes, and deciphered fragmentary feedback. They relied almost exclusively on models, and if they wrote in the same genre often, they improved their writing skills. Interns floundered who did not understand the context of their models, or who wrote in an unfamiliar genre only once, or who did not have models at all. The size of this sample limits my ability to generalize; however, it seems unlikely that the internship model—which assumes students are strong writers after they take LW—fully equips students with the needed training and mentorship in writing to become capable lawyers all at once.

Instead, the successful interns reported learning how to write via trial and error, not through training and mentorship. To gauge how well they are doing with their writing tasks, interns tap into four indicators. Lastly, interns also gauge how successful they are at their writing tasks based on how easily the knowledge and skills learned in LW paid immediate dividends.

Results for RQ2: Perceptions of Classroom-to-Workplace Transfer

RQ2 asks: how do interns perceive those writing tasks as either similar to or different from the writing tasks they performed in the LW classroom? The main finding for RQ2 is that interns succeeded who practiced and therefore transferred the skills they gained in LW to their internship tasks. At its core, transfer means students apply knowledge and skills learned in one setting to new settings. While writing studies scholars have pointed out the complexity of “transfer” (Russell and Fisher 166), I use the term here to discuss students’ perceptions, not to document precise instances of transfer. For example, speaking about the connection between LW and his professional writing, Joel said, “LW is the most useful class I ever took in law school. Bar none.” Dawn echoed this feeling: “I wrote memos for [my provider] the same way [my LW professor] taught me, and it seemed to pass muster.” She later added, “Having some real experience was so valuable. It gave me lots of confidence.” Based on the findings of RQ1, it is easy to see why interns valued a high transfer rate. The perception of transferability meant that even if interns were not trained or mentored, they at least had an idea how to begin writing tasks. They had writing process knowledge and genre knowledge (McCutchen et al 460-61). They had working rhetorical knowledge and could rely on their information literacy and critical reading skills, too (Beaufort 18-21). Even if they lacked subject matter knowledge for a task, they could minimize their learning curve (Kellogg 15) by drawing upon what they already knew.

To contextualize this finding, let me explain why it is important that students reported learning only two major genres during LW: the memorandum and the brief. Understanding why these well-known litigation genres form the core LW curriculum helps us learn why they are perceived as transferable. Recently, LW instructors have begun re-conceptualizing legal analysis (Felsenburg and Graham “Beginning” 294), but teaching the memorandum and brief has long

been standard practice (Robins-Tiscione “Rhetoric” 215-6; Volokh 310). The justification for this approach is that both genres teach the foundational skills of objective and persuasive legal analysis (Felsenburg and Graham “Beginning” 257, 281; Edwards 4, 69, 71, 73; Garner 5, 74-5). Teaching only these two genres also implies that they are all-purpose genres. This implication sets up the memorandum and brief as “antecedent genres” for other legal genres, or foundational texts that help students learn how to write new texts (Devitt *Writing* 204).

Joel, Karl, Amber, and Dawn could testify to this claim more than their peers: they all worked in litigation-based offices. These four interns thus naturally divided themselves, based on their providers, into what I will call the “litigation interns.” They reported a high correlation between LW genres and their writing tasks. In their approximately 73 collective weeks of service, these interns wrote about 31 memoranda and many brief-like pleadings. Joel and Karl wrote the lion’s share. Dawn wrote about half of a memorandum per week (three total) but only interned for five weeks. Amber wrote only one memorandum, but she wrote four additional litigation genres. Amber’s experience helps situate the litigation interns’ experiences.

As one of only two well-mentored interns, Amber found in her second internship that her provider’s inviting culture and heavy workload meant that she wrote motions to dismiss, motions to vacate, and an appellate brief. Amber, only a 2L, explained that her supervisors were

very nice people, they liked the work I did. I got tons of feedback.... That’s when I knew where I stood with my legal writing. I wrote a criminal appellate brief that actually got submitted to the Tenth Circuit [Court of Appeals], and...they sided with our case, so it was good for me.... [I was working] on things that were being submitted to the courts.

Authoring winning briefs in the Tenth Circuit is no small feat. Amber thrived under mentorship, in part, because she saw a strong resemblance between LW’s litigation genres and the litigation

genres she wrote for many cases. Even though Dawn, Joel, and Karl reported receiving little to no training or mentorship on their tasks, they also capitalized on the high perceived transfer rate from their classrooms to their litigation workplaces. Genres from both settings reinforced each other, and it is not hard to see why these interns reaped the rewards. Practice accelerates transfer.

But did these interns write only memoranda and briefs? And what were the non-litigation interns writing instead? Table 2 outlines the writing assignments of the eight interns.

Table 2. Thirty-one Types of Written Genres for Four Internship Provider Practice Areas

Practice Area*	Genres**		
Judicial	bench memorandum	opinion	
Litigation (Trial)	motion for summary judgment	motion <i>in limine</i>	complaint
	discovery document summaries	motion to dismiss	email
	summary-judgment brief letter	motion to vacate	notes
	motions (unspecified)	memoranda	answer
Litigation (Appellate)	motion to dismiss	motion to vacate	brief
Transactional	planning commission appeal	visa application	easements
	contract review report	demand letter	PowerPoint
	informal research report	policy proposal	
	internal-office documents analyses	patent review report	
Academic	writing content for book or article	editing book or article	email
	creating and updating spreadsheets	source checking citations	

*These categories are arbitrary.

**This list is likely incomplete for at least two reasons: 1) interns spoke only of the genres they remembered, and 2) interns may have perceived some “minor” genres—such as time entry logs—as too insignificant to mention.

As Table 2 shows, the bulk of the written genres (17 of the 31) produced by the interns in this sample cater towards a litigation-heavy type of practice, not surprising since six internships (almost half) were fulfilled for general service law firms, a State Supreme court, and a government prosecutor’s office. The litigation interns—Karl, Joel, Amber, and Dawn—generally faced a high demand to write a wide range of documents, sometimes on high-profile cases. Karl and Joel wrote transactional documents, too, such as planning commission appeals and easements, respectively. Nonetheless, the various types of written genres in Table 2—such as a

memorandum, complaint, answer, motion for summary judgment, and trial brief—showcase the entire lifespan of a case, from filing to judgment. Collectively, the litigation interns thus wrote the types of documents that would take a client from conflict to resolution, even if the interns saw only one stage of that case’s lifespan. That these interns were trusted to write such vital documents bespeaks a confidence in their writing, an observation underscored by RQ1 findings linking intern ability to provider trust. That these interns perceived a high transfer rate between LW’s genres and their workplace tasks also emphasizes their success. Because these interns wrote in at least 15 litigation genres named in Table 2 that went beyond the memorandum and brief, this finding also suggests that LW assignments were perhaps perceived as the “antecedents” of other litigation genres (Devitt *Writing* 204-5), as has been long assumed and taught, but never empirically verified.

By contrast, the other half of the sample—Scott, Emily, Lisa, and Matt—did not serve in litigation firms. I thus refer to them as the “non-litigation interns.” They were not asked to write memoranda or pleadings even remotely as often their peers. Compared to their litigation peers, these interns in their approximately 42 collective weeks of service wrote two total memoranda. These interns had less combined experience and time on task than their peers, but the discrepancy between 31 and two memoranda is staggering. Instead of memoranda, the interns in the non-litigation firms wrote patent review reports, demand letters, spreadsheets, visa applications, policy proposals, content for an academic book or article, emails, etc.—in total, about 12 genres. The discrepancy between the LW genres and the unfamiliar—and sometimes unheard of—genres these interns wrote on the job meant that these interns were not assigned tasks that reinforced their classroom learning.

When asked to write in unfamiliar genres, the non-litigation interns described valuing the research skills they learned in LW, not its two genres, as the most relevant for the task. Asked if LW helped him feel prepared for his internships, Matt replied, “Yeah, kinda prepared... The research was the most helpful for my summer internship... I’d rate [LW] as about 50% useful.” Emily tersely replied to the same question: “No. Sometimes you don’t remember how to live in the real world when you are in the LW class. If I had done a judicial clerkship, I may have done more LW type of writing.” Tellingly, Emily viewed her work as non-litigation work; she thus ascribed to it a low rate of classroom-to-workplace transfer. Lisa concurred, “I was able to draft some visa applications. But that wasn’t really legal writing.” As follow-up I asked whether LW prepared her for that genre: “No. Not really. Maybe researching?” If students faced unfamiliar genres, they relied on their LW researching skills to bridge the gap. But because they wrote so few memoranda and brief-like documents, the non-litigation interns did not perceive that their LW knowledge transferred as directly to their internship writing tasks as did their peers.

Matt offers the touchstone example of this lack of application of LW genres to an unfamiliar workplace genre. He explained, “I had never even heard of [a summary-judgment letter brief]. The sample wasn’t in the form of anything I’d learned in LW.” Ironically, there may be similarities between a summary-judgment letter brief and the brief taught in LW, but Matt said, “LW wasn’t similar to [the summary-judgment letter brief]; it was a semblance of it, but structure, not so much.” Whatever features the genres shared, Matt was unable to bridge the gap. This partly explains why it was so difficult for Matt to learn the genre while also struggling with the subject matter. Frustrating for both parties, Matt’s learning curve did not align with his provider’s expectation timetable. Matt painfully learned that LW did not train him to write the

types of genres required for his intellectual property internship. Matt therefore evaluated his LW preparation as only partially useful.

To sum up these findings, let me return to RQ2: How do interns perceive internship writing tasks as either similar to or different from their perception of writing tasks in the LW classroom? Although the complete answer to this question requires empirical validation beyond the scope of this article (Devitt *Writing* 207-208), the answer stemming from intern reports is mixed. Since all eight interns were asked to write in many more genres than just memoranda and briefs, the two genres either enhanced transfer or shrouded it. It appears that these two antecedent genres enhanced transfer for the four litigation interns the most. The litigation interns perceived a strong correlation between the memorandum and brief and the 15 litigation genres they were tasked to write. In some ways, then, the litigation internships served as extensions of the LW classroom. By contrast, the four non-litigation internships only faintly resembled the LW classroom. The non-litigation interns simply were not asked to write genres like memoranda or briefs, and thus did not clock valuable practice time with them as did their peers. So the non-litigation interns perceived that the LW genres only marginally, if at all, helped them to produce the 12 non-litigation genres that they were asked to write. Some of these non-litigation interns felt wholly unfamiliar with some of their assigned genres, diminishing the rate of perceived classroom-to-workplace transfer. Despite their investment in LW, students who took non-litigation internships struggled with applying LW skills and knowledge to their writing tasks.

One final example underscores the implications of teaching litigation genres to students who serve in non-litigation internships. Emily felt LW benefitted her little during her sole non-litigation internship. Even though Emily said, “I feel really good about what I did this summer,” she did not attribute this success to LW: she did not write one memorandum or brief. Rather, she

credited the writing skills she gained at a lobbyist-firm internship she had fulfilled *before* law school. That Emily's non-litigation internship after her first year of law school was nothing like LW was one reason for its success: "I didn't have a great LW experience, and I thought for a while of trying law jobs where I would never have to do legal writing—which is asinine." This loaded comment suggests that Emily's LW experience was so toxic that she was turned off to the types of career paths that LW prepared interns for. It is almost as if she was taught how to run a marathon, but never ran one, and then vowed afterwards to never run again at all. Since Emily's non-litigation internship had nothing to do with running, it was a success.

Results for RQ3: The Process and Results of Learning the Memorandum and Brief

RQ3 asks: how do the genres of the legal memorandum and legal brief learned in the LW classroom prepare students for the writing tasks they complete during their internships? Two main findings emerged. The first—that the LW memorandum and brief genres best prepare students to write litigation documents, and thus to succeed in litigation internships—confirms the main finding for RQ2. These findings make sense: both research questions were interrelated. The second finding is that strategic effort in LW translated into not only high grades, but also attractive career options. As evidence of both findings, students who excelled with LW genres and then practiced them during internships enjoyed better career options. Joel and Karl secured full-time employment because of their LW and internship success. Amber's LW and internship success earned her a part-time position with the promise to upgrade into full-time work after law school. By contrast, the students who struggled in LW—both with grades and with seeing its value—also became the non-litigation interns; they experienced the opposite trajectory.

The difficulty of learning the LW genres and securing litigation internships fueled this opposite trajectory. For instance, Emily reported that her LW experience not only damaged her

GPA and confidence, but it also foreclosed certain career options. Emily deliberately chose to take a break from the LW genres in her 2015 non-litigation internship. Yet during the 2016 internship recruitment process, Emily surprisingly applied for 20 litigation jobs, or “marathon” internships. Only six firms interviewed her. She reported, “No call backs, and no jobs. Which is super exciting.” Emily explained that she only applied to internship providers “who weren’t accepting patent students, and those who would accept my GPA.” Despite appearances, Emily’s GPA ranked fourth highest in this study’s sample, and she ranked in the top thirty-third percentile of her class. Yet her 3.1 grades in LW were the lowest of all her courses both semesters. Qualifying her statements with remarks like, “I can’t believe I’m saying this,” or “I wouldn’t admit this to anyone,” she confessed how, “I’m almost positive that I don’t want to work in a firm.... I don’t want to do a judicial clerkship because I would have to write memos. It’s also one of the reasons I didn’t do law review.” Emily knew these were prestigious, career-building opportunities. Yet her LW experience haunted her: while Emily first renounced litigation internships, she could no longer compete for them later when she applied.

Emily could not compete for certain litigation internships because of her struggle in LW. Yet her struggle is hard to explain because she holds a double major BA in political science and history and she wrote a thesis for her political science MA. Felsenburg and Graham found that some students’ previous writing experience actually exacerbated their struggle to learn legal writing (“Beginning” 282-5). As Emily explained her wrestle with the CREAC (Conclusion, Rule, Explanation of Rule, and Conclusion) formula for memoranda, it became clear that her previous writing interfered with her ability to conform to the genre. As she had done for her MA thesis, Emily had hoped to simply craft a cogent claim for her LW memorandum. Instead, when Emily sought Professor Prowman’s and her TA’s help before the quickly approaching deadline,

they said that Emily's memorandum was not in CREAC form. They said she should not "rewrite it, just rework it." Emily described thinking

I should have scrapped it and rewritten. I tried to tweak it, but I don't like the CREAC structure: conclusion, conclusion, conclusion, conclusion. My [evaluative] comments afterwards were not uberly helpful—they didn't say how I could do better.... I wanted to write in a more academic style, a more thoughtful way of the law, similar to the analysis we do in class.... You're reading a court case and court case and court case; now write a memo. You've never read one. That's hard. Had I not been so busy... I may have Googled 'memos' and read some myself. But where the curve is so tight... and you can't read each other's. You're not really learning.

Conceptually, Emily could not understand the genre's features. Classroom discussions also appeared to favor an organic, "thoughtful way of the law" instead of CREAC's formulaic way. It is unclear whether the LW curriculum provided models, but the school's ethical code prohibited students both from looking at each other's drafts and getting attorney advice. Looking up models online was apparently permissible, but Emily simply did not have time. Most distressingly, she could not see how to learn from her evaluative feedback.

While we only hear Emily's side of the story here, her experience is not entirely unique. Matt and Lisa provide a snapshot of movement between the top and bottom of the class, a view that explains both why the LW genres were hard to learn and why LW performance mattered in the long run. Matt described conferencing with his professor excessively the first semester. He earned a 3.7 in LW, an enviable grade. Yet his zeal tapered off in the second semester when he saw "no major difference" between the memorandum and brief (a distinction that haunted him when he could not repurpose both genres for his summary-judgment letter brief). Matt was

surprised when his grade in the second semester of LW dropped “two standard deviations away from the median” to a 3.2. His postmortem of the drop was based on a hunch that he did not “show” he had spent enough time on the brief. When surveyed before the end of the course about how much time he had spent drafting, Matt reported about 50 hours. Apparently, he knew another student who reported closer to 140. “I wrote an equal, if not better, paper the second semester,” Matt angrily recounted. This is a hard account to verify, but Matt’s perception of the experience speaks to the challenge students have with not only learning legal writing but also of explaining their shortcomings with it. Without a clear grasp as to why his grade dropped, Matt concluded his professor was “shape-shifting,” based on what he perceived as her changed expectations throughout LW. While Matt’s ad hominem complaint needs to be taken with a grain of salt, he later joined five of his classmates to lodge a formal complaint with the Dean of Students about Professor Thurgood.

Lisa, on the other hand, reiterated that “*I hate writing. I hate writing. It’s a moving target, you can never get it right.*” Perhaps unsurprisingly, she earned a 3.0 the first semester because she did not “care enough” about the memorandum. She bounced back the second semester, earning a 3.6. As the only JD/MBA in the sample, Lisa, also a nurse who worked weekends, was immune from the pressures of law school grades. She sought jobs in health care, not law. She thus focused on learning instead of simply earning a grade during the second semester. She recalled increasing her face-to-face time with her professor: “I went in and said, what do you want here, what do you want here? [Professor Thurgood] was open. I basically feel like she told me what to write.” Lisa reported investing more time on the brief than the memorandum, but less than 100 hours on either. While it is possibly just a coincidence, Matt and Lisa both had

Professor Thurgood the same year (it is unclear if they were in the same section.) Either way, students perceived that more conferencing and time-on-task in LW equaled higher grades.

Tellingly, Matt, Emily, Scott, and Lisa emerged from LW with checkered grades and ultimately fulfilled less financially rewarding and prestigious internships. This observation coincides with the RQ1 finding that many of the more prestigious internship providers cherry-pick students with the best grades, including LW grades. But this observation does not mean that these students cannot have successful careers, nor that they cannot become strong legal writers. Students who underperform must simply define themselves *against* the experiences and skill sets of their high-performing peers to compete for jobs. Matt sharply felt this reality, for example. In the weeks before our interview, when fall recruitment for the next summer internships was underway, he sent a flurry of networking emails, hoping for anything. When I asked how his internships had both prepared him to return to school and to pursue his career, Matt said with measured dismay, “I started studying for the patent bar. That was helpful. I don’t think anything I did was useful. I feel brand new.” Like Emily, Matt felt that there was some incidental practical value gained from both his LW and internship experiences, but both he and Emily faced the foreclosure of certain opportunities. Little wonder Matt shared Emily’s frustration for the future.

In contrast, Lisa defined herself against successful LW students by simply taking herself out of the competition. She had already secured a health care internship for next summer through the MBA office. Speaking of the high-pressured fall recruitment process, Lisa said, “I’m in a different field. It doesn’t apply to me. I already have a job.” Lisa will likely write health care policy proposals, not briefs or memoranda. As a result, Lisa saw LW more as an academic obstacle course, “a moving target,” not a course equipping her with transferrable skills. Lisa’s non-traditional case thus highlights how LW fits into a larger hierarchy that favors litigation

career paths. Her case clarifies why her peers, a limited but nonetheless insightful microcosm of LW, faced such pressure to master its genres. The best writers claimed the most lucrative and prestigious career options.

Perceived Effort and LW Success

The second major finding is that strategic effort in LW translated into success. The students who earned the highest LW grades—Joel (4.0/4.0), Karl (3.9/3.9), and Amber (3.7/3.7)—all attributed their success to cultivated relationships with TAs and professors. Joel said, “I pretty much stalked my TA because the dude was smart. He basically taught me how to write.” Karl reported, “My TA was tremendous, very helpful. He went out of his way.” And Amber said, “I worked so well with the TA and my professor. I was in [my TA’s] office hours every time he had it. Maybe 2-3 hours a week. That’s probably a lot.” I was surprised to learn Karl was Amber’s TA; later I learned Karl was “giving back” because of what he had received. Amber, now herself a TA, is “giving back.” These students sought out their TAs and professors for extra help, doing the same as the students who Felsenburg and Graham described in their study as “open” and “committed to the learning process,” not “disengaged” and “shut down” by it (“Beginning” 298). Had Matt’s and Lisa’s performance been consistent throughout the year, they would also fall into this category; nonetheless, their strategic effort to work with their professors, albeit in different semesters, also supports this finding.

It would be a mistake to say, however, that the students who earned lower LW grades worked less; the time they devoted to LW partly explains their frustration with it. Scott referred to the 3.0 credit hours of the first semester of LW as “more like 5 credits of work.” Emily speculated that, “[students] are spending the amount of time that would be required for a 5.0 or 6.0 credit class.” The students who earned the highest grades, then, did not talk about LW in

terms of how many credit hours it should be worth. Instead, they described how they strategically cultivated relationships with mentoring superiors who knew the genres.

Students who reported only superficial or merely working relationships with their professors and TAs—Scott (2.7/2.8), Dawn (3.0/unavailable), and Emily (3.1/3.1)—earned the lowest grades. They also had a hard time articulating precisely *what* they did not understand, or *why* they earned the grades they did. Scott earned the lowest LW grades of the sample but earned average grades in his other courses. Even so, he spoke even-handedly of Professor Prowman, despite his LW struggle: “I liked my professor, but she was hiding the ball.” Scott is perhaps one of the biggest surprises of the study because he had one year’s worth of legal writing experience *before* law school. He had been trained and mentored in litigation genres, writing a motion *in limine*, for example, that effectively persuaded a judge to rule in his favor. The judge even complimented the force of his writing. In some ways, Scott had been playing with “the ball” long before the rest of the sample, none of whom had any legal writing experience before law school.

Yet comparing his workplace legal writing to LW, Scott said they were “very different.... CREAC was hard for me. The memo was taking place of the conversation I was having with the lawyers I was working with. Your legal memo is supposed to explore every side of the issue, explaining it to the practitioner. It replaces the oral tradition of exploring out the issues across the coffee table.” Scott, whose experience suggested he should have been most comfortable with LW’s genres and their connection to practice, described CREAC’s form in the same way Emily did, as a seemingly redundant genre feature: “You have to work to make sure that you are separating those things out into what they’re really supposed to be... because they all do bleed together.... It’s hard to wrap your mind around.” Although attorneys and a judge had validated Scott’s writing before he ever took a seat in LW, the fact that he had to “relearn” legal writing

challenged his view that there was a universal legal writing skill set. While Scott reported that his TA was willing to work with him, he felt Professor Prowman “revealed the ball more to others [whom] she preferred,” where revealing “the ball” was akin to being told “what to write.” It may be that Scott’s prior success—as Felsenburg and Graham have argued is common for students with significant prior writing experiences (“Beginning” 282-5)—prevented him from strategically conferencing with his professor and TA as much as his peers did. Mystified nonetheless, Scott did not understand why even when he applied Professor Prowman’s suggested revisions he still earned low grades. Scott did not practice LW’s genres during his two non-litigation internships, a fact that distanced him further from integrating LW and legal practice.

Equally mystified, Dawn said, “While I was in the semester I was just flailing.” This comment is difficult to understand because Dawn stated how conferences with her professor helped her writing. She attended only the three required meetings with her TAs, however, and the meetings were uneventful: her only question was, “Ok, what am I *really* doing wrong?” Dawn intuitively knew she was “flailing,” but did not take full advantage of the available resources, perhaps because she could not articulate the problem. The process did finally teach her how to write LW’s genres, but just a little too late to salvage her grades. Whatever hit her GPA took before she understood how to write the genres, Dawn’s workplace practice with the same genres—she completed one 5-week litigation internship—reinforced her learning in a way not reinforced for Scott, Emily, Matt, and Lisa. These four non-litigation students wrote many genres on the job, but almost no memoranda or briefs.

Finally, Emily expressed frustration not only with CREAC but also with her relationship with her professor: “She was not helpful when I had asked her questions before. She is very helpful to some people. Maybe our personalities didn’t mesh quite right. I won’t talk to her. I’m

just going to start over. Do better, somehow. In some mysterious way.” Mysterious, indeed. For students who did not cultivate strong relationships with TAs or professors, then took on non-litigation internships where they did not practice the LW genres, the options for future litigation internships were limited. As a result, for them, legal writing may remain an uninviting mystery.

To sum up, let me return to RQ3: How do the genres of the legal memorandum and legal brief learned in the LW classroom prepare students for the writing tasks they complete during their internships? Karl and his litigation peers Joel and Amber saw success during their internships because they learned the LW genres well. So Karl’s statement about the value of LW perhaps best crystallizes the answer to RQ3: “The memo does a good job of preparing you to write memos.” That the would-be litigation interns attributed their LW success mainly to the quality of their mentored professor and TA relationships explains why they chafed with the lack of internship training and mentorship. Yet in the absence of training and mentorship, the litigation interns already had an idea of how to write their tasks because they often readily resembled the LW classroom genres. The students who struggled in LW could not capitalize on this same advantage in their non-litigation internships. While learning to write the LW genres was difficult, that difficulty was compounded when non-litigation interns were asked—but not trained or mentored—to write in new or unfamiliar genres.

The seeds for successful internship performance were thus sown in LW. While most students knew that all their first-year grades, not just LW, served a major role in their futures, the pressure to perform well in LW was palpable. This pressure surfaced during the fall on-campus recruitment process: how quickly and how well students learned legal writing skills either opened or foreclosed options. Providers valued other skills, too, but where writing forms such an integral part of an attorney’s craft, providers wanted stellar writers. Students who earned the best

LW grades (Karl, Joel, and Amber) thus fulfilled litigation internships, and the students who earned average or lower grades (Scott, Lisa, Matt, Dawn, and Emily) fulfilled non-litigation internships. (Dawn fits in with the latter group here because her litigation internship lasted only five weeks; she then served as a research assistant.) LW performance mattered because it played a part in determining where students interned, and how well they performed there.

Lastly, the litigation internships, while prized, did not guarantee success for every future writing task. Joel opined, “Just because I did good on my legal writing, doesn’t necessarily mean I’ve arrived, you know.” This remark shows Joel intuited, despite his LW and internship success, that the skills and knowledge learned in LW could only take him so far. While he may not refer to it as such, Joel’s “10,000 hours” expertise clock had only been set in motion.

Implications and Discussion

The major results from this study suggest that LW faculty should be encouraged by the good news that LW will most benefit students who have clearly defined litigation career paths. The bad news, however, is that LW may not be helping students who are not yet committed to litigation careers or who are decidedly pursuing non-litigation careers. This finding was underscored by the fact that interns received almost no training or mentorship in the workplace. As independent contractors, these interns grappled with applying the skills they learned in LW when they faced the much more diverse and complex types of tasks they were asked to write.

Nevertheless, some LW instructors and potential employers may argue that a lack of internship training and mentorship is a good thing because students prove their mettle who solve important writing problems during a crucible-like internship. This view has merit, but I question its underlying assumptions and consequences. Where LW is founded on only two litigation genres, the course increases the likelihood for some students to succeed in the crucible—

particularly a litigation internship—over others. Students who perform poorly with LW’s genres or who are asked to write different genres altogether during internships may have a lower likelihood of solving important writing problems. They may also face limited career options. As we have seen, students in this sample wrote 29 genres above and beyond the memorandum and brief, sometimes without a clue as to how to write the unfamiliar genres. I imagine that in a study like this with an expanded sample, the diversity and complexity would also increase, thus underscoring the gravity of this finding. The development of writing expertise is complex and takes time. We would be disingenuous if we assumed that the LW genres prepare all students for all types of writing they will craft in either their internships or careers. In the ultra-competitive law school experience (Turrow 1977), LW instructors should help students identify unnecessary and detrimental assumptions about writing (Weresh 726), roadblocks that exacerbate instead of ameliorate students’ LW struggles.

To better prepare students, LW instructors need to highlight how the skills learned in crafting the memorandum and brief can be repurposed for new tasks. One such genre-based approach has recently gained traction. Both legal writing scholars (Pryal 374-80) and writing scholars (Devitt “Genre” 159-60; Bawarshi and Reiff 189) have argued for a pedagogy that privileges genre analysis, awareness, and critique. Under this approach, students examine a host of both strong and weak model texts to learn how the rhetorical situation (exigence, kairos, audience, purpose, and rhetor) shapes that genre (Jackson 20). This approach moves genre beyond a classification system or formula only. Instead, genre is viewed as both “constraint and choice,” as both “convention and creativity” (Devitt *Writing* 153-56). Students learn formal genre conventions (constraints), but they also learn how genre allows for multiple possibilities (creativity.) Thus, instructors would still attend to the generic forms of the memorandum and

brief, but their primary goal would be to “teach students critical awareness of how genres operate so that they can learn the new genres they encounter with rhetorical and ideological understanding” (Devitt *Writing* 194). Elevating genre over form would engender this critical awareness about how the memorandum and brief can serve as “antecedent” genres for new writing tasks (Devitt *Writing* 205).

Learning the LW genres thus become case studies for learning new genres. After rhetorically analyzing the LW genres well, students, whenever they are asked to write a new genre, will first analyze that genre’s rhetorical situation, will next seek out as many models as possible, and will finally learn more confidently from trial and error. Practice in that genre, as always, is key to developing expertise (Ericsson et al. 120-21). Since no course can teach students all legal writing genres (Devitt *Writing* 205), building students’ critical awareness in this way may then jumpstart the problem solving they will need during internships. And since models are nearly the only “training” interns receive in new workplaces, this awareness matters. While evidence from this study suggests litigation interns may repurpose this critical awareness more easily, a genre approach may also better prepare non-litigation interns.

A genre-based approach is not a panacea, and some instructors understandably doubt the efficacy of studying models. Felsenburg and Graham initially reduced the role of models, based on the view that models diminish students’ need to learn the legal analysis process independently (“Beginning” 270-71). Over-reliance on models may short-circuit this process. This study, however, echoes the findings of other writing research suggesting neophytes often rely heavily upon models whenever they enter a new discourse community, including workplaces (Winsor 642; Wardle 256; McCarthy 256). Hence, the role of models should be reconsidered. While Felsenburg and Graham appear most intent on keeping students from merely “copying”

successful models, they concede in their 2010 article that students can look to their TAs' first-year drafts as models ("Beginning" 296). In their 2011 article, Felsenburg and Graham revise their position to suggest that models simply need to be scaffolded into LW *later*, once students already have legal analysis skills ("A Better" 103-4). Even so, the concern about students "copying" successful models may reveal both instructor and student views that hold genres as classifications or formulas only. Adopting a genre-based approach, by contrast, may minimize this concern because students rhetorically study both strong and weak models. They develop critical awareness about how genre both constrains choices and generates new opportunities.

Moreover, genre scholar Amy Devitt cites Turrow's famous first-year Harvard Law School memoir to illustrate how important models are for students. Models offer a starting point. To introduce Turrow's frustration of learning to write a case brief without a model, Devitt explains, "To ask students to write new genres with no samples of those genres is to reduce their learning by increasing their anxiety" (*Writing* 209). Devitt then quotes an aggravated Turrow: "I have no idea of what a good brief looks like or even where to start. What in the hell are 'the facts' for instance? [...] I'm not sure what to pick, how abstract I'm supposed to be... Twenty minutes ago I threw up my hands and quit" (*Writing* 210). In this study, interns have echoed similar frustration both in the classroom and workplace. Showcasing both strong and weak examples, a genre-based approach moves students away from seeing models as classifications or formulas only. Rather, students build portable critical awareness that they can repurpose in settings where the only available "training" materials are models. While Devitt states this genre-based approach still needs empirical validation, it has promise (*Writing* 201-2).

Similarly, the internship model itself needs further research. While this study was built upon Felsenburg's and Graham's pioneering work, I understand that many of this study's

findings, instead of offering ground-breaking insights, confirm previous research and anecdotal accounts. Studies that confirm previous research, however, build disciplinary knowledge. Even so, this study contributes an important new finding rather than merely confirming a previous one: non-litigation students require better attention. Students voiced their successes and failures with both LW and their internships, reflecting on the high-stake ramifications for their careers. Their experience and insights indicate that student voices could provide valuable inputs in the design of LW pedagogies. There are too many variables in the internship model, however, to draw generalizable conclusions from the small sample studied here. This study's interview methodology is one of its limitations, since it does not trace the impact of professors, administrators, career service officers, nor internship providers. It also does not analyze writing samples or other external data. These factors ought to be added to the panorama of findings by way of qualitative and quantitative methods (Spencer 184), since they will add a depth and texture to the field's understanding of how law students learn to write.

Conclusion: More than a Lightning Rod?

The scope of this article precludes a fuller analysis, but I conclude by briefly considering how students suggest retooling LW. One student calls for more transparent (and thus fairer) assessments, and another for better legal analysis scaffolding. Briefly setting aside her negative LW experience, Emily shares the most compelling vision for learning legal writing genres

I would scrap the whole program. I would have a writing component for your contracts class where you need to write a contract. A research and writing component in another one of your doctrinal classes where you have to research on an issue. And then I would have a small brief for constitutional law or something the next semester. And then a memo on a property law issue or something that was a part of your grade. I think that

would be good because it would boost your understanding of property law, or of torts, or whatever, because you would have had to do research on an element of something you are already learning, but you wouldn't be as formalized as you are in [LW]. Then require a one-hour research class once a week, good ways of finding research plus *Bluebook* exercises, which I'm not a fan of Include it as something you're already learning.

While I believe "scrapping" LW is unwise, Emily's vision originates from her painfully learning that LW fast-tracked litigation careers over others. So she envisions a LW approach that does not promote litigation writing as a one-size-fits-all skill set. Instead, doctrinal classes like property and contracts also include writing elements. Currently, many doctrinal classes employ no writing elements other than end-of-semester exams. Emily's vision therefore reinforces subject matter knowledge with writing process, rhetorical, and genre knowledge (Beaufort 18-21), pairing these elements with "something [students] are already learning." This vision also begins to equalize the playing field for students interested in non-litigation practice areas; it does not treat writing as an all-purpose skill to be learned once and for all in a 30-week course. Instead, writing, a crucial epistemic skill, suffuses all courses in all three years of law school and beyond.

Near the conclusion of his book detailing a year-long ethnography of LW, Cauthen suggests a similar "Writing Across the Curriculum" approach. He argues this approach would allow students to create robust writing portfolios, including "client letters, memoranda, briefs, review articles for the popular press as well as legal journals, [and] proposed legislation" (227). Students could not only master course content by writing about it (Bean 19), but students' upgraded portfolios could also increase their internship and career options. Students could also draw from more antecedent genres in future tasks (Devitt *Writing* 203-204). Cauthen adds, "The benefits in terms of student learning greatly outweigh the practical benefits, as those who have

used WAC in other disciplines are aware” (227). By invoking WAC as part of a renewed vision of LW, Cauthen suggests a link between LW and writing studies, parallel fields that sometimes operate independently of each other. A chorus of LW faculty (Pryal 353; Berger 577; Robbins-Tiscione “A Call” 319-20; Lawrence 218; Soonpa 81) have argued for such an interdisciplinary link. Since LW and writing studies share a similar history—they have traditionally been marginalized in the academy, viewed as remedial, and taught by contingent faculty—forging a link between both fields offers a compelling vision for rethinking LW.

This interview-based study continues forging that link. While I have no experience as a LW instructor, as a writing studies MA with two years of paralegal experience, I have taught both first-year and advanced writing courses. I have witnessed how students flourish or flounder in the liminal transitions from classroom to workplace. This is why I argue for valuing student experiences as inputs for the design of LW pedagogies. Liminal space interactions matter. Precisely *because* we are neophytes—both my interviewees and I—instead of established discourse community members, we may better discern the law school’s deep assumptions, assumptions that confront us with such visceral force. Established discourse community members may not be able to see through assumptions which have become second nature. Investigating the results of writing in the internship model is therefore one way to retool LW so that all law students can be fully equipped with practical skills. Otherwise, non-litigation students may continue seeing LW as a hazing rite of passage or as an academic obstacle course. These students’ frustration may then spill over as poor performance during internships and beyond, jeopardizing their potential employers’ trust (Nelson 2012; Segal 2011). These students may also face reduced career options. If LW remains unchanged in the next generation, should we be surprised by how often lightning strikes?

Works Cited

- Bawarshi, Anis S. and Mary Jo Reiff. "Rhetorical Genre Studies Approaches to Teaching Writing." *Genre: An Introduction to History, Theory, Research, and Pedagogy*. Eds. Anis S. Bawarshi and Mary Jo Reiff. Parlor: 189-209. Print.
- Bean, John C. *Engaging Ideas: The Professor's Guide to Integrating Writing, Critical Thinking, and Active Learning in the Classroom*. 2nd ed. San Francisco: John Wiley & Sons, 2011. Print.
- Beaufort, Anne. *College Writing and Beyond*. Logan: Utah University Press, 2007. Print.
- Berger, Linda L, Linda H. Edwards, and Terrill Pollman. "The Past, Presence, and Future of Legal Writing Scholarship: Rhetoric, Voice, and Community." *The Journal of the Legal Writing Institute*. 16 (2010): 521-63. *LexisNexis*. Web. 07 Nov. 2014.
- Brandt, Deborah. "Sponsors of Literacy." *College Composition and Communication*. 49.2 (1998): 165-85.
- . "Writing for a Living: Literacy and the Knowledge Economy," *Written Communication*. 22.2 (April 2005): 166-197. Print.
- Cauthen, Randy. *Black Letters: An Ethnography of a Beginning Legal Writing Course*. Hampton Press: Dominguez Hills, 2010. Print.
- Devitt, Amy. "Genre Pedagogies." *A Guide to Composition Pedagogies*. Eds Gary Tate, Amy Rupiper, and Kurt Schick. NY: Oxford, 2014. 146-62. Print.
- . *Writing Genres*. Carbondale, IL: Southern Illinois UP, 2004. Print.
- Edwards, Linda. *Legal Writing and Analysis*. New York: Aspen Publishers, 2011. Print.
- Ericsson, K. Anders, Michael J. Prietula, and Edward T. Cokely. "The Making of an Expert." *Harvard Business Review*. (July-August 2007): 114-21. *EBSCO*. Web. 11 Dec. 2015.

- Felsenburg, Miriam E. and Laura P. Graham. "A Better Beginning: Why and How to Help Novice Legal Writers Build a Solid Foundation by Shifting Their Focus from *Product* to *Process*." *Regent University Law Review*. 24 (2011). 83-107. Web. 15 Feb. 2016.
- . "Beginning Legal Writers in Their Own Words: Why the First Weeks of Legal Writing Are So Tough and What We Can Do About It." *The Journal of Legal Writing Institute* 16 (2010) 223-311. *LexisNexis*. Web. 15 Oct. 2014.
- Garner, Bryan A. *Legal Writing in Plain English*. U of Chicago P, 2001. Print.
- Jackson, Brian. *Mindful Writing*. Plymouth, MI: Hayden-McNeil, 2016. Print.
- Kellogg, Ronald T. "Training Writing Skills: A Cognitive Developmental Perspective." *Journal of Writing Research*. 1.1 (2008): 1-26. Print.
- Lawrence, Mary S. "The Legal Writing Institute: The Beginning: Extraordinary Vision, Extraordinary Accomplishment: Based on Interviews with Laurel Currie Oates and J. Christopher Rideout, and Documents from the Archives of the Legal Writing Institute." *The Journal of the Legal Writing Institute*. 11 (2005): 213-55. *LexisNexis*. Web. 15 Oct. 2014.
- Lunsford, Andrea A. and Karen J. Lunsford. "'Mistakes are a Fact of Life': A National Comparative Study." *College Composition and Communication*. 59:4 (2008): 781-806. Print.
- McCarthy, Lucille P. "A Stranger in Strange Lands: A College Student Writing Across the Curriculum." *Research in the Teaching of English* 21.3 (1987): 233-65. Rpt. in *Writing About Writing: A College Reader*. Eds. Elizabeth Wardle and Doug Downs. 2nd ed. Boston: Bedford/St. Martin's, 2014. 230-61. Print.
- McCutchen, Deborah, Paul Teske, and Catherine Bankston. "Writing and Cognition.

- Implications of the Cognitive Architecture for Learning to Write and Writing to Learn.” *Handbook of Research on Writing*. Ed. Charles Bazerman. New York: Lawrence Erlbaum, 2008. 451-470. Print.
- Neff, Joyce Magnotto. "Grounded Theory: A Critical Research Methodology." *Under Construction: Working at the Intersections of Composition Theory, Research, and Practice*. Christine Farris and Chris M. Anson, eds. Logan, UT: Utah State UP, 1998. 124-35. Print.
- Nelson, Sharon D., and John W. Simek. "Why Can't Law Graduates Write?" *Law Practice: The Business of Practicing Law*. 38.6 (2012): 22-25. *Legal Collection*. Web. 6 July 2015.
- Neumann, Richard K. Jr. "Osler, Langdell, and the Atelier: Three Tales of Creation in Professional Education." *Legal Communication and Rhetoric: JALWD*. 10 (2013): 151-85. Web. 10 Oct. 2014.
- Pryal, Katie Rose Guest. "The Genre Discovery Approach: Preparing Law Students to Write any Legal Document." *The Wayne Law Review*. 51 (2013): 351-381. Web. 16 Feb. 2016.
- Robbins-Tiscione, Kristen K. "A Call to Combine Rhetorical Theory and Practice in the Legal Writing Classroom." *Washburn Law Journal* 50 (2011): 319-39. *HeinOnline*. Web. 24 Oct. 2014.
- . *Rhetoric for Legal Writers: The Theory and Practice of Analysis and Persuasion*. St. Paul, Minnesota: West/Thomson, 2009.
- Roosen, Kevin. "Tracing Trajectories of Practice: Repurposing in One Student's Developing Disciplinary Writing Processes." *Written Communication* 27.3 (2010): 318-54. Web. 16 Feb. 2016.
- Ruecker, Todd. "Here They Do This, There They Do That: Latinas/Latinos Writing across

- Institutions.” *College Composition and Communication*. 66:1 (2014): 91-119. Print.
- Russell, David R. and David Fisher. “Online, Multimedia Case Studies for Professional Education.” *Genres in the Internet: Issues in the Theory of Genre*. Janet Giltrow and Dieter Stein, eds. 163-191. Amsterdam: John Benjamins, 2009. EBSCO. 19 Jan. 2016.
- Segal, David. “What They Don’t Teach Law Students: Lawyering.” *The New York Times*. 19 Nov. 2011. Web. 27 Jul. 2015.
- Sommers, Nancy. “Revision Strategies of Student Writers and Experienced Adult Writers.” *Writing About Writing: A College Reader*. Eds. Elizabeth Wardle and Doug Downs. 2nd ed. Boston: Bedford/St. Martin’s, 2014. 576-589.
- Soonpaa, Nancy. “Using Composition Theory and Scholarship to Teach Legal Writing More Effectively.” *The Journal of the Legal Writing Institute*. 3 (1997): 81-104. HeinOnline. Web. 20 Oct. 2014.
- Spencer, Shaun B. “Using Empirical Methods to Study Legal Writing.” *The Journal of Legal Writing Institute*. 20 (2015): 141-188. Web. 11 Dec. 2015.
- Sullivan, William M., Anne Colby, Judith Welch Wegner, Lloyd Bond, and Lee S. Shulman. *Educating Lawyers: Preparation for the Profession of Law*. San Francisco: Jossey-Bass, 2007. Print.
- Swales, John. “The Concept of Discourse Community.” *Genre Analysis: English in Academic and Research Settings*. Boston: Cambridge UP, 1990. 21-32. Rpt. in *Writing About Writing: A College Reader*. Eds. Elizabeth Wardle and Doug Downs. 2nd ed. Boston: Bedford/St. Martin’s, 2014. 215-229. Print.
- Tardy, Christine M. “A Genre System View of the Funding of Academic Research.” *Written Communication*. 20.1 (2003): 7-36. Web. 8 Jan. 2015.

Tarrow, Scott. *One L: The Turbulent True Story of a First Year at Harvard Law School*. New York: Farrar, Straus and Giroux, 1977. Print.

Volokh, Eugene. *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review*. 4th ed. New York: Thomas Reuters/Foundation P, 2010. Print.

Wardle, Elizabeth. "Identity, Authority, and Learning to Write in New Workplaces." *Enculturation* 5.2 (2004): n. pag. Web 18 Feb. 2010. *Writing About Writing: A College Reader*. Eds. Elizabeth Wardle and Doug Downs. 2nd ed. Boston: Bedford/St. Martin's, 2014. 284-99. Print.

Weresh, Melissa H. "Stargate: Malleability as a Threshold Concept in Legal Education." *Journal of Legal Education*. Vol. 63.4 (May 2014): 689-728. *HeinOnline*. Web. 19 Nov. 2014.

Winsor, Dorothy. "Joining the Engineering Community: How Do Novices Learn to Write Like Engineers?" *Writing About Writing: A College Reader*. Eds. Elizabeth Wardle and Doug Downs. 2nd ed. Boston: Bedford/St. Martin's, 2014. 640-646. Print.

Appendix A

Demographic Questionnaire

Please complete the following demographic questionnaire in preparation for your interview by answering each question. If there are any questions you would prefer not to answer, you may leave those specific questions blank.

Name: _____	Email: _____
Cell #: _____	Age: _____
Male/Female: _____	2L or 3L? _____
Law school: _____	Undergraduate school: _____
Undergraduate degree: _____	LSAT score: _____
Current class ranking: _____	Current law school GPA: _____
Law Review? Yes: _____ No: _____	If yes, in what capacity? _____
Legal Writing grade: _____	Did you have Legal Writing TAs? Y: ___ N: ___

Which textbook(s) or training materials did you use in your Legal Writing class?

Besides legal writing, what other courses do you perceive have improved your legal writing skills? Why?

How did you find out about and apply for your 2015 legal internship?

Where did you complete your 2015 legal internship (a.k.a. "externship") this summer?

Entity: _____ City/State/Country: _____ How many attorneys? _____

What areas or types of law does this firm or entity specialize in?

Were you paid? If yes, weekly or monthly, and how much? _____ If no, did you earn academic credit or receive some other type of benefit/compensation? _____

What were the **specific** types of assignments you received? How many of them involved writing?

If you wrote legal memoranda, about how many did you write? What were their average lengths?

Had you previously completed any type of internship in law school or legal work prior to law school?

No: _____ If yes, please explain where and what type of legal work:

What courses are you taking this semester?

Appendix B

Interview Questions

- I. How are law interns trained and mentored to complete writing tasks throughout their internships?
- a. Can you describe the culture of your office? Did you feel comfortable working there?
 - b. Can you describe the training you received to complete your writing tasks during the internship? (Did you feel mentored or told to sink-or-swim?)
 - c. How did you receive and how did you submit assignments?
 1. In person meeting, email, text, phone call?
 2. File with court, place on attorney's desk or chair, email, upload to document management software?
 - d. Can you describe your typical writing process from receiving a task to submitting it?
 1. Did you start your research with LexisNexis or Westlaw, or some other method?
 2. How often did you interact directly with clients in order to complete tasks?
 - e. What feedback did you receive on your legal writing assignments?
 - f. Did you use forms, templates, or models, or did you start from scratch?
 - g. If your supervising attorney were to grade your written work product, what grade do you think you would receive?
 - h. What was the most challenging legal writing task you received this year? Why?
 - i. Did you conference or "peer-review" with other interns on your writing tasks?
 - j. Did you learn any practical skills during your internship?
 1. Were any of these unexpected?
 2. Did you feel that any assignments were insubstantial or should be assigned to instead to a non-attorney or non-intern office staff?
 - k. How did you gauge whether or not you were succeeding as an intern?
 1. Were you extended any offers of employment?
- II. How do interns perceive those writing tasks as either similar to or different from the writing tasks they performed in the LW classroom?
- a. How well did your legal writing course prepare you for your internship?
 - b. Which legal writing assignments were directly useful in your internship?
 1. Indirectly useful?
 - c. How much emphasis was placed in your legal writing course on learning how to write "on the job" or during summer internships?
 - d. How helpful was your legal writing professor in helping you develop your writing skills? (Instructor conferences?)
 1. How helpful were your peers?
 2. How helpful was your legal writing teaching assistant?
 - e. If your legal writing professor were to grade some of your internship work product, what grade do you think you would receive?
 - f. How would you change the legal writing curriculum based upon what you have learned in your internship(s)?
- III. How do the genres of the legal memorandum and legal brief learned in the LW classroom prepare students for the writing tasks they complete during their internships?
- a. How many memoranda did you write this summer? What was the average length?
 - b. Many first-year legal writing courses use textbooks that focus primarily on teaching students the objective memorandum assignment. Was this the way your legal writing class was structured?

- c. Based on the following list of skills, which did you think was most important for succeeding in the summer internships?
 1. Case briefing
 2. Identifying or framing the legal questions of fact and law
 3. Distinguishing cases
 4. Rule analysis and synthesis
 5. Statute interpretation
 6. Rule explanation and rule application
 7. Proper style and formatting
- d. Can you describe your writing process experience for the memo in school? How do these genres benefit student learning?
- e. If you were to create an entry on your resume about this internship, and were only given three bullet points, what would you list as the skills or traits you acquired?
- f. How has your internship benefitted or damaged your subsequent renewed studies this year at law school?
- g. Now that you've completed this internship, what is a future internship or job opportunity you will seek?
- h. What metaphor would you use to describe your experience as a newcomer learning to write in the legal field?