

Pam DeMartino:

Welcome to the Widener Wordsmith, a podcast series designed to enhance and supplement legal methods here at Widener University Commonwealth Law School. I am Pam DeMartino, an adjunct professor of legal methods and the host of this series. Joining me throughout this year will be attorneys from both academia and legal practice who will provide listeners with advice and insight into the challenging process of legal writing.

Pam DeMartino:

Greetings to the 1L's who are listening to this episode of the Widener Wordsmith and congratulations for having completed your first semester of law school. Special kudos too for your work in legal methods one. I'm sure most of you are now appreciating how different the study of law is from what it is you had actually envisioned. And I'm sure all of you are realizing just how much work you can actually complete in a week's time. But you muddled through somehow, had a restful and Merry break and should now be gearing up for round two of legal methods.

Pam DeMartino:

Last semester, students asked me what the second half of legal methods course was going to be like, which gave me the idea for today's episode. I thought it would be helpful to give you all a course tour of legal methods two, but I also thought that the best person to be our tour guide would be professor Anna Hemingway, who has graciously agreed to join me today. Good morning, professor and welcome.

Anna Hemingway:

Good morning. Thank you.

Pam DeMartino:

Professor Hemingway is an associate professor of law and is also the director of legal methods. And I thought maybe we would give our listening audience a snapshot of your role here in the law school. Not everyone has the opportunity to have you as an instructor or know who you are. So just maybe step back and take a look at your role here at Commonwealth Law and let our listeners know how long have you been here? What subjects do you typically teach?

Anna Hemingway:

Okay. Sure. So I started here in 1998, which is a very long time ago. I've been here 21 years. Yeah. And my focus is on legal methods, so I teach legal methods one and two and legal methods three. I've taught some additional courses. I also teach property. So property one, property two, and some other skills types courses like mediation, interviewing and counseling. I've done a seminar. I haven't done it in a while, but I've done a seminar on law and psychology.

Pam DeMartino:

Interesting.

Anna Hemingway:

And I also teach a intersession course called leadership for lawyers.

Pam DeMartino:

All right. And how would you describe your role then as the director of legal methods?

Anna Hemingway:

So the director portion of my job is really an administrative role. I work with the deans to set the schedule and the courses for legal methods, the course offerings really for methods one and two, and methods three. And then I work with the professors to set the curriculum.

Pam DeMartino:

Okay. So you've said you've been here at the law school for a time.

Anna Hemingway:

Yes.

Pam DeMartino:

And how has legal methods changed or perhaps stayed the same, even over the course of the last few or few years?

Anna Hemingway:

Legal methods has changed a great deal. When I started the course was six credits originally. Legal methods one was three and legal methods two was three.

Pam DeMartino:

All right.

Anna Hemingway:

And there was no legal methods three.

Pam DeMartino:

Oh.

Anna Hemingway:

So that's been,

Pam DeMartino:

That was the end of it.

Anna Hemingway:

Quite a change. Yeah. So it was only a first year requirement, but through the years it went down. Legal methods one and two went to five credits. Now it's back up to six and we've also added the two credits, legal methods three requirement. So I think that it's wonderful. The school's commitment to skills training and to legal writing is really reflected in the number of credit hours that our students take. And also we've changed within the courses, we've changed the requirements, the assignments. So for example, in methods one, we used to teach the students how to put together a predictive office memo.

Pam DeMartino:

All right.

Anna Hemingway:

And as you know, from teaching, we've changed that to a judicial opinion.

Pam DeMartino:

Yes.

Anna Hemingway:

And that really was done to reflect the change in practice of how the formal office memo is not used as frequently as it once was. We've also just changed recently legal methods two where it's gone from two credits to three credits, and we've moved the research component of methods one to methods two.

Pam DeMartino:

Two. And we're going to hold that thought because we're going to talk about that research. And our primary focus today is then on that second half of the year, but before we move into legal methods two, perhaps we can just have an overview of what we accomplished in legal methods one.

Anna Hemingway:

Sure. So I think that the students have accomplished a great deal in methods one, and I hope they think so too.

Pam DeMartino:

Oh, I think everybody appreciated how busy they were.

Anna Hemingway:

So methods one is a really busy course. There's a lot of components to it. Students are taught legal citation, which is brand new for most of them and the wonderful blue book,

Pam DeMartino:

Yes.

Anna Hemingway:

That accompanies it. They also have a core grammar for lawyers component, which is although our students are good writers coming in, they have to think about how to write lawyerly. Right. So that's why we have that requirement. But the real focus of methods one is on legal analysis, legal analysis, legal reasoning, and how to communicate that reasoning in writing.

Pam DeMartino:

Through the writing. Right. I think too often, our students arrive, ready to get behind that podium and let me argue and go forth without really appreciating how that is going to have to come together before they reach that point. Okay. So we learned all of these skill sets and develop them and successfully

completed the first half. And that's when students then, gave me a look saying, what now? What could we possibly have to now cover through legal methods two?

Anna Hemingway:

Yeah. So believe it or not, there is more to learn. A lot more. So in methods two we shift. In methods one, the primary focus was this objective writing through the judicial opinion and even predictive writing through the e-memo assignment. But now we ask our students to learn and focus on persuasive writing. So instead of writing to a partner, a law partner in a firm, we have them write to the bench. So they will be writing for judges.

Pam DeMartino:

The judges. And so in that role actually taking on an advocacy role.

Anna Hemingway:

That's right.

Pam DeMartino:

Part of that endeavor, they will necessarily have to draw on the lessons that were presented on legal methods one, in terms of their analysis.

Anna Hemingway:

Yes. So in some ways legal methods two compliments legal methods one in that they are building on the skills that they learned. Right. So where we've taught them to for example, write a rule statement in an objective manner in the fall, now in methods two, we will focus and teach them how to write a rule statement in a persuasive manner.

Pam DeMartino:

But the structures will remain the same or be somewhat consistent.

Anna Hemingway:

Yeah. I think the organizational structures remain the same, but the shift is really the audience, who they're writing for and also their role as the advocate. So they will be, for example, there'll be putting together two major documents I think, of the trial brief memo and also the appellate brief.

Pam DeMartino:

And as part of each of those assignments, they will be required to conduct their own research. So we'll go back to that. And the audience can't see me using my air quotation marks around this, but we have been discussing or mentioning this idea that legal research will be a topic of legal methods two. So could you share with our students what we are going to be encountering this semester?

Anna Hemingway:

Sure. So they will actually be doing the research for themselves on the appellate brief. We will be giving them some materials for the trial brief, and there'll be doing a small research project with the trial brief,

but it will not be as much research as it is for the appellate brief. They will be learning how to research secondary sources,

Pam DeMartino:

All right.

Anna Hemingway:

Statutes, cases, and court rules and regulations. And we're very lucky here at Widener Commonwealth. We have some terrific librarians and the librarians will be coming in and providing that instruction for the students.

Pam DeMartino:

For that. So as opposed to the JO where we gave them the closed library, they will, in essence, be creating their own libraries.

Anna Hemingway:

For the appellate brief, they will be. They'll still be given a library for the trial brief because we like to structure the course similarly to methods one, where they'll have ungraded assignments at the beginning.

Pam DeMartino:

All right.

Anna Hemingway:

And then a graded assignment.

Pam DeMartino:

And they will also be given the opportunity to conference.

Anna Hemingway:

Yes. There'll be two conferences this semester, in a very similar fashion to last semester.

Pam DeMartino:

So this semester ultimately we'll end with an oral argument. And I don't even know that my students were necessarily aware of or as aware or focused on that component because it just seems so far off into the distance. But perhaps we can give them just a bit of a prequel of what that is going to look like.

Anna Hemingway:

Sure. So that's another slight difference from methods one. In methods two, we work not only on their written communication skills, but also on their oral communication skills. So the oral arguments are the grand finale, I like to think of in method,

Pam DeMartino:

First year.

Anna Hemingway:

Yes. Of the first year, where they get to go before a, usually two to three person bench made up of their professor and perhaps some other faculty members or guests of the professor, where they will argue in teams of two, one issue from the appellate brief that they have written before the court. And I believe they get seven and a half minutes each to do that.

Pam DeMartino:

Yes, it's much shorter than I think anybody even realizes. And especially when you stand up and start talking and realize, oh my gosh, we're done. So do you have any advice for the students in terms of their legal methods experience from the fall and in preparing for the experience in the spring?

Anna Hemingway:

I do. I think two pieces of advice really. One will relate to grades because I know that's the big focus always of students.

Pam DeMartino:

Sure.

Anna Hemingway:

And the other is really for class prep. It's important for students to keep working. Right. And to keep focused on their end goal. And I was a student, so I appreciate the focus on the grades, but grades are just feedback. They're a check-in point. Right.

Pam DeMartino:

That's right. That's right.

Anna Hemingway:

So if they get their grades and they're happy, good. Kudos. That's wonderful. Keep up the good work. The grades come back and they are disappointed, all that is is feedback. And then you look at what you did in the fall and you adjust accordingly because that's another opportunity. So that's kind of a life perspective,

Pam DeMartino:

Absolutely. Absolutely.

Anna Hemingway:

View for the material and just preparing for the semester. It's really important in methods two, to take the time to do all of the reading, to watch all of the videos, to come to class ready to work on the skills. I know it's easy when students are getting overwhelmed with so much work. Well, I won't get cold called on and methods, so I won't do this reading, but they end up harming themselves at the end because they're missing out on that opportunity to hone that skill in the class. So my advice to them is to make sure to always prepare as best as they can for class and to keep working.

Pam DeMartino:

Well, and I appreciate that advice, not only with regard to the grades, because I can just share that from my perspective, my grades steadily improved from first year to second year to third year. And that was my progression. And I look back on it and congratulate myself for it. As you said, not using it as feedback and learning from it and not using it as an excuse for letting go or giving up, otherwise giving up.

Pam DeMartino:

But also then particularly with your second point with the resources, because we offer so much support in terms of the resources for them to draw on, to help them complete their assignments. And we offer a variety. And that's what excites me about our program is it's not just a textbook. At the second semester, we even have a second book that hones in on some of the same skill sets, but in a different way, offering some different types of examples. And then we also offer videos and we have the library staff that's going to be coming in. So it's really, as you said, making use of those resources I agree, will really help support their success.

Anna Hemingway:

Yeah, I think so. I certainly hope so.

Pam DeMartino:

Well, I thank you very much professor for joining me today and taking the time to talk about next semester. I'm excited about what it is that we will be journeying through. And I hope my listeners as well, once they've appreciated their performance and what lies ahead that as you said, they come to just really enjoy the experience.

Anna Hemingway:

Yeah, I hope so too. Thank you very much for inviting me and welcome back to all the students.

Pam DeMartino:

And I look forward to my listeners to joining me for the next episode of the Widener Wordsmith podcast series. This podcast series was made possible by a generous grant award from the association of legal writing directors and the collaborative and creative support of the legal methods faculty at Widener University Commonwealth Law School.

Speaker 3:

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