

Talking in Class:

A Lesson in Oral Communication Skills for the Legal Writing Space

LONE★STAR
REGIONAL
LEGAL WRITING CONFERENCE

Danielle Copes, J.D., LL.M.
St. Mary's University School of Law

What's missing from traditional LRW?

- ▶ Traditional LRW
 - ▶ Students research, read, and write to produce work products
 - ▶ Simulates work of student interns or new associate attorneys
- ▶ But LRW, by definition, does not teach the other critical skill: effective oral communication

Why not just focus on writing?

- ▶ Real world doesn't work that way
- ▶ Oral communication skills are just as important
- ▶ Good writing may not be enough
- ▶ Employers expect more
- ▶ New hires must be able to effectively explain their research and analysis to their supervising attorney

Bridging the gap

- ▶ The problem:
 - ▶ Students need the skills but have few opportunities to speak and present beyond reciting cases
 - ▶ Is this realistic?
- ▶ What can we do?
 - ▶ Incorporate oral communication skills into our LRW courses
 - ▶ Why us?
 - ▶ Why not us?

What do you suggest?

- ▶ Supervising Attorney Meeting
 - ▶ Realistic simulation exercise requiring students to present their research findings and legal analysis to the lead attorney on their mock case
 - ▶ A follow-up to a writing assignment your course already includes

The task

The student

- orally presents legal analysis and research findings
- “talks through” the case
- makes recommendations on a course of action
- answers the attorney’s questions

Who plays the attorney role?

- ▶ A real attorney!
 - ▶ Attorney volunteers play the role of the supervising attorney
 - ▶ More on this later . . .

The big question: how?

- ▶ Identify the question
 - ▶ Select a question or issue from a writing project, e.g., one argument from an appellate brief or trial court motion
 - ▶ Instruct students to present their findings to the attorney
 - ▶ “Present the best arguments that _____”
 - ▶ “Explain the strengths and weaknesses of your client’s case”

Instruct students

- ▶ Discuss supervising attorney meetings in real world (when, why, what)
- ▶ Include professionalism and ethics
- ▶ Identify the necessary skills
- ▶ Explain what to expect
- ▶ Give pointers and parameters
- ▶ Demonstrate and practice

The logistics

- ▶ Preliminary decisions
 - ▶ When?
 - ▶ Where?
 - ▶ In person, or virtual?
 - ▶ How?
 - ▶ In pairs, or solo?
- ▶ Appoint a coordinator to manage the meeting logistics and be key contact person for volunteers

The logistics

- ▶ Recruit attorney volunteers
 - ▶ Alumni
 - ▶ Communications/social media
 - ▶ Other departments' networks
 - ▶ Your lawyer friends
 - ▶ Bar associations and groups
- ▶ Try to get outside attorneys as often as possible

The logistics

- ▶ Create a signup for volunteers
- ▶ Prepare an executive summary (confidential)
- ▶ Confirm logistics with volunteers and provide copy of executive summary
- ▶ Have backups on standby

The logistics

- ▶ During the meeting
 - ▶ Only the student(s), the attorney, and the prof
 - ▶ Prof is just the timekeeper
 - ▶ Prof: take notes and mark scoresheets in real time

The logistics

- ▶ After the meeting
 - ▶ Students complete individual reflection/self-assessment
 - ▶ Class debrief
 - ▶ Attorney profiles
 - ▶ Formal thank you to attorney volunteers

Grading

- ▶ Rubric
 - ▶ Suggested categories:
 - ▶ Preparation and organization
 - ▶ Meeting content (law and analysis)
 - ▶ Presentation and professionalism
 - ▶ Scaled scoring
- ▶ “Lightly graded”

Additional benefits

- ▶ Helps prepare students for real world
- ▶ May come back on NextGen
- ▶ Can reveal hidden talents
- ▶ Great precursor to oral advocacy
- ▶ Improves students' writing (really?!)
- ▶ Sometimes leads to a job or mentorship (bonus)
- ▶ Volunteer attorneys can help foster sense of belonging
- ▶ ***Builds student confidence!***

Contact information

Professor Danielle Copes
St. Mary's University School of Law
Office direct: (210) 436-3822
E-mail: dcopes@stmarytx.edu