

STETSON UNIVERSITY

Institute for the Advancement of Legal Communication

2022-23 Annual Report

Stetson University College of Law's Institute for the Advancement of Legal Communication celebrated its tenth anniversary in August 2022. The Institute furthers Stetson's commitment to leadership in legal communication education, research, and service.

Our Major Goals and Objectives

The Institute's major goals and objectives are to improve the quality and achieve greater understanding of legal communication by

- supporting an active interdisciplinary scholarly community of legal communication and writing scholars, including those who study rhetoric; ethics; interpersonal, organizational, and intercultural communication; composition; speech; public discourse and media; procedure; and other topics that involve the communicative aspects of the law;
- developing innovative and effective methods and programs for teaching legal communication theory, skills, and values to students;
- studying the legal communication issues that face lawyers, judges, other professionals, and the public; and
- providing instruction for lawyers, judges, other professionals, and the public to improve their legal communication skills.

Our Institute Faculty

Professor Elizabeth Berenguer. Professor Berenguer served as Co-Director of the Institute in the fall of 2022 and as Interim Director in Spring 2023. She was appointed Director in Summer 2023 and will lead the Institute during the 2023/2024 academic year. Her expertise is in legal rhetoric and critical theory.

Professor Catherine Cameron. Professor Cameron holds a master's degree in mass communications and is an expert on both media law and legal communication.

Professor Kirsten Davis. Dr. Davis founded the Institute and served as Director for the Institute for nine years. In fall of 2022, she served as Co-Director. She has a Doctor of Philosophy in Human Communication and focuses her research on persuasion, ethics and professionalism, the intersect of generative artificial intelligence and legal writing, and rhetorical criticism of legal texts.

Professor Kelly Feeley. Professor Feeley is known for her work in alternative dispute resolution.

Professor Ashley Chase. Professor Chase’s expertise is in the field of legal research and legal communication.

Professor Lance Long. Professor Long’s expertise is in the field of legal communication and environmental advocacy.

Professor Anne Mullins. Professor Mullins’ expertise is in legal rhetoric and judicial writing.

Professor Jason Palmer. Professor Palmer combines expertise in legal communication with an international law background.

2022-23 Institute Activities—How We Accomplished Our Goals and Objectives

Institute Hosts and Sponsors Legal Communication Events

- The Institute continued to co-sponsor the **Research in Legal Communication Virtual Reading Group**. This Group was established in 2020 to share knowledge between scholars in communication and law interested in conducting research in legal communication. Like a graduate course in research methods, the course offers three-month-long modules devoted to some theory relating to a legal communication method. **Kirsten Davis** leads this project along with Brian Larson of Texas A&M Law. This year, Davis presented a three-part module on Marouf Hasian, Jr.’s critical legal rhetoric theory.



- In July 2022, the Institute sponsored the Legal Writing Institute’s Biennial Conference held in Washington, D.C.

The Unending Conversation in Legal Writing Scholarship: An Introduction
Anne E. Mullins*

Imagine that you enter a parlor. You come late. When you arrive, others have long preceded you, and they are engaged in a heated discussion, a discussion too heated for them to pause and tell you exactly what it is about. In fact, the discussion had already begun long before any of them got there, so that no one present is qualified to retrace for you all the steps that had gone before. You listen for a while, until you decide that you have caught the tenor of the argument; then you put in your oar. Someone answers; you answer him; another comes to your defense; another aligns himself against you, to either the embarrassment or gratification of your opponent, depending upon the quality of your ally's assistance. However, the discussion is interminable. The hour grows late, you must depart. And you do depart, with the discussion still vigorously in progress.

Kenneth Burke, *The Philosophy of Literary Form* 110-11 (1941).

Directly responding to and engaging with other scholars, through the written word, is crucial to the development of every scholarly discipline. The Institute for the Advancement of Legal Communication and *Stetson Law Review* created this issue of the *Stetson Law Review Online Forum* to serve as the Burkean parlor for the discipline of legal writing. It is a space for scholars to come together to examine, explore, and vigorously respond to thoughts and ideas in extant legal writing scholarship. The breadth and interdisciplinary nature of legal writing scholarship means that there is both much to say in the first instance, and much to say in response. The Unending Conversation is a forum to respond and to provoke further discussion and debate through targeted essays.

This inaugural issue of the Unending Conversation features four responsive essays. In the

○ Institute Continues *The Unending Conversation*, A Scholarly Essay Project

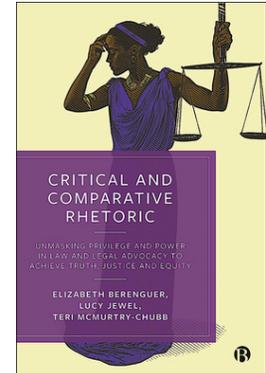
The Institute sponsored the second edition of *The Unending Conversation*. The project features essays from legal writing scholars in conversation with other legal writing scholars. To our knowledge, *The Unending Conversation* is the first and only one of its kind featuring legal writing scholarship that engages with existing legal writing scholarship. Volume 2 can be accessed here: <https://www2.stetson.edu/law-review/>. The volume features thought-provoking essays on rhetoric, discrimination in

the legal academy, disciplinary protectionism, and the potential bias in deductive reasoning. **Anne Mullins** spearheads the project and has edited both volumes.

Institute Faculty Engage in Legal Communication Training

Institute Faculty continued their involvement this year in legal communication training for students, lawyers, and other legal professionals.

- **Elizabeth Berenguer** presented on her book project, **CRITICAL AND COMPARATIVE RHETORIC: UNMASKING PRIVILEGE AND POWER IN LAW AND LEGAL ADVOCACY TO ACHIEVE TRUTH, JUSTICE, AND EQUITY** at the Legal Writing Institute's Biennial Conference in Washington, D.C, in July 2022. She also presented **Research and Writing Strategies to Improve Pretrial, Trial, and Post-Trial Litigation Outcomes** at the Savannah Bar Association Hot Topics Continuing Legal Education Conference in January 2023.



- **Kirsten Davis** led a professional development session for Southwestern Law School Faculty entitled, **Game Changer? ChatGPT and Law School Teaching, Feedback, and Assessment** in April 2023. She also led a similar session for her Stetson colleagues as well as an online version for legal writing faculty.



Davis gave a keynote address, **Putting Your Audience First: An Approach to Legal Writing for Administrative Law Judges** for the Federal Administrative Law Judges Conference in September 2022. Finally, she presented **Putting Your Audience First: An Approach to Legal Writing for Pro Se & Death Penalty Staff Attorneys** at the Federal Judicial Center's National Conference for Pro Se and Death Penalty Staff Attorneys in September 2022.

In May, Davis started an online professional development group for legal writing faculty, the **Legal Writing and Generative AI Convo Group**. The group now has over 115 members and is designed to facilitate a conversation between legal writing faculty and the impact of generative AI on legal writing. Davis also continues to serve as **Faculty Director of Online Legal Education Strategies** at Stetson.

- **Jason Palmer** hosted the sixth annual **Live Mock Trial Experience** for **sign language interpreters** training at Stetson. The workshop is the only training program of its kind and provides specialized hands-on sign language interpreter training in a live mock trial courtroom setting. The workshop tackles



Jason Palmer, top center, during the 4th annual conference for sign language interpreters hosted by Stetson.

some of the challenges unique to courtroom sign language interpreting, like navigating the courtroom environment and conveying abstract concepts and technical legal terms.

Institute Faculty Publish and Present on Legal Communication

Publishing scholarship and presenting at conferences accomplishes the Institute's goal of studying the legal communication issues that face lawyers, judges, other professionals, and the public.

- **Elizabeth Berenguer** published and presented:



- **CRITICAL AND COMPARATIVE RHETORIC: UNMASKING PRIVILEGE AND POWER IN LAW AND LEGAL ADVOCACY TO ACHIEVE TRUTH, JUSTICE, AND EQUITY** (co-authored with Lucy Jewel and Teri McMurtry-Chubb) (Bristol University Press 2023).
- *Designing Problems to Enhance Student Learning* (forthcoming).
- Panelist, *The Unending Conversation Live: Debating the Hard Issues of Teaching and Studying Legal Communication*, Association of Legal Writing Directors Biennial Conference, July 2023 (Irvine, California).
- Speaker, *The Importance of Scholarly Research and Writing*, EATS Conference, June 2023 (Stetson University College of Law, Gulfport, Florida).
- Speaker, *Research and Writing Strategies to Improve Pretrial, Trial, and Post-Trial Litigation Outcomes*, Savannah Bar Association Hot Topics Continuing Legal Education Conference, January 2023 (Savannah, Georgia).
- Speaker, *The Scholarly Writing Process*, informal presentation to advocacy professors, December 2022 (Stetson University College of Law, Gulfport, Florida).

- **Ashley Chase** published:

- *Let's All Be . . . Georgia? Expanding Access to Justice for Incarcerated Litigants by Rewriting the Rules for Writing the Law*, 74 S. C. L. REV. 386 (2022).

- **Kirsten Davis** published and presented:

- **The Rhaw Bar column on the Appellate Advocacy Blog.** Dr. Davis writes a recurring column on the Appellate Advocacy Blog, *The Rhaw Bar*, which offers to readers a “little bite” of all things rhetoric and law. This past year, Davis's blogs have been

Appellate Advocacy Blog

A Member of the Law Professor Blogs Network

a
of Law

shared over 6,000 times.

Posts this year included:

- *Prompt Engineering for ChatGPT Can Improve Your Legal Writing— Even if You Never Use ChatGPT*, Appellate Advocacy Blog (April 6, 2023).
https://lawprofessors.typepad.com/appellate_advocacy/2023/04/prompt-engineering-for-chatgpt-can-improve-your-legal-writing-even-if-you-never-use-chatgpt.html.
- *The Rhetoric of ChatGPT: What ChatGPT Had to Say About Its Connection to Rhetoric and What We Can Learn from That Response*, Appellate Advocacy Blog (March 2, 2023).
https://lawprofessors.typepad.com/appellate_advocacy/2023/03/the-rhetoric-of-chatgpt-what-chatgpt-had-to-say-about-its-connection-to-rhetoric-and-what-we-can-learn.html.
- *Putting the Audience First: The Writing Tactic of Restatement*, Appellate Advocacy Blog (August 4, 2022).
https://lawprofessors.typepad.com/appellate_advocacy/2022/08/putting-the-audience-first-the-writing-tactic-of-restatement.html.
Reprinted upon request in the Newsletter of the South Dakota Paralegal Association. Reprinted upon request in the Newsletter of the South Dakota Paralegal Association.
- CLASSICAL RHETORIC, MODERN LAW (forthcoming) (University of Alabama Press (Jay Mootz, Kirsten Davis, Brian Larson & Kristen Tiscione eds.)). In this forthcoming book, Dr. Davis wrote *Introduction to Classical Rhetoric and Contemporary Law*, with Jay Mootz, and the chapter, *The Lawyer, Speaking: The Lawyer as “Perfect Orator.”*
- THRESHOLD CONCEPTS IN LEGAL WRITING (forthcoming) (Carolina Academic Press) (Kirsten Davis, Kristen Tiscione, & Mel Weresh eds.).
- Panelist, *The Unending Conversation Live: Debating the Hard Issues of Teaching and Studying Legal Communication*, Association of Legal Writing Directors Biennial Conference, July 2023 (Irvine, California).
- “Should We Say What Legal Writing Scholarship Is?” in *Ready for a Heated Discussion? Debating the Hard Issues of Teaching and Studying Legal Communication*, Legal Writing Institute Conference, Georgetown University Law School, Washington, D.C. (July 2022).
- *Designing an Audience-Centered Advanced Legal Writing Course*, Webinar, *Innovation in Advanced Traditional Legal Writing Courses*, Arizona State University, October 2022 (invited).
- **Lance Long** presented:
 - Panelist, *The Unending Conversation Live: Debating the Hard Issues of Teaching and Studying Legal Communication*, Association of Legal Writing Directors Biennial Conference, July 2023 (Irvine, California).

Institute Faculty Hold Legal Communication Leadership Roles

Institute Faculty accomplish the goals of studying the issues of legal communication and supporting an active community of legal communication teachers and scholars by engaging in leadership roles in the field.

- **Association of American Law Schools**
 - **Elizabeth Berenguer** served as a mentor to rising scholar Anjali Prakash.
 - **Anne Mullins** served on the Nominations Committee.
- **Legal Writing Institute**
 - **Elizabeth Berenguer** served as co-chair of the Programming Committee for the Legal Writing Institute's 2024 Biennial Conference and as a member of the Governing Board for the Sirico Scholars' Workshop.
 - **Kirsten Davis** served on the Discipline Building Working Group and the Artificial Intelligence Committee.
 - **Anne Mullins** served on the LWI Discipline Building Working Group.
- **Association of Legal Writing Directors**



- **Catherine Cameron** served on the Scholarship Committee.

- **Journals and Editorial Boards**
 - **Elizabeth Berenguer** serves on the Operations Committee for the *Journal of Law & Political Economy* and peer edited three articles.
 - **Kirsten Davis** serves on the Editorial Board of the *Rhetoric, Law, and Humanities Book Series* for the University of Alabama press. She also serves on the Advisory Board for the *SSRN Law and Rhetoric E-Journal*.
 - **Jason Palmer** is an Associate Editor for the *Scribes Journal of Legal Writing*. He also is a Corresponding Editor for *International Legal Materials*, published quarterly by the American Society of International Law. Finally, he is General Co-Editor of the American Bar Association Section of *International Law Year in Review*.

