

Guest Editors' Note

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Our Motivations

This special issue highlights assignments from both undergraduate and law school instructors who aim to support students in the transition to law school. Lawyers are familiar with the motion *in limine*, which advocates make to judges prior to trial. The Latin term *limen* refers to the threshold of a home, so the motion occurs on the threshold. Law students, too, must cross the threshold from undergraduate study to professional school, and that transition is not thoroughly studied. Among the many challenges students face while *in limine* are the requirements of a more formal type of writing in law school than that for which their undergraduate training has prepared them. But many students come to law school having taken some kind of undergraduate writing class focused on legal writing. Meanwhile, critical scholarship and current events counsel some skepticism regarding the conventions of legal communication and rhetoric.

Currently, there is limited scholarship on the transition from undergraduate education to law school. Enquist (2005) observes the fundamental differences between undergraduate writing and legal writing. Christensen (2006) observes that differences in first-semester law students' reading strategies often correlate to academic success. Flanagan (2015) argues through empirical research that many students entering law school "do not have the critical thinking and analytical reasoning skills that provide the foundation for "thinking like a lawyer"" (p. 171). Graham (2018) concludes that "Gen Z students are weaker than students of prior generations in critical reading, thinking and writing" (p. 57). Cabrera (2001) asks whether a stronger foundation in communication skills from undergraduate education could aid in future law school retention. These concerns arise for all students, but some challenges may be greater for minoritized students. Graham (2018) points out how students in universities and law schools alike struggle to "navigate systems of institutionalized racism, sexism and heterosexism along with issues of marginalization, socioeconomic bias, and immigration" (p. 40). Fordyce and McCormick (2016) analyze the relationships of race, gender and undergraduate major to first-year law school performance. Minoritized students may face particular challenges in the transition, but they also bring unique resources to the classroom (Crichton, 2021).

Merely teaching undergraduates and law students to reproduce the rhetoric of the law is not, however, enough to train students for contemporary law, because, as McKinnon (2010) notes, "the rhetoric of the law [has been] deployed . . . to construct a story of the United States as always, in advance, white, European, middle class, heterosexual, able bodied, sound in mind, and male" (p. 325, reviewing Bumiller, 2008; Carlson, 2009; Lombardo, 2008; Ordover, 2003; Pascoe, 2009; Weiner, 2006). Consequently, recent scholarship has attended to the need to raise diversity, equity, and inclusion issues from the beginning of legal education (Dyszlewski et al., 2021; McMurtry-Chubb, 2022).

prompt
a journal of academic
writing assignments

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This Issue's Contributions

We begin with a poem. Why not? The transition from undergraduate to law school writing is difficult and fraught, so we've tried to capture in this special issue many different angles of approach. It's important to acknowledge that prospective law students come from different majors and traditions and possess divergent skill sets, so while bridging the gap between familiar and unfamiliar might best be achieved with a poem for an English major, an engineering major might prefer a more logical, architectural approach, like the one employed by our second author, who uses V-charts to help students contextualize and define social problems. All three of us guest editing this issue are trained as lawyers and have also taught undergraduate legal writing. Two of us now teach legal writing in law schools. We've seen the transition from both sides. There is very little literature on the pedagogy of undergraduate legal writing but voluminous literature on legal writing in law school. There is robust scholarship on undergraduate writing broadly, and the approaches and philosophies of our authors showcase how exciting it can be when theories typically associated with undergraduate academic writing intersect on the threshold of the practical and professional considerations of the law school world.

The contributors to this special issue offer prompts to bridge this important gap. The essays here are presented roughly in the order that students might experience their prompts: two as undergraduates, two as students beginning their first year of law school, and two for students nearing the end of their first year. Any of these prompts, however, could be readily adapted to a different part of the liminal period between undergraduate and law school, and the skills in most are applicable in other fields.

In "A Promising Amalgamation: Law, Poetry and the Making of Legal Writers," Sara F. Cates shows how a critical reading of Gwendolyn Brooks's poem "Boy Breaking Glass" can help students issue-spot, delve into ambiguities and dissect complicated, purposeful language. Though Cates has situated this prompt as part of a first-year law school class, we can see using it in an undergraduate introduction to thinking about the law with and through the humanities. The close-reading skills and imaginative thinking on which the prompt depends can help undergraduate students envision themselves and their diverse skills within the humanities finding a home within the practice and profession of the law.

In "Setting the Argument: Authoring in the Law School Transition," Mark Hannah eschews the typical academic practice of presenting a pre-structured problem by having his students map and compose an explanatory narrative about a contested public issue and its complicated roots. As researchers in many fields know, asking the right questions, or setting the right problems, is an important first step to finding meaningful answers. Hannah models this practice in a way that is accessible to undergraduate students in various disciplines but that is also essential to the first-year law student.

Tracy Norton invites us to consider the application of a widely studied teaching technology in the undergraduate classroom to the first year of law school. In "Each One, Teach One: Engaging Students in Professional Identity Formation Across the Law School Curriculum with Fully Anonymous Peer Review," she explores the use of the Peerceptiv peer-review platform to aid students not just in improving their writing but also in forming their professional identities as consumers and critics of the writing of others. Though framed for use in the first-year law classroom (and in later parts of legal education), Norton's approach is readily applicable to undergraduate disciplines where writing and communication are a collective activity that requires critical evaluative skills and the social skills necessary to communicate such evaluations and criticisms constructively.

In "Crossing the Threshold with Apples, Potatoes, and Limes: Using the 'Grocer's Dilemma' to Introduce Law Students to Malleability in the Law," Kirsten Davis introduces students to the

malleability of legal rules without the complexity of a legal context, making the assignment ideal for students traversing the liminality of legal education. In the context of this assignment, rules are hard to identify, and students are forced to engage in a process of practical reasoning. This ability to take account of different kinds of reasons in the context of making a practical decision, and especially the ability to reason by example or reason analogically, are valuable in most areas of human endeavor. But in the law, they are the core skill of “thinking like a lawyer.”

Tanner and Roderick’s “The Legal Writing Manual: Self-regulated Learning for First-year Law Students,” offers an assignment that encourages self-regulated learning by asking students to record their writing process and compile a manual for approaching unfamiliar writing situations in the future. This exercise in perspective taking, and imagining and remembering what it is like to be back at the threshold of some field of knowledge, is critical across disciplines. Not just technical communicators, who are often called on to distill the understanding of subject-matter experts into instructions for the uninitiated, but practitioners of many professions are called on not only to know their business but to be able to communicate the hows and whys to novices with whom they work.

Finally, in “Breaking the Rules,” Rima Sirota presents a legal research and writing assignment crafted for students completing their first year of law school. It calls on students to exhibit their understanding of the rational conventions of the legal discourse community into which they have been initiated for the last year, but it also challenges students to think more deeply about this discourse community because some of its conventions perpetuate discrimination in the law. Law school calls on students to understand the status quo of settled legal rules, but the profession of law often calls on them to challenge discriminatory legal rules. Though this assignment imagines students who have been immersed in the law for most of a school year, it represents a structure suitable for an upper-division undergraduate course in legal writing, political science, rhetoric, or critical theory, because it forces students to think not only about what the rules and rhetorical performances are but the how and why of them.

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