

Featured Articles

Dedicated to Scribes Members

Member Profile: Thomas Cooley Law School

Summon Your Inner Kingsfield

Profiles of Our Institutional Members: Thomas Cooley Law School

Founded in 1972, Thomas Cooley Law School is now the largest law school in the nation. Four campuses, almost 100 full-time faculty, and over 3,500 full- and part-time students: It all adds up to make Cooley a big law school. The school is also among the most diverse law schools in the United States.

Thomas E. Brennan, former Chief Justice of the Michigan Supreme Court, along with a group of interested lawyers and judges, founded the school in 1972. The group wished to give more people, and more diverse people, the opportunity to study law. They named the school for Thomas M. Cooley, a prominent 19th-century jurist, who was Justice and Chief Justice of the Michigan Supreme Court, former Dean of the University of Michigan Law School, and a visiting professor at Johns Hopkins University.

Today, the private law school is overseen by Dean Don LeDuc in Lansing, Michigan's state capital. In 2006, Cooley became the only law school to offer an ABA-approved JD degree at three different campuses: in

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Dedicated to Scribes Members

This issue of *The Scrivener* is dedicated to our Scribes members.

Scribes has at least one member in 48 different states, Washington, D.C., and six countries.

Scribes offers six membership types:

- Regular members
- Associate members
- Life members
- Sustaining members
- Student members
- Institutional members

The National Order of Scribes was created in 2007 as an honorary organization to recognize graduating law students who excel in legal writing. Each year, any member law school may nominate up to five students to be inducted into the National Order of Scribes. Currently, Scribes has 65 inductees across 20 states.

See page 4 for further membership details.



The Lansing campus, opened in 1972.



The Auburn Hills campus, opened in 2007.



The Ann Arbor campus, opened in 2009.



The Grand Rapids campus, opened in 2003.

(Thomas Cooley Law School Profile *continued from page 1*)

Lansing, Auburn Hills, and Grand Rapids, Michigan. In 2009, Cooley added another campus in Ann Arbor, Michigan.

Although all Cooley campuses are located in Michigan, Cooley is not just a Michigan law school. Sixty-four percent of its students come from outside Michigan. Cooley alums — more than 12,000 — live and practice law in 50 states, the District of Columbia, and 12 countries. Notable alums include a former Michigan governor, two United States Congressmen, the first Arab-Muslim woman elected to the Michigan House of Representatives, and many Michigan judges.

Cooley's scheduling and curriculum are unique. The law school goes year-round, admitting students in the fall, winter, and summer, for morning, afternoon, and evening classes. And Cooley was the first ABA-approved law school in the U.S. to offer a recognized weekend program. The school offers joint degrees, the JD/MBA and the JD/MPA, with Oakland and Western Michigan universities. Students can earn the Master's of Law (LLM) degree in tax, intellectual property, corporations, or insurance law.

Cooley offers its students several clinical experiences, in elder law, criminal law (the famous Innocence Project), public-interest law, and estate planning. Cooley requires all students to complete a three- to ten-credit unpaid externship, supervised by a practicing attorney or judge and a professor.

The law school has been recognized for its professionalism program, winning the ABA's Professionalism Award in 2006.

Cooley is also notable as the academic home of Joseph Kimble, former executive director of Scribes; Norm Plate, the current executive director; and Otto Stockmeyer, former president and board member. Professor Kimble won the Burton Award in 2007 for his work rewriting the Federal Rules of Civil Procedure, as well as the 2010 Lifetime Achievement Award from the AALS Section on Legal Writing, Reasoning, and Research. He is widely published and an international expert on legal writing and plain language. Professor Kimble is chair of Cooley's Research & Writing department, leading the 12-person faculty with more than 125 years of cumulative experience.

Finally — and importantly — Cooley has generously sponsored *The Scribes Journal of Legal Writing* since volume 9.

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The President's Column

by Stuart Shiffman

Our annual luncheon was held Saturday, August 7 in San Francisco and featured several awards presentations. First was the presentation of the Brief-Writing Award to South Texas College of Law. Students Michael Jones, Stuart Ladner, and Sabrina Stone accepted their awards, along with Dean Donald Guter. South Texas has achieved an enviable record in this competition, and Dean Guter's remarks in accepting the award touched on the commitment and effort of the school's writing program and its support of the brief-writing team.

John Temple accepted the 2010 Book Award for *The Last Lawyer: The Fight to Save Death Row Inmates*. In a year in which many entries were of high quality, Mr. Temple's contribution was exceptionally noteworthy.

Professor Pamela Karlan was our keynote speaker. Professor Karlan is the founder and director of the Supreme Court Litigation Clinic at Stanford. She noted with pride that the clinic litigates many cases before the Supreme Court and is second only to the Solicitor General's Office in number of appearances before the Court. Professor Karlan detailed the difficult work of preparing, writing, editing, editing, and editing again briefs submitted by the clinic. Her remarks reminded all of us that a good legal brief is the result of an arduous but rewarding effort.

The highlight of the meeting was the presentation of the Scribes Lifetime-Achievement Award to Professor Richard Wydick. Recent winners of this award have included Justices Antonin Scalia and Ruth Bader Ginsburg. Dick Wydick is the first nonjudicial winner of the award. Dick's contributions to legal writing come from his advocacy of plain language. His *Plain English for Lawyers*—now in its fifth edition—has been a favorite of law students, legal-writing teachers, lawyers, and judges for more than 25 years. Dick's family and friends were with him to share this achievement. It was wonderful to join them on this occasion.

Our annual luncheon also marks the transition to new officers for our organization. Dean Steve Smith of California Western Law School assumes the presidency.

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www.scribes.org

Thank You to Our Volunteer Screeners

These people read multiple briefs that were nominated for the 2010 Scribes Brief-Writing Award and selected the best 20 to be reviewed by the Committee. Scribes extends a sincere thank-you for their hard work.

California Western School of Law

Roberta (Bobbie) Thyfault

Chapman University School of Law

Robin Wellford Slocum

**Chicago-Kent College of Law,
Illinois Institute of Technology**

Elizabeth DeArmond

Florida Coastal School of Law

Cynthia DeBula Baines, Kirsten
Clement, Stacy Scaldo, David
Simon, and Cynthia Stroud

Hofstra University School of Law

Frank Gulino and Amy R. Stein

The John Marshall Law School

Ardath Hamann

**University of La Verne
College of Law**

Kathy Garcia

Lewis & Clark Law School

Daryl Ann Wilson

**University of Nevada, Las Vegas,
William S. Boyd School of Law**

Terrill Pollman

**Northern Kentucky University
College of Law, Salmon P. Chase
College of Law**

Lawrence Rosenthal

**Oklahoma City University
School of Law**

Jean Giles and Maribob (Bobbie) Lee

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Law Center**

Michelle Johnson and Michael G.
Winchell

Seattle University School of Law

Mary Bowman and Connie Krontz

Stetson University College of Law

Linda S. Anderson, Brooke Bowman
and Ann Piccard

**The University of Texas
School of Law**

Kamela Bridges and Robin Meyer

**Texas Wesleyan University
School of Law**

Neil Sobol

Thomas M. Cooley Law School

Jane Siegel

**Western New England College
School of Law**

Jocelyn Cuffee, Harris Freeman,
Jeanne Kaiser, Bruce Miller, and
Myra Orlen

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Submit Your Articles

Please send items for upcoming issues of *The Scrivener* (electronically) to the e-mail address shown below.

Deadlines

Fall	October 15
Winter	January 15
Spring	March 15

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Help Scribes Grow

Would you be willing to help promote Scribes? Do you have friends or colleagues who might like to join? Will you be speaking at or attending any program involving legal writing or legal language? We would be happy to send you some of the attractive Scribes brochures to distribute. Just send an e-mail to our executive director, Norman E. Platen: platen@cooley.edu.

Scribes Membership Facts

Regular Members

Scribes has regular members from Australia, Canada, Germany, Hong Kong, New Zealand, and the United States.

Scribes has 395 regular members from 46 states, 11 regular members from Washington, D.C., and 10 regular members from six countries.

Two members established their regular membership in 1988 and have been members for 22 years.

Associate Members

In 2008, Scribes created a new membership category—associate member. Scribes has 42 associate members living in 17 different states and Washington, D.C.

Life Members

Scribes has 37 life members in 16 states, with New York having the most life members—eight. Bryan Garner became the first life member in 1999.

Sustaining Members

Scribes has 59 sustaining members across 25 states.

Student Members

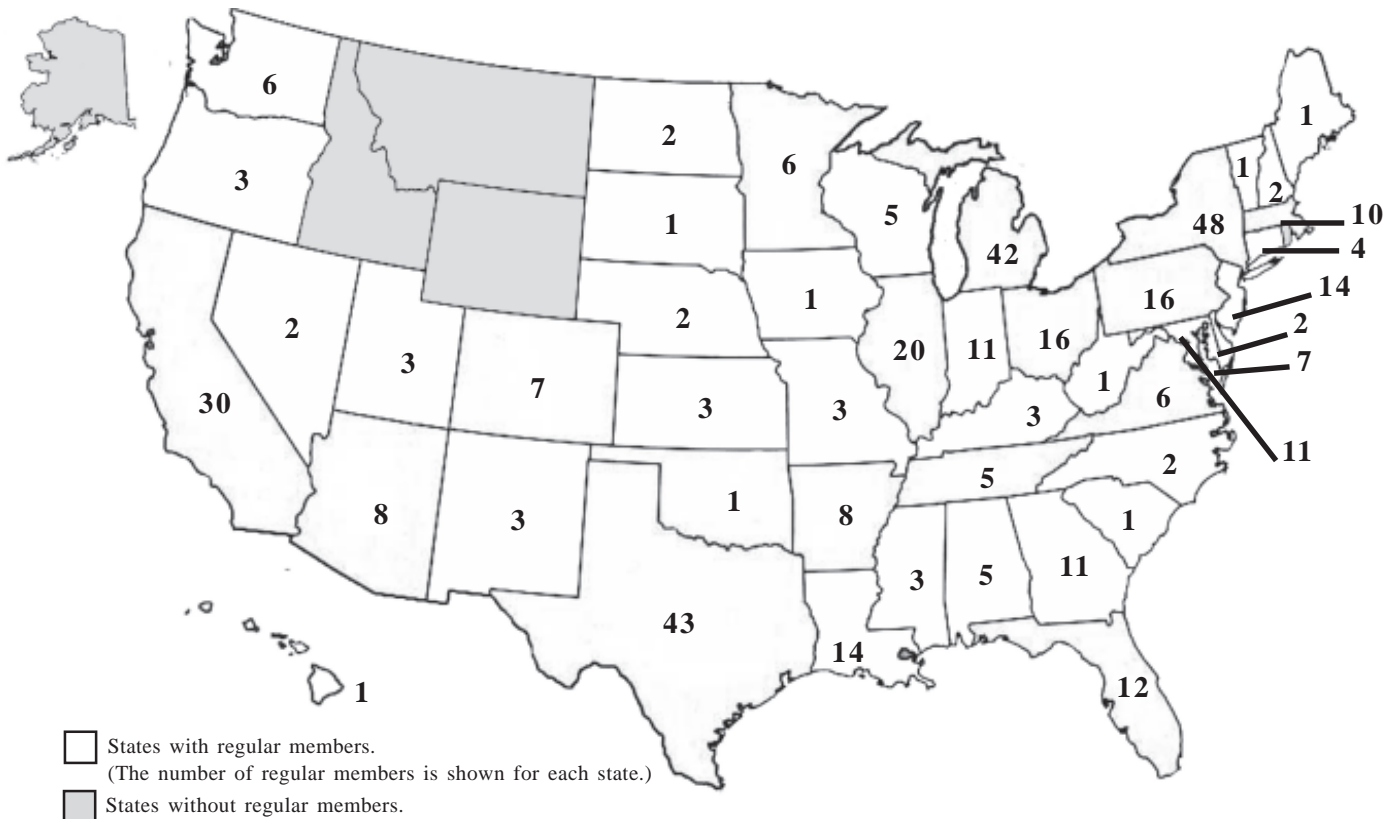
Scribes has 21 student members in 12 states and Washington, D.C., with 16 law schools participating in the National Order of Scribes in 2010.

Institutional Members

Scribes has 1,987 individual members within 38 institutional members. These institutions include 37 law schools and Thomson/West. They're located across 21 states and Washington, D.C.

The oldest institutional member is Saint Louis University School of Law, which joined in 1990. Our newest members are Suffolk University Law School and Mercer University School of Law, which joined Scribes in 2009.

Scribes also has five appellate court members—one court each in Alaska, Ohio, Pennsylvania, Texas, and Washington, D.C.



Sustaining Members

Coleen Barger (Little Rock, AR)
Florian Bartosic (Davis, CA)
Linda L. Berger (Macon, GA)
Andrew Berkman (New York, NY)
Walter H. Bithell (Boise, ID)
Turner Williams Branch
(Albuquerque, NM)
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Bradley Clary (Minneapolis, MN)
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Molly Lien
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Philip K. Lyon
(Nashville, Tennessee)
Robert N. Markle
(Fairfax, Virginia)
Bernard S. Meyer (deceased)
(Mineola, New York)
Steven F. Molo
(New York, New York)
Richard L. Neumeier
(Boston, Massachusetts)

Judge Mark P. Painter
(Cincinnati, Ohio)
K. David Roberts
(Oklahoma City, Oklahoma)
J.G. "Jerry" Schulze
(Little Rock, Arkansas)
Keldon K. Scott (Lansing, Michigan)
Alexander M. Selkirk
(San Antonio, Florida)
Gary D. Spivey (Albany, New York)
Tina L. Stark
(New York, New York)
Paul R. Steadman (Chicago, Illinois)
Thomas M. Steele (deceased)
(Winston-Salem, North Carolina)
Norman Otto Stockmeyer
(Lansing, Michigan)
Preston Torbert (Chicago, Illinois)
Anthony Turley (Toledo, Ohio)
Daniel Wallen
(New York, New York)

Summon Your Inner Kingsfield

Norman Otto Stockmeyer
Emeritus Professor, Thomas M. Cooley Law School

Scribes exists to honor legal writers and encourage a “clear, succinct, and forceful style in legal writing.” Our *Scribes Journal of Legal Writing* espouses forceful writing as well. Let me share with you my favorite example.

I teach first-year law students. Among my responsibilities on the first day of class is to explain why class is taught by discussing cases rather than by lecturing. My favorite way of doing this is to share with the class a film clip of Professor Kingsfield’s “skull full of mush” explanation of the Socratic method, from the movie *The Paper Chase* (20th Century-Fox 1973).

The late John Houseman won an Academy Award for his performance as Professor Charles W. Kingsfield, Jr., the tyrannical Contracts professor. His “skull full of mush” lecture is a highlight of the film, and yet, curiously, it does not appear in John Jay Osborn, Jr.’s 1970 book, on which the film is based. Here is a transcription from the movie (the wording used in the TV-series spin-off varies slightly):

The study of law is something new and unfamiliar to most of you—unlike any schooling you have ever been through before. We use the Socratic method here: I call on you, ask you a question, and you answer it.

Why don’t I just give you a lecture? Because through my questions you learn to teach yourselves. Through this method of questioning, answering, questioning, answering, we seek to develop in you the ability to analyze that vast complex of facts that constitute the relationships of members within a given society,

Questioning and answering. At times, you may feel that you have found the correct answer. I assure you that this is a total delusion on your part. You will never find the correct, absolute, and final answer. In my classroom, there is always another question, another question to follow your answer.

Yes, you are on a treadmill. My little questions spin the tumblers of your mind. You are on an

operating table; my little questions are the fingers probing your brain. We do brain surgery here. You teach yourselves the law, but I train your mind. You come in here with a skull full of mush, and you leave thinking like a lawyer.

That is vigorous, forceful prose. Now compare it with this contemporaneous explanation, from the 1970 Harvard Law School Catalogue, quoted in Osborn’s book:

[T]he predominant method of instruction in the Law School is the case method, first developed as a technique for law teaching by Dean Langdell in 1870, and since extensively employed in virtually all American law schools. The case method is a realistic method which uses the careful examination of judicial opinions as a focus for study and as a starting point for classroom discussion . . .

The case method also introduces the student to the analytical techniques which lawyers use to sort the relevant from the irrelevant, separate reasoning from rationalization, and distinguish solid principle from speculation. The case method is a flexible instrument



Actor John Houseman as Professor Kingsfield.

Could this passage be any more flat and boring?

Over the years, the Socratic method has caused much ink to be spilled (and a few tears to be shed). But no book or article has ever explained American legal education's signature pedagogy in terms as powerful and memorable as Professor Kingsfield's.

If your writing needs greater forcefulness, reread the two passages above and then summon your inner

Kingsfield. Like him, use vivid imagery, strong verbs, and the active voice. Avoid Harvard's abstract terms and *be-verb* constructions.

Forceful writing takes practice but, hey, it's not brain surgery.

News from Members

Scribes member **Brian Hooper** is launching a new literary journal—out of the Florida Panhandle—named the *Gulf Islands Review*. He welcomes submissions from Scribes members. No association, thematic or otherwise, to the Gulf of Mexico need be present in the work. He will especially welcome works that exhibit an interdisciplinary sensibility; articles, reviews, and interviews that approach themes from unexpected directions; literature and art that revel in the cosmopolitan mixture of legacies and traditions—all of which are the hallmark of a Gulf consciousness, even if the legacies and perspectives being evoked or analyzed are not linked to the cultures and history of the Gulf. He can be reached at editor@gulfislandsreview.com.

Professor **Ann M. Lousin** of The John Marshall Law School—Chicago has written a book on the Illinois Constitution. Called *The Illinois State Constitution: A Reference Guide*, it was published in December 2009. It is part of a series of guides to the 50 state constitutions published by Greenwood Press and now owned by Oxford University Press. She also writes regular columns on “Law and Public Policy” for *The Chicago Daily Law Bulletin*.

Scott P. Stolley was inducted as a Fellow in the American Academy of Appellate Lawyers. The Academy is an invitation-only honor society with only about 300 appellate lawyers as members nationwide. Scott P. Stolley is a partner with Thompson & Knight LLP in Dallas, Texas,

Mark E. Wojcik (The John Marshall Law School—Chicago) was elected as Chair of the Association of American Law Schools Section on International Law and as Chair-Elect of the AALS Section on Legal Writing, Reasoning, and Research.

These are two of the largest sections within the AALS. He spent part of the summer teaching U.S. law at the Facultad Libre de Derecho de Monterrey, the law school that hosted the fifth Global Legal Skills Conference for professors who teach legal writing and other lawyering skills to lawyers around the world. He also published a second edition of his book *Illinois Legal Research* (Carolina Academic Press) and a third edition of his book *Introduction to Legal English* (International Law Institute). He was reelected to the Board of Governors of the Illinois State Bar Association and received a special award from The John Marshall Law School for his service to the American Bar Association, the Illinois State Bar Association, and the Association of American Law Schools. He also serves on the boards of the Legal Writing Institute and of the International Law Students Association, which organizes the Philip C. Jessup International Law Moot Court Competition.

New Members

R. Bruce Finch (Chico, California)
Lawrence J. Gebhardt (Baltimore, Maryland)
Nancie G. Marzulla (Washington, D.C.)
Randy Michel (College Station, Texas)
Alphonsie Nelson (Santa Ana, California)
Ron Statler (Visalia, California)
Hank Wallace (Washington, D.C.)

(The President's Column *continued from page 2*)

Several new board members will also begin their terms, but I will leave that announcement for Steve.

New board members mean that old board members end their elected service to our organization. Professor Otto Stockmeyer and Beverly Burlingame leave the board after many years of service. Beverly served as President and was instrumental for many years in the editing and publication of *The Scribes Journal of Legal Writing*. She worked tirelessly for our organization, and her contributions can never be adequately set forth in a few sentences. In recent years, Beverly has been slowed by health concerns, but we hope that her return to good health will allow her to continue her service to Scribes and to the legal profession.

Otto Stockmeyer also served our organization as President. More importantly, Otto was one of the

strongest advocates for Scribes membership that any of us knew. Any attorney in Michigan or any graduate of Thomas Cooley Law School who published an article received a note from Otto on the publication, accompanied by an application to become a member of Scribes. Otto's tireless efforts can be seen in our expanding membership list. I know he will continue to be Scribes' strongest supporter.

Any organization is only as strong as those who support it through their hard work. Otto and Beverly will be missed for their contributions to Scribes. All of us know that even though they no longer serve on the board, their efforts for Scribes will continue.

Editor's Note: the next issue of The Scrivener will have more on our annual luncheon.

2009–2010 Committees

Annual Meeting

Charles Dewey Cole (Cochair)
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Stuart Shiffman (Cochair)
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Glen-Peter Ahlers, James C. Parker,
Hon. Lee Rosenthal, Otto Stockmeyer,
and John Wierzbicki

Book Award

Hon. Michael Hyman (Chair)
hymikeb@aol.com
Beverly Ray Burlingame, Yoshinori
H.T. Himel, Steve Sheppard, Stuart
Shiffman, and Richard Wydick

Brief-Writing Award

Hon. Kenneth Gartner (Chair)
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Beth Cohen, Charles Dewey Cole,
Stephen Fink, Michael Fried, Susan
Joffe, Laurel Oates, Hon. Mark
Painter, Hon. Lee Rosenthal, and
Robert M. Shaughnessy

Law-Review Award

Richard Wydick (Chair)
rcwydick@ucdavis.edu
Glen-Peter Ahlers, Mary Bowman,
Steven Feldman, and Richard Leiter

Legal-Writing Programs

Hon. Michael Hyman (Chair)
hymikeb@aol.com
Beverly Ray Burlingame, Darby
Dickerson, and Joe Kimble

Lifetime-Achievement Award

Bryan Garner (Chair)
bglawprose@yahoo.com
Hon. Mark Painter, Hon. Lee Rosenthal,
Stuart Shiffman, and Richard Wydick

Membership and Outreach

Darby Dickerson (Chair)
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Beverly Ray Burlingame, Bradley Clary,
Hon. Michael Hyman, Joe Kimble, Hon.
Mark Painter, Mary Massaron Ross,
Steve Smith, Gary Spivey, and John
Wierzbicki

Nominating

Otto Stockmeyer (Chair)
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Beverly Ray Burlingame, Bryan
Garner, Joe Kimble, Stuart Shiffman,
and Steve Smith

Scribes Journal

Joe Kimble (Chair)
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Beverly Ray Burlingame, Bryan
Garner, Wayne Schiess, and David
W. Schultz

Scrivener

Jane Siegel (Chair)
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Joe Kimble

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Christopher Wren (Chair)
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Institutional Members

- University of Akron, C. Blake McDowell Law Center
Akron, Ohio (since 2004)
- Alaska Appellate Courts
Anchorage, Alaska (since 2005)
- University of Arkansas at Little Rock,
William H. Bowen School of Law
Little Rock, Arkansas (since 2007)
- Barry University,
Dwayne O. Andreas School of Law
Orlando, Florida (since 2002)
- California Western School of Law
San Diego, California (since 1996)
- The Catholic University of America,
Columbus School of Law
Washington, D.C. (since 2007)
- Chapman University School of Law
Orange, California (since 2002)
- Charlotte School of Law
Charlotte, North Carolina (since 2008)
- Chicago-Kent College of Law
Illinois Institute of Technology
Chicago, Illinois (since 2006)
- Commonwealth Court of Pennsylvania
Harrisburg, Pennsylvania (since 2005)
- Duke University School of Law
Durham, North Carolina (since 2008)
- Florida Coastal School of Law
Jacksonville, Florida (since 2002)
- Golden Gate University
San Francisco, California (since 2006)
- Hofstra University School of Law
Hempstead, New York (since 2007)
- University of Houston Law Center
Houston, Texas (since 2002)
- The John Marshall Law School
Chicago, Illinois (since 2004)
- University of La Verne College of Law
Ontario, California (since 2003)
- Lewis & Clark Law School
Portland, Oregon (since 2004)
- Mercer University School of Law
Macon, Georgia (since 2009)
- University of Missouri-Columbia School of Law
Columbia, Missouri (since 2008)
- University of Nevada, Las Vegas,
William S. Boyd School of Law
Las Vegas, Nevada (since 2006)
- Northern Kentucky University College of Law,
Salmon P. Chase College of Law
Highland Heights, Kentucky (since 2002)
- Ohio Court of Appeals, First District
Cincinnati, Ohio (since 2007)
- Oklahoma City University School of Law
Oklahoma City, Oklahoma (since 2004)
- The University of Oklahoma Law Center
Norman, Oklahoma (since 2006)
- Pace University School of Law
White Plains, New York (since 2007)
- Saint Louis University School of Law
St. Louis, Missouri (since 1990)
- Seattle University School of Law
Seattle, Washington (since 2001)
- South Texas College of Law
Houston, Texas (since 2006)
- Southwestern Law School
Los Angeles, California (since 1990)
- Stetson University College of Law
St. Petersburg, Florida (since 1990)
- Suffolk University Law School
Boston, Massachusetts (since 2009)
- Supreme Court of Texas
Austin, Texas (since 2006)
- Syracuse University College of Law
Syracuse, New York (since 2004)
- The University of Texas School of Law
Austin, Texas (since 1991)
- Texas Wesleyan University School of Law
Fort Worth, Texas (since 2007)
- Thomas M. Cooley Law School
Lansing, Michigan (since 1991)
- Thomson West
Rochester, New York (since 2007)
- United States Court of Appeals for the Armed Forces
Washington, D.C. (since 2005)
- Valparaiso University School of Law
Valparaiso, Indiana (since 2008)
- Washburn University School of Law
Topeka, Kansas (since 2001)
- Western New England College School of Law
Springfield, Massachusetts (since 2000)
- William Mitchell College of Law
St. Paul, Minnesota (since 2001)

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