

UNIVERSITY OF DAYTON SCHOOL OF LAW

WRITING REQUIREMENT

ABA Accreditation Standard 302 (a) (3), including Interpretation 302-1, requires a “rigorous” writing experience in the first year law school curriculum and in the upper level curriculum.¹ To comply with this accreditation standard, each UDSL student must satisfy two “rigorous” writing requirements as a condition of graduation. The first is satisfied by successfully completing the first year Legal Profession courses (LP I and LP II). In addition, all students must satisfy the upper level writing requirement (the “ULWR”) by successfully completing either an upper level Capstone course or an upper level Clinical course.

A. Scope of the ULWR

The scope of the ULWR writing requirement is intended to be flexible. An appropriate writing project might involve a traditional research paper or appellate brief, both of appropriate length and sophistication. However, the ULWR might also be satisfied by writing or drafting practice related documents of appropriate length and sophistication. Practice related writing or drafting might include trial briefs, trial or other types of case planning memoranda, pleadings, motions and other dispute resolution documents, opinion letters, analyses or drafts of proposed legislation, petitions for comments on agency rules, transaction related documents, or an appropriate combination of these various types of practice related documents. To satisfy the ULWR, practice related writing and drafting would normally include explanatory footnotes or an accompanying explanatory memorandum that reveals and reflects appropriate research, drafting/strategic choices, and other substantive and strategic considerations reflected in the work product.

B. “Rigorous” Writing

Both the first year legal writing requirement and the ULWR are intended to comply with ABA Accreditation Standard 301(a) and with Interpretation 302-1 of those standards that require a “rigorous” writing experience in the first year and in the upper level curriculum.² In determining the “rigor” of a writing experience, the difficulty, sophistication and length of the student work product are important factors. A “rigorous” writing project might consist of one major project of substantial length and sophistication, or a number of smaller, less sophisticated projects in combination. The “rigor” of a student writing experience also depends in part, on the quality and level of faculty supervision, feedback and critique. Normally, appropriate

¹ Standard 302 (a) requires that “each student receive substantial instruction” in (3) “writing in a legal context, including at least one rigorous writing experience in the first year and *at least one additional rigorous writing experience after the first year.*”

² Interpretation 302-1 identifies the factors to be considered in evaluating the rigor of a writing experience. Those factors include “*the number and nature of the writing projects assigned to students; the opportunities that a student has to meet with a writing instructor for purposes of individualized assessment of the student’s written products; the number of drafts that a student must produce of any writing project; and the form of assessment used by the writing instructor.*”

faculty supervision requires that a faculty member participate in the selection of the writing assignment or topic and in the formulation of an appropriate research or action plan. In addition, faculty feedback and critique of individual student writing, drafting and research should be substantial, and would normally involve the approval of a student's preliminary outline, as well as faculty feedback and critique of multiple student drafts including the student's final draft. It is expected that a student have the opportunity to meet individually with a faculty member to receive and discuss the faculty member's assessment and critique of a student's written project(s).