



# THE Scrivener

Spring 2016

Scribes—The American Society of Legal Writers

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## Submissions

Please send items for upcoming issues of *The Scrivener* to Maureen Collins at [7collins@jmls.edu](mailto:7collins@jmls.edu).

## Scribes President Column

By Scribes President Justice Michael B. Hyman

Scribes believes good legal writing must be ingrained as early as possible in a lawyer's career. This explains why for nearly 30 years Scribes has presented an annual award for the best student-written article in a law review or journal. It also explains why Scribes has presented an annual award for the best student-written brief for 20 years. And it explains why Scribes so highly values the 38 law schools that have joined us as institutional members.

Now Scribes wants to take our reach further by establishing Scribes-affiliated student legal writing clubs at law schools throughout the country. In so doing we hope to encourage future lawyers to make improving their writing skills a lifelong pursuit and to popularize the use of plain English in legal papers. These clubs (we have not chosen a name for them yet) can be an opportunity to involve local member lawyers and judges as well.

Leading the preparatory work for the creation of law school outposts are Dean Darby Dickerson, our immediate past president, and Professor Mark Wojcik, vice president. Already, Dean Dickerson has agreed to implement a pilot program at Texas Tech University School of Law in academic year 2016-2017, which will help find just the right focus and approach as we move forward.

I invite your ideas, advice, and participation on how we can best serve the interests of law students through clubs. Simply email Professor Jamie Baker, Scribes executive director, at [scribeslegalwriters@gmail.com](mailto:scribeslegalwriters@gmail.com).

Finally, especially members in the Southern Wisconsin, Northern Indiana and Chicagoland area, attend Scribes' star-studded CLE programs, award presentations, and reception on Friday, April 15, at the John Marshall Law School, Chicago. In addition, all members are welcome to sit in on the Scribes board meeting the following morning at the Union League Club, 65 W Jackson Blvd, Chicago.

Feel free to share with me any comments, suggestions, or questions at [Hymikeb@aol.com](mailto:Hymikeb@aol.com).

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## Scribes CLE Program on April 15 at The John Marshall Law School in Chicago

Scribes will hold its 2016 CLE program *Legal Writing: From Basics to Application* on Friday, April 15th at the John Marshall Law School. The program includes panels on Ethics and Writing, Storytelling for Lawyers, Opinion Writing and Basic Writing Tips. The panelists include distinguished professors, judges, and justices. A reception will follow the program. The Scribes Book Award will be presented and Bryan Garner will host a Q and A with Hon. Frank Easterbrook and Hon. Richard Posner. Attendees will receive 3.5 hours of CLE credit. The event is free for Scribes members. There are special rates for recently admitted lawyers, law students and law professors.

To register, go to the Scribes website, [www.scribes.org](http://www.scribes.org) and look under CLEs, 2016 CLE registration or email [scribeslegalwriters@gmail.com](mailto:scribeslegalwriters@gmail.com).



## Scribes is a Co-Sponsor of the 11th Global Legal Skills Conference

The first Global Legal Skills conference was held at The John Marshall Law School in Chicago, an intimate conference connecting legal writing professionals who had an interest in teaching international students and lawyers. GLS has since grown to include legal writing faculty, international and comparative law professors, clinical faculty, linguists, librarians, judges, attorneys, court translators, law students, and scholars interested in global legal skills education. Now in its 11th iteration, the conference draws hundreds of professionals from around the world.

This year, Scribes is a co-sponsor of the *2016 Global Legal Skills Conference (GLS-11)* that will provide an opportunity to share best practices of international legal skills education while taking in the beautiful surroundings of Verona, Italy. This year's conference at the University Of Verona Department Of Law will begin on Tuesday, May 24, 2016 and continue through Thursday, May 26. An optional excursion to explore the Veneto is planned for Friday, May 27, 2016.

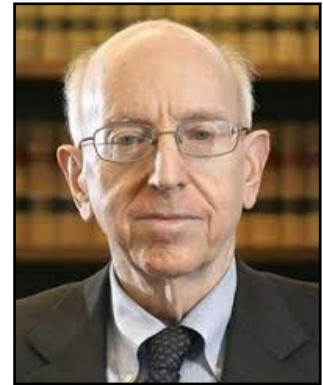
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## Lifetime Achievement Awards for Judges Richard Posner and Frank Easterbrook to be Presented in Chicago

Two former Chief Judges of the U.S. Court of Appeals for the Seventh Circuit will receive Lifetime Achievement Awards from Scribes—The American Society of Legal Writers. The awards will be presented at an evening reception on Friday, April 15, 2016 at The John Marshall Law School to Judge Richard Posner and Judge Frank Easterbrook. Bryan Garner, a Scribes Board Member and editor of Black's Law Dictionary, will interview both judges as part of the award presentation.

Richard Posner has been a judge of the U.S. Court of Appeals for the Seventh Circuit since 1981. He served as Chief Judge of the Seventh Circuit from 1993 to 2000. He is widely recognized as a leading figure in the field of law and economics, and was identified by *The Journal of Legal Studies* as the most cited legal scholar of the 20th century. He has authored more than 40 books, including: *Economic Analysis of Law* (1973 and later editions); *Law and Literature* (1988 and later editions); *The Little Book of Plagiarism* (2007); *How Judges Think* (2008). His law review articles have appeared in the *Harvard Law Review*, the *University of Chicago Law Review*, the *Stanford Law Review*, and many other publications. Judge Posner is such a prolific author that Nobel Laureate economist Robert M. Solow described him in the *New York Review of Books* as “an apparently inexhaustible writer on . . . nearly everything. To call him a polymath would be a gross understatement . . . Judge Posner evidently writes the way other men breathe.”

Frank Hoover Easterbrook has been a judge of the U.S. Court of Appeals for the Seventh Circuit since 1985 and served as Chief Judge from 2006 to 2013. Judge Easterbrook is also noted for his use of economic analysis of law, his legalist approach to judicial interpretation, and his clear writing style. Like Judge Posner, he is a prolific judge and one of the most cited appellate judges in the United States.



Judge Posner



Judge Easterbrook

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## New Members

Elizabeth S. Duquette\*

Chicago, Illinois

Thomas Gorman

San Francisco, California

Adam Quigley

Chicago, Illinois

Matthew Salzwedel\*\*

Minneapolis, Minnesota

L. Rex Sears

Salt Lake City, Utah

Christa Spinelli

North Arlington, New Jersey

\* Sustaining Member

\*\* Student-Editor Member

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## New Book About Justice Thurgood Marshall's Supreme Court Nomination Wins the Scribes Book Award

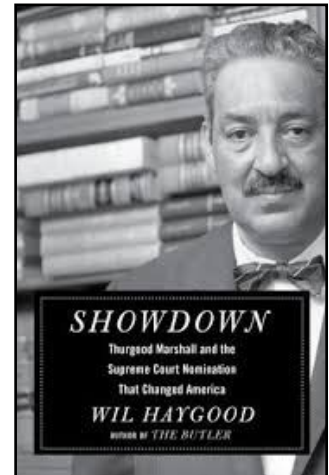


Wil Haywood

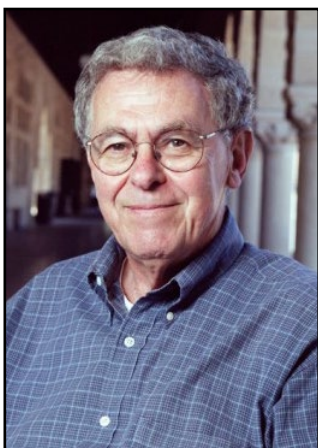
The prestigious Scribes Book Award will be presented in Chicago on April 15th to co-winners Wil Haywood for his 2015 book, *Showdown: Thurgood Marshall and the Supreme Court Nomination that Changed America* and to Lawrence M. Friedman for his 2015 book, *The Big Trial: Law as Public Spectacle*.

Mr. Haywood's earlier works include *The Butler: A Witness to History*, which formed the basis of an acclaimed 2013 movie about a man who, over 34 years in the White House, had served eight presidents. He has also authored biographies of Adam Clayton Powell Jr., Sammy Davis Jr. and Sugar Ray Robinson. Mr. Haywood is a Distinguished Scholar at Miami University of Ohio, where he is teaching courses in media, journalism, and film. Among his other work at

the university, he mentors students in the university's Scholars in Writing for Media program. His book about the Thurgood Marshall nomination chronicles the story behind the nomination of the first African-American man to the U.S. Supreme Court. The book is published by Alfred A. Knopf.

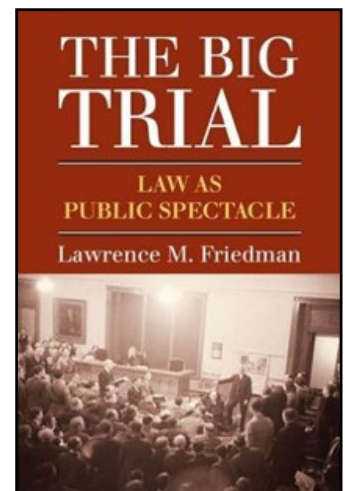


Mr. Friedman is an internationally renowned, prize-winning legal historian and has for a generation been the leading expositor of the history of American law to a global audience of lawyers and lay people alike. He is particularly well known for treating legal history as a branch of general social history. From his award-winning *History of American Law*, first published in 1973, to his *American Law in the 20th Century*, published in 2003, his canonical works have become classic textbooks in legal and undergraduate education.



Lawrence M. Friedman

Professor Friedman is a prolific author on crime and punishment, and his numerous books have been translated into multiple languages. He is the recipient of six honorary law degrees and is a fellow in the American Academy of Arts and Sciences. Before joining the Stanford Law School faculty in 1968, he was a professor of law at the University of Wisconsin Law School and at Saint Louis University School of Law. His latest book discusses the sensation created by big trials, including the reasons for the appeal, how it works, and what it means.



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## Illinois Appellate Court Justice Michael B. Hyman Elected as President of Scribes



*Justice Michael B. Hyman*

At the August 2015 Scribes meeting in Chicago, Illinois, Appellate Court Justice Michael B. Hyman was elected as the new president of Scribes. Justice Hyman follows the three year tenure of former president Dean Darby Dickerson of Texas Tech University School of Law.

Michael Hyman graduated with honors from the Northwestern University Medill School of Journalism in 1974, and from Northwestern University School of Law in 1977. He served two years as an Assistant Illinois Attorney General in the Antitrust Division before joining the Chicago law firm Much Shelist, where he became a principal. He became a Circuit Court Judge in 2006 and was elevated to the Illinois Appellate Court in 2013.

He served as President of the Chicago Bar Association, the Illinois Judges Association, the Decalogue Society of Lawyers, and the Jewish Judges Association of Illinois. He has been a board member or officer of Scribes since 2004, most recently serving as vice president.

His articles and columns have appeared in publications of the Chicago Bar Association, the Illinois State Bar Association, the American Bar Association Section of Litigation, the ABA Judges' Journal, the *Chicago Lawyer*, and the *Chicago Daily Law Bulletin*. He frequently speaks at education programs for attorneys, law students, and judges.

Among other awards, Justice Hyman has received the Chicago Bar Association's inaugural Diversity Initiative Award, the Illinois Judges' Association Presidential Service Award, and the Court of Honor Award from Chicago Volunteer Legal Services.

## Professor Mark E. Wojcik Elected as Vice President of Scribes

Mark E. Wojcik has become Vice President of Scribes. He previously served as Treasurer and as a Board Member of Scribes.

He is a professor of law at The John Marshall Law School in Chicago, where he teaches lawyering skills, international law, torts, and other subjects. He is the author of a book on Illinois Legal Research. He also authored the first Legal English coursebook in the United States for lawyers and law students who speak English as a second language.

Professor Wojcik graduated with honors from Bradley University and with distinction from The John Marshall Law School. He also received an LL.M. in Trade Regulation from the New York University School of Law. He was a law clerk on the Nebraska Supreme Court and the U.S. Court of International Trade and served as Court Counsel to the Supreme Court of the Republic of Palau. He practiced customs and international trade law in New York before becoming a professor at The John Marshall Law School. He is an adjunct professor at the Facultad Libre de Derecho



*Professor Mark Wojcik*

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de Monterrey (Mexico), a permanent guest professor at the University of Lucerne Faculty of Law (Switzerland), and a guest lecturer at the Vytautas Magnus University School of Law (Lithuania). He was also recently named as a visiting research scholar for 2016 at the University of Cagliari Faculty of Law in Italy.

He serves on the American Bar Association's Standing Committee on the Law Library of Congress. He has been the Publications Officer for the American Bar Association Section of International Law and served for many years as an editor of section publications. He is a past president of the Lesbian and Gay Bar Association of Chicago and was inducted into the City of Chicago LGBT Hall of Fame. He has served on the governing boards of the Illinois State Bar Association, the Chicago Bar Association, the International Law Students' Association, and the Legal Writing Institute. He is the series editor for the International Legal Research Series and the International Legal Practice Series for Carolina Academic Press.

He is the founder of the Global Legal Skills Conference Series, a global gathering of experts who teach legal writing, legal research, and other legal skills. Among awards he has received are the Section Award from the Association of American Law Schools Section on Legal Writing, Reasoning, and Research,

He is also an editor of the Legal Writing Prof Blog and the International Law Prof Blog.

## **Professor Beth Cohen Elected Secretary of Scribes**

Professor Beth D. Cohen of the Western New England University School of Law has been elected Secretary of Scribes. She is the associate Dean for Academic Affairs and Director of the Legal Research and Writing Program at Western New England University School of Law. She teaches Lawyering Skills, a Law Practice Externship Seminar, and Professional Responsibility. She serves on the Supreme Judicial Court of Massachusetts Standing Advisory Committee on Professionalism.

Before teaching at Western New England University, she served as a Law Clerk to the Honorable Michael A. Ponsor of the U.S. District Court in Massachusetts and worked as an associate at a small general practice law firm in Boston. She also taught Legal Practice Skills at Suffolk University Law School.



*Beth D. Cohen*

She graduated cum laude from Suffolk University Law School and also earned a Diploma in Advanced International Legal Studies in Salzburg, Austria, from the University of the Pacific, McGeorge School of Law.

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## Ann Taylor Schwing Elected Treasurer of Scribes



*Ann Taylor Schwing*

Ann Taylor Schwing has been elected Treasurer of Scribes. She is of counsel in the Municipal Law practice group of Best Best & Krieger LLP in Sacramento, California. Before joining that firm in 2010, she was of counsel with McDonough Holland & Allen in Sacramento for 24 years.

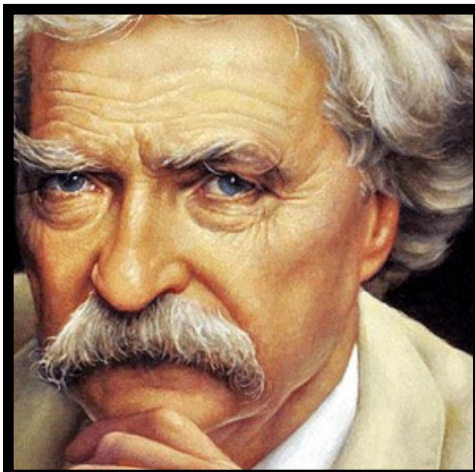
Her practice focuses on litigation where she specializes in appeals, motions, research, and on conservation easements. She divides her time between work for the firm, writing legal treatises, involvement in The Anthony M. Kennedy Inn of Court, and serving on several nonprofit boards and the Land Trust Accreditation Commission.

In 2004, received the American Inns of Court Professionalism Award for the Ninth Circuit.

She also received the Federal Bar Association Sacramento Chapter award for Outstanding and Tireless Service to the Federal Bar and Judiciary in 2003.

Ann serves as commissioner and secretary for the Land Trust Accreditation Commission. She is also an executive committee member and Master of the Bench for The Anthony M. Kennedy Inn of Court. Since its inception, she has served as a member and reporter for the Judicial Advisory Committee for the Eastern District of California and the Subcommittee on Local Rules. Ann is also a panel member for the Voluntary Dispute Resolution Program for the Eastern District of California.

She received a Bachelor's Degree with honors from the University of California at Berkeley and her law degree with honors from Boston University. She is the author of the popular Scribes Tips for Legal Research and Writing.



*The difference between the right word and the almost right word is the difference between lightning and a lightning bug.*

*- Mark Twain*

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## Professor Jamie Baker is the New Executive Director of Scribes



Jamie Baker

Professor Jamie J. Baker of the Texas Tech University School of Law is the new Executive Director of Scribes, following the terms of two prior executive directors, Professor Bradley J. Charles and Professor Norm Plate of Western Michigan University Thomas Cooley of Law.

Professor Baker is an Associate Law Librarian at Texas Tech University School of Law, where she also teaches Legal Research & Writing to international LL.M. students and a Civil Trial Research course. In addition, she teaches

Legal Practice research workshops to first-year students and in the Law Library's Excellence in Legal Research program.

Her scholarship focuses primarily on cognitive computing in the legal research realm. She also speaks and writes about legal writing, scholarly communications, and open access. She holds a B.S. (cum laude) in Political Science & Public Administration from Central Michigan University, a M.L.I.S. from Wayne State University, and a J.D. (cum laude) from Western Michigan University Cooley Law School, where she was recognized as the most outstanding editor of the Cooley Law Review. Before coming to Texas Tech, Professor Baker was a Law Librarian at Western Michigan University Cooley Law School and an Adjunct Professor of Scholarly Writing.

## Mark Cooney is appointed the Scribes Editor in Chief

Mark Cooney is a Professor at Thomas M. Cooley Law School, where he teaches Research & Writing and Advanced Writing. Before joining the faculty, he spent ten years in private practice with civil-litigation firms, defending professional malpractice cases and other tort cases. He specialized in civil appeals, successfully briefing and arguing appeals in the Michigan Supreme Court, the Michigan Court of Appeals, and the United States Court of Appeals for the Sixth Circuit.

Professor Cooney is the editor in chief of *The Scribes Journal of Legal Writing*, having previously served as an associate editor for four years. He has chaired the State Bar of Michigan's Appellate Practice Section and has served as a plain-language consultant on the State Bar's Standing Committee on Standard Criminal Jury Instructions. He is also a founding board member for the Michigan Supreme Court Historical Society's Advocates Guild.

Professor Cooney authored the book *Sketches on Legal Style* and has authored many articles on legal writing, including articles in *The Scribes Journal of Legal Writing*, *Student Lawyer*, and *TRIAL*. He is a frequent contributor to the *Michigan Bar Journal's* "Plain Language" column. Professor Cooney has also published a textbook chapter, journal articles, and short pieces on legal malpractice, medical malpractice, appellate practice, legal ethics, and insurance coverage.



Mark Cooney



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While in practice, Professor Cooney was a co-recipient of the Cooley Law Review's Distinguished Brief Award, which recognizes the three most scholarly briefs submitted to the Michigan Supreme Court in a given term, as determined by a panel of state and federal judges and law professors.

As a law student, Professor Cooney graduated first in his class and was the Law Review's Comments Editor.

## Dean of Brandeis School of Law Joins Scribes Board of Directors

Susan Hanley Duncan, Interim Dean and Professor of Law at the University Of Louisville Brandeis School Of Law, has joined the Board of Scribes. Dean Duncan will complete the term of Ann Schwing, who was recently elected as Treasurer of Scribes.

She received a B.A. from Miami University and a J.D. from the University of Louisville. She joined the Brandeis School of Law faculty as an adjunct professor of law in 1997 and acquired full-time status in 2000. She is serving as dean from 2012-2017.

Dean Duncan's teaching and research interests are in lawyering skills, education law, and restorative practices. Her scholarship has focused primarily on issues surrounding children, including the need for anti-bullying laws and laws protecting children from pornography on the Internet. Her recent scholarship focuses on the use of restorative practices in schools, universities, and in the workplace.



Susan Hanley Duncan

Dean Duncan is a past chair of the University of Louisville's Commission on the Status of Women and is a member of multiple university committees. Nationally, she served in leadership positions on several boards that focus on the development of new legal writing professors. The Louisville Bar Association awarded the 2010 Distinguished Service Award to Dean Duncan for chairing numerous Louisville Bar Association committees. *Business First* recently named Dean Duncan as one of the top 20 people to know in the field of education. She frequently presents on legal writing and education law topics.

Dean Duncan has been a visiting professor at the University of Montpellier, France, University KwaZulu-Natal, South Africa, Johannes Gutenberg University, in Mainz, Germany, the University of Leeds, England, and the University of Turku, Finland.