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“Get Real” Giving Writing Assignments

By **Todd Haugh**

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Legal writing professors know that effective teaching means modeling in the classroom the actual demands of law practice. Indeed, for our students to succeed in practice we must create “real-world” scenarios that develop both their skills and confidence. The recent economic downturn has only heightened the demand for newly minted attorneys able to step seamlessly into the practice world, which, in turn, has heightened our obligation to create practice-ready law school graduates.

Creating real-world learning opportunities in the classroom is not always easy, however. Let’s be honest: has a senior partner *ever* walked a new associate through the importance of IRAC or explained (correctly) the principles underlying a citation rule? But there are ways to work real-world scenarios with real-world expectations into a legal writing curriculum, thereby preparing students for their new profession in a way that will allow them to find success from the start.

One area that lends itself particularly well to real-world instruction is giving research and writing assignments. Practicing lawyers, even new ones, receive dozens of assignments each week, yet none of them resembles the prepackaged, all-inclusive assignment memos that many of us provide our students. So, let’s “get real” and provide

students with an assignment-receiving experience that will truly prepare them for practice.¹

Real Lawyers Give Assignments Orally

The first step in creating real-world assignments is to deliver them orally. With a few exceptions, practicing lawyers dole out assignments verbally, often in a rush and over the phone. By assigning memos and briefs orally, students are given an opportunity to develop listening, note-taking, and critical thinking skills. Students also learn to categorize and prioritize information quickly, a proficiency that holds career-long benefits. To ensure important facts and instructions aren’t left out, try prerecording oral assignments and playing them to the class, or even e-mailing the electronic recording. My favorite approach is the rambling partner voice mail—a *truly* real world experience.

Real Lawyers Give Assignments on the Fly

As more students rely on computers and smartphones for note taking, fewer are adept with a pen and paper. But supervising attorneys do not wait for computers to boot up or phone batteries to charge. Encourage students to develop their listening and note-taking skills without the aid of electronics. This discipline gives them practice recording and organizing the critical information necessary to complete

¹ To be sure, not every student is ready to receive assignments in a “real-world” scenario. First-semester 1Ls usually do not have the listening or analytical skills to comprehend a complex oral assignment and formulate meaningful questions. However, most second-semester 1Ls with a memo or two behind them and all upper-level students should be familiar enough with what is expected in a research and writing assignment to quickly organize information and anticipate potential problem areas that require follow-up questions. Regardless of your students’ skill level, it is imperative to set them up for a positive experience by discussing expectations and strategies for success prior to giving assignments.

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an assignment, whether the assignment is given in the conference room, in the courtroom, or while trailing a partner running for a taxi.

Real Lawyers' Assignments Don't Come with Instruction Manuals

Resist the urge to lay out every possible scenario that your students may encounter when completing an assignment or to provide instructions in painstaking detail. Most attorneys don't provide a comprehensive list of instructions when handing out research assignments; instead, they outline projects for new attorneys in general terms based on the information at hand and expect that the attorneys' research and critical thinking skills will fill in the blanks. While mimicking these slightly vague assignment instructions may cause initial student angst, it has the benefit of forcing students to think beyond simply finding a single "right" answer. Students are challenged to think globally about the issues, even those not explicitly mentioned, and consider what other questions must be answered to complete the assignment. Helping students think about what they don't know—but need to—is key to helping them "own" future work assignments.

Real Lawyers Take Questions ... Once

Giving real-world assignments should not be an exercise in playing "hide the ball." To ensure students have the necessary tools to succeed, it's essential to allow student follow-up questions. This is also a time to backfill key information students might have missed, such as the relevant jurisdiction or the most logical umbrella and sub-issue hierarchy. I prefer a "you caught the partner in the elevator" session, allowing students to ask a series of questions to the assigning attorney within a finite time period. This informal Q&A, usually held at the beginning of the next class period after an assignment is given (and then right after the assignment as students progress), forces students to organize their thoughts, formulate succinct questions, and weigh what questions must be answered versus those that can be determined independently.

Real Lawyers Don't Do Excuses

Most students have yet to learn that excuses just don't fly in the legal workplace. Help them understand this truism by resisting the urge to bail out students who failed to take good notes, didn't formulate good questions, and didn't buy into the real-world assignment-receiving experience. Better they learn the consequences now than when their livelihood is at stake. If you are feeling particularly charitable (as even the most black-hearted partner is once in a while), you might forward to the class your correspondence with a student asking particularly insightful questions as a way to rehabilitate wayward students. This mimics a typical workplace e-mail chain requiring the recipients to do some critical thinking on their own, as opposed to indulging students' "tell me what I'm missing" pleas.

For more information and readings helpful in preparing students to receive a real-world assignment, please see Mary Barnard Ray, *The Basics of Legal Writing* 145–50 (rev. 1st ed. 2008), and Kay Kavanagh and Paula Nailon, *Excellence in the Workplace: Legal and Life Skills* 103–04 (2007). Each contains great tips for students and practitioners to successfully receive and present information orally, as well as project assignment checklists. And good luck "getting real" with your students. Although a real-world assignment-receiving experience is an adjustment for some students, after their first day on the job, they'll thank you.

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