

PEER TUTORING AND THE LAW SCHOOL WRITING CENTER: THEORY AND PRACTICE

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INTRODUCTION

Why are there so few peer-staffed writing centers in law schools? Law schools and legal writing programs have long embraced composition theory as a basis for program innovations and curricular design.¹ Furthermore, legal scholars have noted the importance of individualized instruction and the benefits produced by student conferences.² Nevertheless, few law schools offer a peer-staffed writing center as part of the legal writing program.

Writing centers staffed by peer tutors have been fixtures at undergraduate colleges and universities for more than thirty

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1. See e.g. Susan L. DeJarnatt, *Law Talk: Speaking, Writing, and Entering the Discourse of Law*, 40 Duq. L. Rev. 489 (2002) (discussing how traditional composition theory has influenced legal writing pedagogy); Elizabeth Fajans & Mary R. Falk, *Against the Tyranny of Paraphrase: Talking Back to Texts*, 78 Cornell L. Rev. 163 (1993) (tying legal writing to concepts of critical reading); Philip C. Kissam, *Thinking (By Writing) about Legal Writing*, 40 Vand. L. Rev. 135, 151–171 (1987) (calling for more “critical reading and writing” in the law school curriculum); Pamela Lysaght & Cristina D. Lockwood, *Writing-Across-the-Law-School-Curriculum: Theoretical Justifications, Curricular Implications*, 2 J. ALWD 73 (2004) (using composition theory as part of the basis for a writing-across-the-law-school-curriculum program); Teresa Godwin Phelps, *The New Legal Rhetoric*, 40 Sw. L.J. 1089 (1986) (calling for an increase in both expressivist (“process”) and social constructionist (“conversation”) pedagogies in the teaching of legal writing); J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 Wash. L. Rev. 35 (1994) (proposing a “revised view” of legal writing pedagogy, programs, and instructive techniques); Adam Todd, *Neither Dead nor Dangerous: Postmodernism and the Teaching of Legal Writing*, 58 Baylor L. Rev. 893, 917–926 (2006) (discussing the ways in which rhetoric and composition studies have “guided legal writing teaching and theory”).

2. See e.g. Robin S. Wellford-Slocum, *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. Tex. L. Rev. 255 (2004).

years.³ Originally tasked with providing remedial instruction for college writers, these centers have grown into important centers of campus learning.⁴ These centers have evolved past their original role as grammar “fix-it shops” and are now places where student writers can seek individualized assistance as they work their way through the writing process, from topic selection and development to the final product.⁵

In his seminal essay “The Idea of a Writing Center,” Stephen North describes this evolution:

Our writing center has been open for seven years. During that time we have changed our philosophy a little bit as a result of lessons learned from experience, but for the most part we have always been open to anybody in the university community, worked with writers at any time during the composing of a given piece of writing, and dealt with whole pieces of discourse, and not exercises on what might be construed as “subskills” (spelling, punctuation, etc.) outside of the context of the writer’s work.⁶

This Article argues that this type of peer-staffed writing center is a positive addition to a legal writing program.⁷ It will first

3. Casey Jones, *The Relationship between Writing Centers and Improvement in Writing Ability: An Assessment of the Literature*, 122 *Educ.* 3, 3 (2001) (“Since the early 1970s the writing center has become a ubiquitous feature of American universities, colleges, and high schools.”).

4. See generally Peter Carino, *Early Writing Centers: Toward a History*, 15 *Writing Ctr. J.* 103 (Spring 1995) (tracing the evolution of writing centers from their inception in the early 1900s to their role in the open admissions era of the 1970s).

5. See e.g. Stephen M. North, *The Idea of a Writing Center*, 46 *College Eng.* 433, 437–438 (1984) [hereinafter North, *Idea*]; see also Stephen North, *Revisiting “The Idea of a Writing Center”*, 15 *Writing Ctr. J.* 7 (Fall 1994) [hereinafter North, *Revisiting*] (amending the author’s original “idea” to conform with the personal and political realities facing writing centers).

6. North, *Idea*, *supra* n. 5, at 434.

7. The services of peer tutors in a legal writing center and the services of professional writing specialists are not necessarily mutually exclusive. Several law schools have Writing Advisors or Writing Specialists as part of their staffing models; often these professionals staff writing centers at those schools. According to the 2009 ALWD survey, fourteen law schools have a full-time writing specialist, and thirty-six schools offer the services of a part-time writing specialist. ALWD & Leg. Writing Inst., *2009 Survey Results* 15, <http://lwionline.org/uploads/FileUpload/2009SurveyResults.pdf> [hereinafter *2009 Survey Results*]; see generally Lynn B. Squires, *A Writing Specialist in the Legal Research and Writing Curriculum*, 44 *Alb. L. Rev.* 412 (1980) (discussing the experiences of a non-lawyer writing specialist who worked with pre-law, first-year, upper-level, and continuing legal education students and “set[ting] forth the advantages of using writing specialists in the

set forth a brief history of traditional writing centers and the three theoretical bases that have shaped writing center scholarship. It will then argue that law schools should consider the addition of a writing center to their legal writing programs, and apply the major theories that support the creation, philosophy, and administration of writing centers to law schools and legal writing programs. Finally, it will identify some practical considerations that accompany the decision to start a peer tutoring-based law school writing center.

I. WRITING CENTERS: HISTORY AND THEORY

A. Writing Center History

Writing centers are premised on the idea that individualized instruction is an effective way of teaching writing. Put simply, writing centers provide writing instruction through trained student/peer tutors⁸ who meet one-on-one with students who are working on writing projects.⁹ Conferencing is well-documented as

legal research and writing curriculum”). The 2009 ALWD survey data indicates that writing specialists spend an average of 62.3% of their time in student conferences designed to supplement the classroom teaching in the legal writing programs. *2009 ALWD Survey*, *supra* n. 7, at 19. The ABA *Sourcebook on Legal Writing Programs* suggests that these meetings are usually for students who are sent to the specialist because of problems, which is counter to the function of writing centers discussed *infra*. Commun. Skills Comm., Sec. of Leg. Educ. & Admis. to B., *Sourcebook on Legal Writing Programs* 120 (Eric B. Easton et al. eds., 2d ed., ABA 2006) [hereinafter *Sourcebook*]; *but see* Jessie Grearson & Anne Enquist, *A History of Writing Advisors at Law Schools: Looking at Our Past, Looking at Our Future*, 5 *Leg. Writing* 55, 61 (1999) (“[By the mid-1980s,] Writing Advisors began working with a wider spectrum of the law student population. Instead of meeting with only the weakest writers, the Writing Advisors were finding that more and more students from the middle and top of the class were signing up for writing conferences with them. Law students, who are naturally quite competitive, quickly learned that there was an extra resource that they could use. They sensed a possible advantage and started flocking to writing conferences with Writing Advisors.”). Furthermore, one full-time writing specialist can work with a maximum of only sixty students in a semester where the specialist is not teaching another course, whereas most law schools feature first-year classes of more than twice that size. *Sourcebook*, *supra* n. 7, at 121; *2009 Survey Results*, *supra* n. 7, at B1. Thus, the addition of a peer-staffed writing center to a legal writing program can supplement the services of a writing specialist or advisor. Of course, issues of interoperation between the two must be addressed on a program-specific basis.

8. This Article uses the word “tutors” to refer to the students who work in the writing center, although in common usage this term may have a remedial connotation. No such connotation is intended here. Other titles for students serving this role may include “writing assistants,” “writing fellows,” or some similar title.

9. North, *Idea*, *supra* n. 5, at 434.

an effective method for writing instruction generally, and writing centers are a formal mechanism in which peer conferences can take place.¹⁰ Writers bring works-in-progress to the writing center, at any stage of development.¹¹ They do not drop off their papers for mechanical upgrades, like a car owner at a garage: The author of the paper works with the tutor to improve and strengthen both the paper and the writer. Because of this individualized instruction, students often say they learn more at writing center appointments than they do in class.¹²

Though much scholarship and commentary on writing centers focuses on developments of the past thirty years, writing centers existed long before that.¹³ The earliest writing centers, founded in the early 1900s, stemmed from “a classroom format known as the laboratory method,” which used “individual help from the instructor” as well as peer tutoring to aid in the student’s writing process.¹⁴

Between the 1920s and 1940s, the “writing lab” shifted from a method of classroom instruction to a physical space outside the confines of the writing class.¹⁵ For example, in 1934, “the University of Minnesota and the [University of Iowa]¹⁶ established sepa-

10. See e.g. Thomas A. Carnicelli, *The Writing Conference: A One-to-One Conversation*, in *Eight Approaches to Teaching Composition* 101 (Timothy R. Donovan & Ben W. McClelland eds., Natl. Council of Teachers of Eng. 1980); Muriel Harris, *Teaching One-to-One: The Writing Conference* (Natl. Council of Teachers of Eng. 1986) [hereinafter Harris, *Teaching One-to-One*]; Donald M. Murray, *The Listening Eye: Reflections on the Writing Conference*, 13 *College Eng.* 41 (1979).

11. North, *Idea*, *supra* n. 5, at 442 (“The work-in-progress is in whatever form the writer has managed to put it in . . . which clearly makes it more student-centered, allowing us to begin where the writers are, not where we told them to be.”). However, because the writing center is not a “skills” or “grammar” service, tutors do not generally work with final drafts. This idea is discussed in more detail as an extension of the move away from positivism in writing center theory, *infra* at section I(B)(2).

12. Karen Rodis, *Mending the Damaged Path: How to Avoid Conflict of Expectations When Setting up a Writing Center*, 10:2 *Writing Ctr. J.* 45, 50 (1990).

13. See Carino, *supra* n. 4, at 109. Carino notes that this pre-1960s history is “hazy, full of gaps.” *Id.* at 109. By the same token, the history presented in this paper is also non-exhaustive; it is designed only to frame modern writing centers in a historical context, so that the reader knows something about their origin.

14. See *id.* at 105. The term “laboratory method” was likely coined as an analogy to scientific laboratory work.

15. Elizabeth H. Boquet, “Our Little Secret”: *A History of Writing Centers, Pre- to Post-Open Admissions*, 50 *College Composition & Commun.* 463, 467 (Feb. 1999).

16. See Carino, *supra* n. 4, at 105. The University of Iowa was known at that time as the State University of Iowa.

rate facilities for laboratory instruction.”¹⁷ Colleges and universities began wide-scale education initiatives in the 1930s, and by the 1940s independent writing labs were a “recognizable part of higher education.”¹⁸ The 1940s also saw the growth of the Armed Forces English programs, designed “to provide officers . . . with . . . two years of [English training] in . . . two semesters.”¹⁹ This led to an increased emphasis on communication programs generally, and a further growth in the number of writing labs and clinics on college campuses.²⁰

By 1950, writing centers were becoming an established part of writing programs, though little was said about them in the late 1950s and early 1960s.²¹ Finally, in the late 1960s and 1970s, open admissions initiatives began to proliferate, as did writing centers and labs.²² As universities opened their doors to all who wanted to attend, “the writing center . . . was seen as integral to these political, social, and pedagogic experiments.”²³ Educators began to realize that writing was an individual process and focused their efforts on individualized education and “local curriculum”—based on “the students’ needs . . . and the tutors’ awareness of those needs.”²⁴ Though not mirror images of the modern

17. *See id.* Carino notes that at the end of the 1920s, the laboratory method was the subject of a master’s thesis by a West Virginia high school teacher named Warren Horner. Horner found that students taught using the laboratory method “made . . . gains in rhetorical and grammatical proficiency . . . in half the . . . time of students taught in a recitation-format.” *Id.*

18. *Id.* at 106–107. “[T]he Minnesota lab was housed in the College of Science, Literature, and the Arts and consisted of a large well-lit room with writing tables and reference books, as well as a smaller anteroom where student and tutor could conduct individual consultations.” *Id.* at 106.

19. *Id.* at 107. Carino notes that as writing laboratories broke from the classroom, the view that their purpose was to help inferior students first emerged. *Id.* at 110. This remedial stigma followed students into the 1950s, when administrators began to develop methods for creating a writing lab to serve all students. *See also id.* at 110–111.

20. *See id.* at 107.

21. *Id.* at 108–109; *see also* Boquet, *supra* n. 15, at 471 (attributing this silence to either poor documentation, an educational focus on non-writing subjects such as math and science, and the resurgence of linguistics). Of 55 respondents to a 1950 survey of 120 colleges, 24 institutions had writing centers, and 11 institutions were planning them. *See* Robert H. Moore, *The Writing Clinic and the Writing Laboratory*, 11 *College Eng.* 388, 388 (1950).

22. Carino, *supra* n. 4, at 112.

23. Judith Summerfield, *Writing Centers: A Long View*, 8 *Writing Ctr. J.* 3, 4 (Spring-Summer 1988).

24. *See id.* at 6–7; *see also* William Yahner & William Murdick, *The Evolution of a Writing Center: 1972–1990*, 11 *Writing Ctr. J.* 13 (Spring-Summer 1991) (tracing the crea-

writing center,²⁵ the proliferation of writing centers during this period accounts for their widespread presence today.²⁶

In the early 1980s, as writing centers struggled to find a permanent place and identity within the writing programs with which they were associated, many centers found themselves understaffed, overworked, and without direction.²⁷ Throughout the eighties, the writing center movement gathered some cohesion, as directors shared information and experiences with each other through scholarship and commentary.²⁸ Finally, by the end of the 1980s, writing centers were an “integral part of writing programs”²⁹ and, though shaped by their companion institutions, had many universal traits. They included sharing and working together (within a writing center and among writing centers at different institutions),³⁰ incorporating collaborative learning,³¹ serving as personal enrichment for tutors,³² and being people-oriented.³³ The modern writing center incorporates these qualities, as well as offering services to all—not just “remedial”—students,³⁴ integrating with classroom curricula,³⁵ and serving more non-traditional students.³⁶

Though structures vary at different undergraduate institutions, the writing center is usually a resource for writers that is separate from their classes and courses.³⁷ It is primarily staffed

tion and development of the writing center at the California University of Pennsylvania (“CUP”).

25. See Yahner & Murdick, *supra* n. 24, at 23–25 (following the development of the CUP writing center from a “cubbyhole” to a “spacious, clean, carpeted, well-lighted, and thoroughly comfortable modern facility” staffed by fourteen trained tutors).

26. Muriel Harris, *What’s Up and What’s In: Trends and Traditions in Writing Centers*, 11 *Writing Ctr. J.* 15, 23 (Fall-Winter 1990).

27. See Yahner & Murdick, *supra* n. 24, at 23–24 (discussing difficulties encountered during the early years of the CUP writing center); Harvey S. Wiener, *The Writing Room: A Resource Book for Teachers of English* 196 (Oxford U. Press 1981).

28. See Harris, *supra* n. 26, at 16; see also Carino, *supra* n. 4, at 103 (noting that the *Writing Lab Newsletter* was established in 1977, and *The Writing Center Journal* was first published in 1980).

29. Harris, *supra* n. 26, at 16.

30. See *id.*

31. See *id.* at 21.

32. See *id.*

33. See *id.* at 22.

34. *Id.* at 23.

35. See *id.* at 24.

36. See *id.*

37. See generally Carino, *supra* n. 4; Moore, *supra* n. 21; see also Geo. Wash. U. Writ-

by a director and student tutors. The role of the director is supervisory, handling matters such as scheduling, training, and acting as the liaison to the writing program and the university. Interested students typically make an appointment with a tutor and fill out a questionnaire to explain why they want to meet with someone, attaching their paper if they need help on a specific project. The tutor reviews the student's questionnaire and paper before the meeting so that the tutor can tailor the conferences to the student's needs. The tutor and student will meet in the center, which probably occupies some office space in an academic building. The center is typically open to all students, whatever their writing needs may be. Writing center administrators and tutors may also offer other writing-related resources, such as workshops, tip sessions, and handouts.³⁸

B. Writing Center Theory

The theoretical foundation for writing centers developed and evolved in the latter half of the twentieth century. Over the past twenty or thirty years, writing center scholars have struggled to define the appropriate theoretical foundation for writing centers and to determine how to execute their chosen theories.³⁹ Some even struggle with the thought that writing centers might be over-theorized in an attempt to gain credibility as a discipline within universities.⁴⁰

ing Ctr., *About Us*, <http://www.gwu.edu/~gwriter/about.html> (accessed May 18, 2011); Georgetown U. Writing Ctr., *About*, <http://writingcenter.georgetown.edu/about.html> (accessed May 18, 2011); Purdue Writing Lab, *About*, <http://owl.english.purdue.edu/writinglab/director/welcome> (accessed May 18, 2011); Temple U. Writing Ctr., *About the Writing Center*, <http://www.temple.edu/writingctr/aboutus.htm> (2008); U. of Iowa Writing Ctr., *About the Writing Center*, <http://www.uiowa.edu/~writingc/aboutus.shtml> (2009).

38. See e.g. Brown U. Writing Ctr., *Writing Center Workshop Series*, http://www.brown.edu/Student_Services/Writing_Center/workshops/ (accessed May 18, 2011); Temple U. Writing Ctr., *Handouts, Tipsheets, and Writing Guides*, <http://www.temple.edu/writingctr/handouts/> (2008); U. of Iowa Writing Ctr., *Links and Handouts*, <http://www.uiowa.edu/~writingc/writers/writers.shtml> (2009).

39. Muriel Harris, *Growing Pains: The Coming of Age of Writing Centers*, 2 *Writing Ctr. J.* 1, 4 (Fall-Winter 1981) (“[W]ithout a theoretical framework or research to justify what we know at a gut level works—and works superbly well—we are and will remain precarious.”); Terrance Riley, *The Unpromising Future of Writing Centers*, 15 *Writing Ctr.* 20 (Fall 1994) (warning that rooting writing centers too firmly in the university mainstream could be detrimental to the enterprise).

40. For example, Stephen North notes that “writing center work is often not considered fundable—that is, relevant to a wide enough audience” and that “focusing our schol-

Though writing centers are ultimately unique institutions because of the universities, writing programs, and student bodies they serve,⁴¹ there are three primary theoretical bases for writing centers: positivism (or formalism); expressivism (or neo-Romanticism); and social constructivism (or collaborative theory). As discussed below, a writing center may be premised primarily on one of these theories, or may incorporate strands of multiple theories. It is necessary to consider each theory before contemplating the theoretical foundation for a law school writing center.⁴²

1. Positivism: Focus on Product and Formalism

Writing centers were originally grounded in positivist theory and its notion that knowledge is external, and the writer's purpose is to set forth that knowledge with precision and mechanical correctness.⁴³ As a result, writing centers were product-focused and writers were expected to privilege style and form above all else.⁴⁴ This focus ties directly to the original mission of many early writing centers: the provision of academic support to students with remedial reading and writing skills.⁴⁵ This theoretical per-

arly efforts on writing centers may be a professional liability" because of the difficulty of getting writing center-related research published and of getting favorable reviews of such scholarship by tenure and promotion committees. North, *Idea*, *supra* n. 5, at 444; see Peter Carino, *Theorizing the Writing Center: An Uneasy Task*, in Robert W. Barnett & Jacob S. Blumner, *The Allyn and Bacon Guide to Writing Center Theory and Practice* 124, 124 (Allyn & Bacon 2001) (noting the twin difficulties of constructing a comprehensive writing center theory and using theory to establish a writing center's relationship to both composition and the larger institution); Riley, *supra* n. 39, at 20 (noting that gaining "academic credibility" for writing centers has been difficult and that "our pursuit of success and stability, as conventionally measured, may be our undoing").

41. Harris, *supra* n. 26, at 15.

42. I have provided here a brief discussion of each theory as it applies specifically to writing centers. Other scholars have given more thorough consideration to the application of composition theory to legal writing programs. See *supra* n. 1 and accompanying text.

43. Eric H. Hobson, *Maintaining Our Balance: Walking the Tightrope of Competing Epistemologies*, 13 *Writing Ctr. J.* 65, 67 (Fall 1992).

44. Maxine Hairston, *The Winds of Change: Thomas Kuhn and the Revolution in the Teaching of Writing*, 33 *College Composition & Commun.* 76, 78 (Feb. 1982).

45. Joyce Kinkead, *The National Writing Centers Association as Mooring: A Personal History of the First Decade*, 16 *Writing Ctr. J.* 131, 132 (Spring 1996) ("While the impetus for these early centers often was remedial instruction, there was a growing feeling that a writing center might serve the entire campus community and even beyond."); Moore, *supra* n. 21, at 388 ("[W]riting clinics and writing laboratories are becoming increasingly popular among American universities and colleges as remedial agencies for removing students'

spective was in place until as late as the mid-1970s, before the modern writing center movement took hold. For example, one scholar in the mid-seventies noted that “[a]n objective common to each (composition) course is mechanical correctness. Usually time and/or philosophy does not permit the teaching of grammar in each course; further, the variety and irregularity of student errors would not justify doing so. The logical place for such supplemental instruction is in a laboratory.”⁴⁶

Few, if any, composition scholars now look to positivism/formalism as the sole theoretical basis for a writing center. Most agree that the positivist approach “ignores the contextual nature of discourse and the malleability of language.”⁴⁷ Few modern writing centers engage in the “remedial” approach to tutoring that accompanies a positivist approach.⁴⁸ Furthermore, general composition theory similarly moved away from this traditionalist approach in the 1960s and 1970s.⁴⁹ However, writing center administrators must still address the lingering perception that writing centers exist to provide proofreading and editing services for rushed or lazy students.⁵⁰

deficiencies in composition.”).

46. Hobson, *supra* n. 43, at 67 (quoting Betty McFarland, *The Non-Credit Writing Lab*, 1:3 Teaching Eng. in Two-Year College 153, 153 (1975)); see also North, *Idea*, *supra* n. 5, at 435–436 (discussing misrepresentations made by composition scholars who refer to writing centers as “deal[ing] with mechanical problems” and “giving first aid and treating symptoms”).

47. Hobson, *supra* n. 43, at 69.

48. Harris, *supra* n. 26, at 23. Harris describes the “trend” in this way:

[W]riting centers have weathered the backlash against remedial studies by no longer being generally viewed as nothing but remedial services. Yes, the myth persists, but it is not a universal one, and the variety of responsibilities writing centers have taken on to help to dispel the simplistic view that students who need help with writing always have major deficiencies in basic skills. . . . There is still a tendency among too many teachers to think of the writing center as the place to work with students who have “problems,” but at least there is a recognition even here that this can be ordinary students in freshman composition, not just developmental students “with severe problems.”

Id.; see also Richard Leahy, *What the College Writing Center Is—And Isn't*, 38 College Teaching 43, 44 (Spring 1990) (noting that one of the misconceptions about writing centers is that they are “remedial facilities for students with ‘special problems’ in writing”).

49. Hairston, *supra* n. 44, at 81–82.

50. North, *Idea*, *supra* n. 5, at 434–435.

2. *Expressivism: Student-Centered Writing Centers and the Writing Process*

As positivism fell out of favor in the 1970s, writing center theory moved in a new direction: expressivism, or neo-Romanticism.⁵¹ Expressivists view knowledge and truth as the product of the individual; under this theory, the truth resides within the writer. As such, expressivist writing centers are “grounded firmly in the belief that truth emanates from within the individual and thus the teacher’s/tutor’s goal is to assist the student in learning how to tap into that latent repository.”⁵² Thus, in contrast to formalism, expressivist theory is concerned with the writer and her process, and not the text.⁵³

Under this theory, the aspiration of most writing centers is “to produce better writers, not better writing.”⁵⁴ The tutor acts as a participant-observer while the writer engages in the “solo ritual of writing.”⁵⁵ The start and end points of a discussion in the writing center are defined by the writer and where she is in the recursive writing process.⁵⁶ The tutoring takes place while the writer is still engaged in the writing process, not after the draft is “completed” and in need of polishing for style and grammar purposes.⁵⁷

Though in some ways preferable to the traditional “remedial” positivist writing center, some scholars do not think a writing center built on a foundation of expressivist theory alone is sufficient. For example, expressivist theory may “ignore[] the extent to which the social group determines what action the individual can take within society” or “the extent to which individuals are products of, even inconceivable outside of, the larger social group.”⁵⁸ It also downplays the role of external constraints on the paper such as political and personal “demands” beyond the writ-

51. *Id.* at 438 (“[T]he ‘new’ writing center . . . is the result of a documentable resurgence, a renaissance if you will, that began in the early 1970s.”).

52. Hobson, *supra* n. 43, at 67.

53. North, *Idea*, *supra* n. 5, at 438; see also Linda Flower & John R. Hayes, *A Cognitive Process Theory of Writing*, 32 *College Composition & Comm.* 365 (1981).

54. North, *Idea*, *supra* n. 5, at 438.

55. *Id.* at 439.

56. *Id.*

57. *Id.*

58. Hobson, *supra* n. 43, at 69.

ing center, such as the professor's expectations and the assignment itself.⁵⁹

3. Social Constructivism: Writing Centers and the Collaborative Process

More recently, in the 1990s, writing center scholars have focused on social construction in the writing center, premised on the belief that writing is not a "solitary cognitive activity" and that writing is instead a social process.⁶⁰ These theorists view writing not as an individual activity, but as a social act.

Collaboration, then, is key in these writing centers, where "knowledge results from the interaction of individuals and society"⁶¹ and is "generated by communities of like-minded peers."⁶² The community arrives at what it will recognize as truth, and in so doing the role of the individual is minimized.⁶³ For example, writing centers based on social constructivist theory operate akin to "Burkean Parlors" where knowledge is not placed within the tutor or student but within the negotiating group.⁶⁴ Writers "use

59. Carino, *supra* n. 40, at 130.

60. Lisa Ede, *Writing as a Social Process: A Theoretical Foundation for Writing Centers?* 9 *Writing Ctr. J.* 3, 7 (Spring-Summer 1989).

61. Hobson, *supra* n. 43, at 68.

62. Kenneth A. Bruffee, *Social Construction, Language, and the Authority of Knowledge: A Bibliographical Essay*, 48 *College Eng.* 773, 774 (1986).

63. Ede, *supra* n. 60, at 6.

64. Andrea Lunsford, *Collaboration, Control, and the Idea of a Writing Center*, 12 *Writing Ctr. J.* 3, 7 (Fall 1991). The concept of a Burkean Parlor is derived from rhetorician Kenneth Burke's *The Philosophy of Literary Form*, in which he writes,

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: Studies in Symbolic Action* 110–111 (La. St. U. Press 1941). Lunsford contrasts the "Burkean Parlor Center" with the positivist "Storehouse Center" ("information stations or storehouses, prescribing and handing out skills and strategies to individual learners") and the expressivist "Center as Garret" (which sees "knowledge as interior, as inside the student, and the writing center's job as helping students get in touch with this knowledge, as a way to find their unique voices,

language . . . to join communities [to which they] do not yet belong . . . and to cement . . . membership[s] in communities [they have already joined].⁶⁵

Thus, in the writing center, the “task must involve engaging students in conversation at as many points in the writing process as possible and . . . contriv[ing] to ensure that the conversation is similar in as many ways as possible to the way we would like them eventually to write.”⁶⁶ “[P]eer tutoring provides a social context in which students can experience and practice the . . . conversation[al]” exchange of writing, and also provides a particular social context for the conversation.⁶⁷

Social constructivist theory has its critics as well. It, too, may ignore practical problems that emerge in the writing center.⁶⁸ For example, it may not be the appropriate pedagogical approach for all students, and it may leave students unprepared for the hierarchical institutions in which they will inevitably operate.⁶⁹

Ultimately, writing centers may be grounded in one of these theories, or may draw from some combination of them to shape their functions and practices.⁷⁰ Eric Hobson calls for writing center theorists to draw from each of them because “together they create a system that is more able to adequately describe the writing center than any of the three can in isolation.”⁷¹ Writing centers must also find the proper balance between theory and practice.⁷² Similar concerns guide the shaping of a theoretical basis

their individual and unique powers”). *Id.* at 4–5.

65. Bruffee, *supra* n. 62, at 784.

66. Kenneth A. Bruffee, *Peer Tutoring and the “Conversation of Mankind”*, in *Writing Centers: Theory and Administration* 3, 7 (Gary A. Olson, ed., Natl. Council of Teachers of Eng. 1984) [hereinafter *Writing Centers: Theory*]. In discussing “conversation,” Bruffee posits that “thought is internalized conversation” and thus “writing is internalized conversation re-externalized.” See *id.* (citing Kenneth A. Bruffee, *Writing and Reading as Collaborative or Social Acts: The Argument from Kuhn and Vygotsky*, in *The Writer’s Mind* (Janice N. Hays et al. eds., Natl. Council of Teachers of Eng. 1983)).

67. *Id.* at 7–8.

68. See generally Hobson, *supra* n. 43.

69. Christina Murphy, *The Writing Center and Social Constructionist Theory*, in Barnett & Blumner, *supra* n. 40, at 110, 112, 121.

70. *Id.* at 121–122 (noting that a “meta-ideology” should respect philosophical differences and find merit in more than one theory).

71. Hobson, *supra* n. 43, at 74.

72. Carino, *supra* n. 40, at 136 (“[Writing centers] need to see theory and practice in a multivocal dialogue, with theory providing a means of investigating practice, practice serving as a check against theoretical reification, and both proceeding with an awareness

for a law school writing center, which is discussed *infra*, at section II(B).

II. THEORIZING THE LAW SCHOOL WRITING CENTER

Despite early suggestions of a trend toward the use of peer tutoring-based writing centers in law schools,⁷³ this type of writing center remains a rarity in legal writing programs. In 2009, only 24 of the 166 responding schools offered a writing center staffed by teaching assistants as part of their legal writing programs.⁷⁴ The few legal scholars who have advocated for a peer-staffed law school writing center have done so with the assumption that it is a place to send students with low-level writing problems.⁷⁵

A legal writing center can provide practical and pedagogical benefits to a legal writing program, and to the students it serves. It can serve different populations within the law school, from first-year students to upper-level students working on journal or seminar papers to LL.M. students, both domestic and international. The center can draw its theoretical basis from traditional composition theory; it can also transcend some of composition theory's practical debates. Once these debates are resolved and other administrative questions are addressed, a law school writing center can find its proper place in the legal writing program, and enhance the experience of the students who engage with it.

of the political contexts in which writing centers function collectively . . .”).

73. Terri LeClerq, *What's New in Rhetoric? Writing Center Popularity Growing*, Second Draft (bull. of Leg. Writing Inst.) 2 (June 1991).

74. *2009 Survey Results*, *supra* n. 7, at 20. Six law schools reported the use of a teaching assistant-staffed writing center in the 2000 survey, when the question was first asked. ALWD & Leg. Writing Inst., *2000 Survey Results* 9, <http://www.alwd.org/surveys/2000.html> [hereinafter *2000 Survey Results*]. The 2009 survey also notes that 68 law schools have undergraduate writing centers available to their students, 33 schools have a writing center staffed by professionals, and 10 schools answered “other” to this question on the survey. *2009 Survey Results*, *supra* n. 7, at 20. Even where undergraduate centers are available to law students, however, a law school-specific writing center can be valuable because of the specific theoretical and pedagogical benefits it can provide.

75. See e.g. Stewart Harris, *Giving Up Grammar and Dumping Derrida: How to Make Legal Writing a Respected Part of the Law School Curriculum*, 33 Cap. U. L. Rev. 291, 298–299 (2004) (explaining that the writing center at the author's law school is a “valuable resource” because he does not teach “grammar, style, spelling, etc.”).

A. The Pedagogical Benefits of a Law School Writing Center

There are two main pedagogical benefits that would accompany the creation of a law school writing center. First, writing centers can offer an opportunity for an increase in the amount of individualized instruction that legal writing programs can offer. Second, writing tutors can serve as a non-judging audience, outside the traditional hierarchy in which writing in law school takes place.

1. Increased Individualized Instruction

First, law school writing centers offer an opportunity for increased individualized instruction. One-on-one student conferences are already a part of many legal writing programs.⁷⁶ Scholars recognize that individualized instruction benefits students, perhaps above all else,⁷⁷ because “[a] one-year experience in large classes cannot offer enough one-to-one experience to give the novice confidence and ability in legal discourse.”⁷⁸

The addition of more professor-student individual instruction is unrealistic because of the burden it would place on professors in both first-year programs and upper-level writing courses. Ideally, a first-year legal research and writing course would have no more than thirty to thirty-five students.⁷⁹ Most legal writing classes are at or above this ideal class size.⁸⁰ Professors already spend an average of more than forty hours a semester in manda-

76. See *2009 Survey Results*, *supra* n. 7, at 68 (indicating that legal writing professors spent an average of 48.44 and 42.88 hours in individual conferences with students in the fall 2009 and spring 2009 semesters, respectively); see also *Sourcebook*, *supra* n. 7, at 60–61.

77. See Rideout & Ramsfield, *supra* n. 1, at 79 (arguing that a “revised view” of legal writing that incorporates traditional composition theory should involve increased individualized instruction); see also Harris, *Teaching One-to-One*, *supra* n. 10, at 15 (“Working individually with a student permits us to become familiar with that student’s weaknesses and strengths and with the student’s uniqueness as a writer and as a person. In the company of a particular writer, we can no longer be content with doling out general prescriptions and textbook advice.”). Rideout and Ramsfield also note that student instructors do not provide the right amount of interaction between “novice” and “expert.” See Rideout & Ramsfield, *supra* n. 1, at 79. However, if placed under the umbrella of the legal writing program, writing tutors can “explore ideas and discuss the discourse” as Rideout and Ramsfield contemplate. See *id.* at 80.

78. *Id.* at 79.

79. *Sourcebook*, *supra* n. 7, at 89.

80. *2009 Survey Results*, *supra* n. 7, at B24.

tory (or strongly recommended) conferences.⁸¹ Professors guiding students through upper-level writing experiences also often meet with students individually multiple times over the course of the semester, but these meetings alone cannot meet the needs of the individual student writers.

Writing centers, then, can offer more individualized instruction without over-burdening professors. The writing center's primary function is to work one-on-one with writers.⁸² It can offer students the opportunity for individualized instruction on demand, which is beneficial to students because "an hour of talk about writing at the right time between the right people can be more valuable than a semester of mandatory class meetings when that timing isn't right."⁸³

Writing tutors hold regular office hours and writers can sign up for weekly appointments about their legal writing projects. A law school writing center can open at the start of the academic year so that students can come in at any stage in the writing process. With its placement under the administration of the legal writing program (discussed *infra* in section III(C)(1)), tutors can provide assignment-specific feedback. And by hiring an appropriate number of tutors for the size of the student body, legal writing programs can ensure that a large number of students can benefit from the writing center.⁸⁴ Thus, the addition of a writing center can increase the availability of individualized instruction without placing an additional burden on professors.⁸⁵

2. Audience Considerations

Second, writing center tutors can serve as a non-judging audience to anxious law students as they work on their legal writing

81. See *id.* at 68 (noting an average of 48.44 hours spent in conferences in the fall 2009 semester, and 42.88 in the spring 2009 semester); see also *Sourcebook*, *supra* n. 7, at 60 ("Conferences are extremely time-consuming . . . and that resource allocation must be considered in constructing the course syllabus.").

82. Muriel Harris, *Talking in the Middle: Why Writers Need Writing Tutors*, 57 *College Eng.* 27, 27 (1995).

83. North, *Revisiting*, *supra* n. 5, at 16. Note, however, that the notion of "an hour of talk" does not mean that this is the ideal length for a writing center appointment.

84. There are also pedagogical benefits to the tutors hired to work in the writing center; these are discussed *infra* in section II(B).

85. A writing center also reduces the burden on writing specialists in programs where such specialists operate independently of a writing center.

projects. Muriel Harris calls this the “ideal teaching situation,” where tutors are helpers and coaches, not graders.⁸⁶ To first-year students, tutors can offer their expertise as advanced legal readers and writers. To upper-level students, they can provide feedback as experienced legal readers who are non-experts on the writer’s topic.

A non-judging audience allows students to explore ideas in the early stages of the writing process. Although writing tutors are knowledgeable legal readers, they will not assign grades to the papers. This allows anxious novice legal writers to discuss nascent ideas without worrying about a negative impact on a grade, and upper-level writers to test the soundness of their arguments on a non-expert audience.⁸⁷

Furthermore, conversations with a writing center tutor occur outside the hierarchy in which legal writing usually takes place. The professor-student relationship parallels the senior-junior attorney hierarchy in which young lawyers will be writing.⁸⁸ The ability to explore ideas outside this hierarchy helps build the confidence of new legal writers, who are exploring an area of legal discourse for the first time.

Finally, working with writing tutors also allows students to consider audiences beyond the traditional “audience of one” that is the professor. This will help students begin to differentiate between standard legal syntax and usage and the style preferences of their ultimate, specific audience. The writing center gives students a choice about audience as well: They can establish an ongoing relationship with writing center tutors with whom they meet on a regular basis, or they can meet with many different tutors over the course of a year.⁸⁹ Either way, they can begin to appreciate that practical legal writing has both primary and secondary audiences, and that a writer must ultimately consider both.

86. Harris, *supra* n. 39, at 6.

87. This is not to suggest that professors view students’ requests for meetings as a sign of weakness or a red flag for grading. However, self-conscious first-year students may be unnecessarily nervous about their grades.

88. The professor’s use of a teaching assistant may give students a less intimidating intermediary with whom to relate, but the teaching assistant’s role is still within the hierarchy (akin to a mid-level attorney who often bridges communication gaps).

89. When I served as a writing center director, about two-thirds of the students saw the same tutor on return visits. One-third saw a different tutor, because of either time constraints or the desire to get feedback from a different reader.

B. Theoretical Bases of a Law School Writing Center

With these benefits in mind, one can begin to consider a theoretical foundation for a law school writing center. Legal scholars have long imported concepts of traditional composition theory to legal education.⁹⁰ There is a parallel place for using writing center theory in developing the “idea” of a law school writing center, which should draw from all three traditional writing center theories.

First, because of the formal nature of legal writing, there is room for traditional positivist theory in law school writing centers. This theory has its place in legal writing because of formalities that provide external limitations on students’ writing: the components of an appellate brief, for example, or the use of headings and subheadings to organize the points of legal analysis. While early legal writing classes may focus on the tenets of legal analysis, students may have questions about the form of a legal memorandum, and writing tutors are an appropriate authority on such concepts.

However, that legal writing centers may in part draw upon positivist theory does not mean that they should be the remedial writing centers that appeared in universities in the 1940s and 1950s.⁹¹ Nor should the law school writing center be offered as a proofreading, cite-checking, or line-editing service for students;

90. See e.g. DeJarnatt, *supra* n. 1 (discussing the influence of traditional composition theory on legal writing pedagogy); Suzanne E. Provenzano & Leslie S. Kagan, *Teaching in Reverse: A Positive Approach to Analytical Errors in 1L Writing*, 39 *Loy. U. Chi. L.J.* 123 (2007) (discussing the use of composition scholar Mina Shaughnessy’s “error analysis” in legal writing courses); Rideout & Ramsfield, *supra* n. 1 (suggesting ways that traditional composition theory can inform a “revised” view of legal writing programs); Nancy Soonpaa, *Using Composition Theory and Scholarship to Teach Legal Writing More Effectively*, 3 *Leg. Writing* 81, 81 (1997) (suggesting that English composition and writing theory is “both applicable and helpful” in understanding and effectively teaching legal writing).

91. See Marie A. Monahan, *Towards a Theory of Assimilating Law Students into the Culture of the Legal Profession*, 51 *Cath. U. L. Rev.* 215, 227–229 (2001) (explaining the limitations of a positivist approach to legal writing); Rideout & Ramsfield, *supra* n. 1, at 42–43 (discussing how a positivist/formalist view of legal writing can lead to the mistaken belief that legal writing courses themselves are remedial in nature); see also Rodis, *supra* n. 12, at 56 (“In setting up a writing center, one should not promote it as a remedial center, should make attendance voluntary, and, if at all possible, should hire at least a small professional staff.”); Mark L. Waldo, *What Should the Relationship between the Writing Center and the Writing Program Be?* 11 *Writing Ctr. J.* 73, 74 (Fall-Winter 1990) (“It very much undervalues the program or center to give either the ‘duty’ of teaching mechanics and correctness or the task of preparing students to display ‘writing competence.’”).

though tutors can provide generalized feedback and answer questions on issues of small-scale organization such as sentence structure and word choice, legal writers must be responsible for the polishing of their own documents, for both professional and ethical reasons. Law school writing centers can also address issues of grammar, syntax, and polish on a global scale, by offering workshops and handouts similar to those offered by undergraduate writing centers.⁹²

Second, because expressivist theory recognizes the legal writer as an individual, its presence is appropriate in a law school writing center. First, students engaging in a new discipline—here, legal research and analysis—benefit when the focus is on the self. Second, expressivism’s notion that knowledge resides within the individual correlates with the students’ development of legal argument. There are often no “right answers” in legal writing assignments, and students should be able to develop individual arguments within the boundaries of the relevant legal rules. Finally, awareness of one’s own writing process is necessary in order to balance multiple projects and meet deadlines, two common necessities in both legal education and modern law practice. Students can bring their writing to the writing center to get individualized feedback mid-process, rather than waiting for feedback from the professor on a completed draft.

Expressivist theory alone, however, cannot provide a theoretical grounding for the writing center. The law does not reward legal writers who are true only to their individual writing processes: writers must be right and convincing in order to be successful. They must also adhere to the formal requirements for certain legal documents.

Thus, social constructivism also has its place in the legal discourse community.⁹³ Social constructivism is

especially important for a field like legal writing, which takes place within a discourse that is complex and highly conventionalized and which is also closely constrained by the institutional characteristics of law—the roles of lawyers, the organization of law practice, the purposes of law as a social

92. Such services are discussed *supra* in section I(A).

93. See Rideout & Ramsfield, *supra* n. 1, at 57.

and economic institution, and the underlying ideology of the law.”⁹⁴

This notion of “normal discourse” in the peer tutoring context is of great importance in the law school writing center, because “[m]astery of a ‘knowledge community’s’ normal discourse is the basic qualification for acceptance into that community.”⁹⁵ Joseph Williams has noted the existence of legal “discourse communities” and that the law student’s place in the legal discourse community affects how she will engage with the language of the law.⁹⁶

New legal writers can benefit from the interaction with a slightly senior member of the legal discourse community. Upper-level student tutors are not so far removed from the first year that they do not remember what it is like to be a pre-socialized member of the discourse community. Thus, tutors can collaborate with first-year students in a way that professors may not be able to: with knowledgeable empathy. Advanced legal writers can benefit from this type of collaboration as well; the ideal reader for an upper-level seminar paper or thesis is a non-expert member of the discourse community who can provide feedback as a knowledgeable (but not expert) legal reader.

The more senior members of the discourse community—the writing tutors—benefit from their role in this collaboration by developing important skills of their own.⁹⁷ First, working with other students’ writing helps improve their

94. *Id.*

95. Bruffee, *supra* n. 66, at 9; *see also* Rideout & Ramsfield, *supra* n. 1, at 37 (“Within [the legal discourse] community, students must acculturate themselves to new uses of language, new paradigms of reasoning, new rhetorical considerations, and new conventions.”).

96. The pre-socialized writer usually writes at an unsophisticated level of analysis, often incorporating turns of phrase that post-socialized members of the discourse community have learned to avoid. Joseph M. Williams, *On the Maturing of Legal Writers: Two Methods of Growth and Development*, 1 *Leg. Writing* 1, 22–23 (1991). Later, the writer becomes socialized; he becomes a member of the discourse community but takes too much for granted and fails to recognize his non-lawyer audience. *Id.* at 24–25. Finally, the post-socialized writer goes beyond the discourse community to speak to those outside the community. *Id.* at 28.

97. Harris, *supra* n. 26, at 21–22.

own analytical and writing abilities.⁹⁸ Second, although they are operating outside the legal writing hierarchy, they can experience legal writing as post-socialized writers. For second-year students, this may be their first such socialization.

Furthermore, the collaboration that is social construction's hallmark "provides practice in both synthetic and analytic skills."⁹⁹ Early intervention in legal writing means just that—in legal writing, the topic, research, and stance are often externally defined, and the writer's work is primarily in synthesis and argument. Talking about these concepts to an external collaborator can help the writer crystallize both what she wants to say and how best to say it.

Incorporating a balance between both expressivism and social constructivism in legal writing center theory is important because these two theories reflect the duality of how legal writing is done in practice. No matter the context, at some point during the writing process the writer must work as an individual, creating a first draft for comments by other lawyers, or putting the final touches on a polished document before it leaves the office. The legal writer also works collaboratively as part of a legal "team" that may include colleagues, clients, outside counsel, opposing counsel, and others involved with the writing.

Thus, a law school writing center should establish its theoretical foundation by drawing from all three schools of writing center theory. As with undergraduate writing centers, the specific context in which a writing center operates will inform the balance among and emphasis on the three theories, but there is value in importing concepts from all three. It will fall to the writing center director to determine the right balance among the theories for a particular law school and writing center; the tutors can then draw from all three theories as they work with students in the writing center. This broad theoretical basis can also inform some of the

98. Ted Becker & Rachel Croskery-Roberts, *Avoiding Common Problems in Using Teaching Assistants: Hard Lessons Learned from Peer Teaching Theory and Experience*, 13 *Leg. Writing* 269, 277–278 (2007).

99. Lunsford, *supra* n. 64, at 6; *see also* Rideout & Ramsfield, *supra* n. 1, at 70–71 (endorsing collaboration as a method of bringing social constructivism to the legal writing classroom).

practical considerations that accompany the creation of a law school writing center.

C. Practical Considerations in the Law School Writing Center

The decision to start a law school writing center raises many practical issues. Placing a writing center in the context of a law school resolves some traditional and oft-debated practical concerns of writing center scholars; these include the relationship between the writing program and the writing center, and the use of generalist versus authoritative tutors.¹⁰⁰ Other practical structural issues, however, need to be addressed based on the relationship between a given writing center, writing program, and law school. This section will address all three of these concepts in turn.

1. *The Writing Center as Part of the Legal Writing Program*

Traditional writing center theorists have different opinions about the ideal relationship between the writing center and the writing program and larger university. Some believe that the appropriate place for the writing center is wholly separate from those institutions and classes and that the only connection should be to the writer.¹⁰¹ Others see

100. These are, of course, not the only practical issues debated by writing center scholars. Others include the use of technology in the writing center, the use of online writing labs (OWLs), writing-across-the-curriculum, working with non-native English speakers in the writing center, and dealing with learning disabilities in the writing center. See e.g. Eric H. Hobson, *Straddling the Virtual Fence*, in Barnett & Blumner, *supra* n. 40, at 475; Julie Neff, *Learning Disabilities and the Writing Center*, in Barnett & Blumner, *supra* n. 40, at 376; Muriel Harris & Michael Pemberton, *Online Writing Labs (OWLS): A Taxonomy of Options and Issues*, 12 *Computers & Composition* 145 (1995); Judith K. Powers, *Rethinking Writing Center Conferencing Strategies for the ESL Writer*, 13 *Writing Ctr. J.* 39 (Spring 1993); Ray Wallace, *The Writing Center's Role in the Writing Across the Curriculum Program: Theory and Practice*, 8 *Writing Ctr. J.* 43 (Spring-Summer 1988). Some of these issues will also arise in the administration of a law school writing center: here I have focused on those practical issues that have a unique application in the law school context.

101. North, *Idea*, *supra* n. 5, at 440. North notes that “teachers, as teachers, do not need, and cannot use, a writing center: only writers need it, only writers can use it” and that “we are not here to serve, supplement, back up, complement, reinforce, or otherwise be defined by any external curriculum.” *Id.*; see also Tilly Warnock & John Warnock, *Liberatory Writing Centers: Restoring Authority to Writers*, in *Writing Centers: Theory, supra* n. 66, at 22 (A “liberatory [writing] center [should] remain on the fringes of the academic community . . . in order to maintain critical consciousness.”); Diana George & Nancy

integration between the center and classroom activities as a positive development.¹⁰² Still others note that the ideal relationship is a “symbiotic” one, where the writing center and writing program work in close association with each other.¹⁰³

There should be no debate about this in the law school context: law school writing centers should be affiliated with the larger legal writing program.¹⁰⁴ Whereas at undergraduate institutions the clientele may be comprised of writers across a wide spectrum of disciplines, law school writing centers, of course, serve only legal writers. Thus, the legal writing program that is responsible for introducing students to the discipline of legal writing should also administer the writing center that is designed to assist students in their engagement with the discipline. All users of the center’s services seek to join the same, socially constructed discourse community by learning the same formal conventions of legal writing. Through its affiliation with the law school and the legal writing program, a legal writing center can both fill its own role in the legal discourse community and serve as yet another venue where students can practice meeting the consistent expectations of that community. This connection allows the program to establish a unified message of legal writing instruction; this is especially important because the clientele of the law school writing center is likely to be mostly first-year students taking the required legal writing course. Law school writing centers have the added benefit that most of their tutors will be “graduates” of the same program, further ensuring their unity of message.

2. The Non-Generalist, Non-Authoritative Tutor

The shared objective of the legal writing program and the legal writing center is to initiate students into the legal discourse community, and this objective also informs the authority vest-

Grimm, *Expanded Roles/Expanded Responsibilities: The Changing Nature of Writing Centers Today*, 11 *Writing Ctr. J.* 59, 62 (Fall-Winter 1990) (discussing the “danger” inherent in the writing center’s move from the fringes to the center of the university campus).

102. Harris, *supra* n. 26, at 24.

103. Waldo, *supra* n. 91, at 75. “Staffed by people who have in common a concern with improving student writing, the answer is that writing programs and centers should share equal and complementary relationship.” *Id.* at 73.

104. Writing centers should not, however, be treated as the “service appendage” of the larger legal writing program. *Id.* at 76.

ed in the law school writing center tutor. Outside the law school context, writing center scholars have long debated whether generalist tutors (those that are not expert, or even conversant, in the writer's subject matter) can provide the right amount of feedback.¹⁰⁵ Some believe generalist tutors are the ideal, because "the ignorant tutor, by virtue of her ignorance, is just as likely—perhaps even more likely—than the expert to help the student recognize what must be stated in the text."¹⁰⁶

Others argue in favor of specialized tutors because shared knowledge of the subject matter can make a writing conference more productive.¹⁰⁷ Furthermore, because they lack discipline-specific knowledge, generalist tutors focus too much on local, rather than global, concerns.¹⁰⁸ However, there is a danger that specialized tutors will take too much control of the writing conference and override the writer's ideas and voice.¹⁰⁹ Such authoritative tutoring may also raise ethical questions, including questions about authorship of the final product.

In legal writing, however, students can achieve maximum benefit from specialized tutors—that is, upper-level law students who are trained legal writers and readers.¹¹⁰ First, in legal writing, the substance of the law often dictates the form of the organization of a written product.¹¹¹

105. See e.g. Susan M. Hubbuch, *A Tutor Needs to Know the Subject Matter to Help a Student with a Paper: Agree Disagree Not Sure*, 8 *Writing Ctr. J.* 23 (Spring-Summer 1988); Jean Kiedasch & Sue Dinitz, "Look Back and Say 'So What'": *The Limitations of the Generalist Tutor*, 14 *Writing Ctr. J.* 63 (Fall 1993); Kristin Walker, *The Debate over Generalist and Specialist Tutors: Genre Theory's Contribution*, 18 *Writing Ctr. J.* 27 (Spring-Summer 1998).

106. Hubbuch, *supra* n. 105, at 28.

107. This includes knowledge of the technical conventions of the discipline. *Id.* at 25.

108. Kiedasch & Dinitz, *supra* n. 105, at 69.

109. Hubbuch, *supra* n. 105, at 26; Kiedasch & Dinitz, *supra* n. 105, at 71.

110. A generalist tutor in this context would be the typical student who staffs an undergraduate writing center—an undergraduate- or graduate-level student, typically affiliated with the English department. This limitation is one reason why establishing a law school writing center is superior to simply opening up an undergraduate writing center for use by law students.

111. See generally Linda H. Edwards, *Legal Writing and Analysis* 77–87 (Aspen Pub-

Thus, familiarity with legal rules and analysis is a necessary foundation for a productive writing center meeting, and a nod to the appropriate amount of positivism in a law school writing center. Second, legal writing center tutors can be taught the specifics of legal writing assignments so that the tutoring is particularly useful to the students who come to the writing center.¹¹² This knowledge will allow the tutors to more competently evaluate the writers' legal analysis, because they are aware of the relevant research and underlying legal principles. This allows the tutor to use expressivist theory to draw out the individual writer's arguments and analysis. Third, the specialized nature of legal analysis means that only a trained legal reader can provide meaningful feedback. Many first-year students struggle with legal writing assignments because they struggle with the concept of legal analysis, not grammar and syntax. A socialized or post-socialized tutor can provide an appropriate amount of feedback to these students.

The legal writing tutor should be mindful of the dangers of drifting into authoritative tutoring, such as tutors who override the voices of the student writers. This can be done by training tutors to conduct conferences as active listeners, to use guided questioning during the conferences, and to be non-prescriptive in the advice they give to the students they see in the writing center.¹¹³ However, because of the special-

lishers 2003); Mary Barnard Ray & Jill J. Ramsfield, *Legal Writing: Getting It Right and Getting It Written* 277–279 (5th ed., Thomson Reuters 2010).

112. Whether tutors can be given such training will depend, in part, on some of the practical considerations discussed *infra* in section II(C)(3). Though knowledge about specific assignments can increase the amount of feedback a tutor can provide, it is not a necessary prerequisite for a successful law school writing center.

113. For example, in my guide for writing center tutors working with first-year students on their first memo assignments, I included the following advice:

During the conference you should engage in *active listening* and *guided questioning*, two techniques we will discuss in class. This will get the student thinking and talking about her own paper. Ask the student the questions that arose when you read through her paper before the conference, and ask her how to solve the problems that the two of you identify during your meeting. It is far easier, I know, to pick up a pen and show a student how she can make her paper better with a few small changes, but remember that that is not our goal. In order for the writer to internalize and

ized nature of rule-based reasoning and legal analysis, a specialist tutor is appropriate in this setting.

3. *Administrative Considerations*

Establishing a writing center involves a fair number of administrative issues, many of which will need to be addressed based on the needs and resources of each school and legal writing program.¹¹⁴ Identifying these issues, however, is an important first step, as “[w]riting center administration, a highly complex task as is, has an added complication in that so many new directors plunge in with an almost total lack of preparation.”¹¹⁵ Not all writing centers can function in similar ways or adopt rigid policies and approaches.¹¹⁶ However, there are some threshold questions and practical considerations that all legal writing centers must address.

First, there is the question of mission: what is the purpose of the center, and what populations and goals is it designed to serve? While every law school writing center should draw from all three major theoretical underpinnings, different law school writing centers may have different missions. For example, some may serve primarily as a resource for first-year students taking

improve as a writer, and not just write a better Office Memo #1, she needs to steer the conference.

2007–2008 *George Washington University Law School Writing Fellow Manual* 13 (copy on file with Author).

114. See generally Richard Behm, *Ethical Issues in Peer Tutoring: A Defense of Collaborative Learning*, 10 *Writing Ctr. J.* 3 (Fall-Winter 1989) (defending the type of collaborative learning that occurs in the writing center against criticisms from the larger university community); Wendy Bishop, *Bringing Writers to the Center: Some Survey Results, Surmises, and Suggestions*, 10 *Writing Ctr. J.* 31 (Spring-Summer 1990) (offering suggestions, based mostly on survey results, about how to recruit students to come to the writing center); Muriel Harris, *Solutions and Trade-offs in Writing Center Administration*, 12 *Writing Ctr. J.* 63 (Fall 1991) (discussing administrative issues such as managing classroom instructor expectations, dealing with students who come to the center on the day their papers are due, working through language barriers, and setting up a center with limited funding or institutional support); Harris, *Theory One-to-One*, *supra* n. 10 (providing strategies for conducting effective student conferences). Several sources are devoted exclusively to training tutors and working through issues that arise in individual tutoring sessions. See e.g. Emily Meyer & Louise Z. Smith, *The Practical Tutor* (Oxford U. Press 1987); Leigh Ryan, *The Bedford Guide for Writing Tutors* (3d ed., Bedford/St. Martin's 2002); Paula Beck et al., *Training and Using Peer Tutors*, 40 *College Eng.* 432 (1978).

115. Harris, *supra* n. 114, at 63.

116. *Id.*

the required course, while others may work mostly with upper-level students working on research papers. Law schools must consider the center's intended mission and function at the outset; this includes a discussion about potential functions that reach outside the legal writing program, such as academic support,¹¹⁷ and the writing center's place within the law school.¹¹⁸ For example, how will the center interact with other services for students? How will the center be treated under external limitations, such as academic integrity guidelines?¹¹⁹

Once the school decides to create a center and establishes its mission, it must consider what resources—both financial and human—are available to devote to the writing center. As discussed below, depending on how it is structured, a writing center may not require many start-up costs.

The major cost will be the administrative oversight of the writing center. This oversight can come from a faculty member or administrator dedicated to the center or from a student (or group of students) working with a faculty advisor.¹²⁰ Most undergraduate writing centers are headed by a full-time director, who is sometimes assisted by other staff in addition to the student tutors.¹²¹ Because a law school writing center is best situated within the parameters of the school's legal research and writing program, it probably makes sense to have the writing center administered by a professor or director who works with the program,

117. See generally Terrill Pollman, *A Writers' Board and a Student-Run Writing Clinic: Making the Writing Community Visible at Law Schools*, 3 *Leg. Writing* 277 (1997).

118. Participants in this discussion will vary by institution, but may include the writing center director, other writing program faculty and administrators, directors and administrators of other programs (such as academic support or international programs), and various deans. *Id.* at 279.

119. See generally Behm, *supra* n. 114; Irene L. Clark & Dave Healy, *Are Writing Centers Ethical?* in Barnett & Blumner, *supra* n. 40, at 242.

120. Compare with Pollman, *supra* n. 117 (discussing a student-run writers' board), with Nancy L. Jones, *Extending the Classroom: The Writing Resource Center and the Teaching of Legal Writing at the University of Iowa*, 1 *Persps.* 83 (Apr. 1993) (discussing a law school writing center led by a professional director). This Article refers to the person put in charge of the writing center as a "director," though this is not meant to suggest that this is the only valid title to associate with this role.

121. For example, the Georgetown University Writing Center is staffed by a director, two coordinators, and several tutors (<http://writingcenter.georgetown.edu/staff.html>), and the Temple University Writing Center is headed by a director, with assistance from an assistant director, a program specialist, and both graduate and undergraduate writing tutors (<http://www.temple.edu/writingctr/wcemployees/index.html>).

whether it be an existing faculty member or administrator or a person hired part- or full-time specifically to work with the writing center. The identification of a director for the center is important for several reasons. First, he or she can set up the other administrative aspects of the center far more easily. Second, his or her presence will increase the legitimacy of the center as an offering for the students. Third, the director can serve as a point-person to liaise with other faculty members and parts of the law school. While the student tutors can and should be involved in certain administrative matters,¹²² it is best to have a professional director at the helm.

The credentials for the ideal director will vary based on the responsibilities and expectations associated with running a particular writing center.¹²³ One credential that is universally important, however, is that the director be someone who is a post-socialized member of the legal discourse community. Such a leader can bring his or her full expertise about the community's expectations to bear in training the tutors, who are themselves still becoming members of the discourse community; only a post-socialized member of the legal discourse community can competently train tutors to draw upon the three theoretical underpinnings of a law school writing center. In addition, the director's full membership in the legal discourse community will help other faculty, who are themselves full members, see the center as a legitimate part of the writing program and law school.

One thing law schools should not do is tack oversight of the writing center onto the existing responsibilities of a faculty or staff member without recognition that overseeing a center is a substantive task. Running a writing center well requires at least as much time as preparing and teaching one law school course,

122. Evelyn Posey, *An Ongoing Tutor-Training Program*, 6 *Writing Ctr. J.* 29, 30 (1986) (noting that "[i]f tutors are encouraged to become involved in the development and administration of the writing center, they learn to be better writing tutors"). This can include working on clerical matters or planning workshops. *Id.*

123. For example, the College of Law at the University of Iowa established a Writing Resource Center with a Director who had "an advanced degree in English with concentration on the teaching of writing." Jones, *supra* n. 120, at 84. The WRC staff is rounded out by English graduate students and a handful of upper-level law students. *Id.*; see generally Melissa Ianetta et al., *Polylog: Are Writing Center Directors Writing Program Administrators?* 34 *Composition Stud.* 11 (Fall 2006) (discussing some of the administrative and other considerations regarding writing center directors in composition studies programs).

and that time should be accounted for accordingly. Devoting adequate supervisory resources is a necessary prerequisite for the successful creation of a writing center.

Once identified, the writing center director will need to address several concrete issues with respect to the establishment of a center. These include establishing a physical presence for the writing center, handling issues regarding the student tutors, and setting policies and procedures for the writing center.

a. Physical Space

Two issues regarding physical space accompany the establishment of a legal writing center: where the student meetings will take place and where information about the center will be held and distributed.

As a starting point, ideally the legal writing center will have some dedicated physical space in which writing center meetings can take place. This need not be more than an unoccupied office that can accommodate a two-person meeting, but it is important that the writing center have a fixed location on campus. Having a fixed location will help to establish the center within the school—it will make the center more visible and it will be more likely that students will find out about it. This can also be a location where information is distributed, such as the writing center schedule, any writing program announcements, and information about things like writing contests and competitions.

Space on law school campuses can be at a premium, though, so some writing centers may need to make do without any physical space assigned to them. A legal writing center could make do with “floating” space, where tutors and students make arrangements to meet at specific places around the law school. For example, in my writing center, when there was inadequate physical space to schedule overflow or makeup sessions, I allowed tutor and tutee to meet in an available study room or in one of the public student lounges in the law school when no writing center space was available.

Technology has allowed for the development of online writing centers; however, an online format is not the best starting point

for a law school writing center.¹²⁴ This Article contemplates that the contact between the tutors and students will be face-to-face for three main reasons. First, an online writing center does not allow for fulfillment of the theoretical underpinnings highlighted *supra*, section II(C). All three theories contemplate that as students are working through the early stages of legal analysis, they need to engage in a dialogue with the tutors, which is difficult to replicate online. Second, because moving to an online format tends to decrease collaborative dialogue, an online writing center is more likely to be perceived as—and perhaps will become—a reviewing/proofreading service. Finally, the idea of an online writing center may jump too quickly over questions of theory and purpose that I have presented here. For example, it may be too tempting for tutors to take an authoritative role if they are not meeting face-to-face with the student writers. Thus, while the legal writing center of the future may involve an online component, until the center is a campus fixture, it probably makes sense to start with live meetings in physical space, whether dedicated or floating.

While the operation of a legal writing center necessitates a physical space for tutor-writer collaboration, the *administration* of a legal writing center does not necessarily require a dedicated physical location. Information about the center—its locations, policies and procedures, announcements, staff information, etc.—can certainly be shared online through a webpage. The webpage could be linked to and highlighted on the law school's homepage or it could be available only to the law school community through a student portal or the like. Where possible, centers could use online sign-ups if the webpage or service offers such a tool. The specifics of the set-up will vary by center and are outside the scope of this Article, but the use of technology can certainly ease the burden of writing center administration.¹²⁵

124. See David Coogan, *Towards a Rhetoric of On-Line Tutoring*, 19 *Writing Lab Newsltr.* 3, 4–5 (Sept. 1994) (reprinted in Barnett & Blumner, *supra* n. 40, at 555); Harris & Pemberton, *supra* n. 100; see generally Dave Healy, *From Place to Space: Perceptual and Administrative Issues in the Online Writing Center*, in Barnett & Blumner, *supra* n. 40, at 541.

125. For example, when I took over my first law school writing center, I moved the sign-up process from a system that employed a physical bulletin board and sign-up book to one that used a Westlaw TWEN page for writing center administration. The TWEN page included information about the schedule, the center's policies and procedures for signing

b. Hiring, Training, and Compensating Tutors

The writing center director must also make several decisions about the tutors: hiring, training, and compensating are among them.

i. Hiring

Writing center directors must consider a few issues with respect to selecting tutors for the writing center. Because tutors will be among the first members of the legal discourse community with whom students will interact one-on-one, they are the core of the legal writing center experience. Adequate tutor staffing is therefore the foundation on which a successful writing center will be built.¹²⁶

First, directors must determine the right number of tutors to accommodate the particular student body. This number can vary based on the writing center's mission and the number of students at the school.¹²⁷

up for or canceling appointments, and other center-related information such as writing competition announcements. I also used the sign-up sheet feature on TWEN for appointment sign-ups. This was a somewhat imperfect system as TWEN is not designed for this type of use; however, it was an improvement over the maintenance of the bulletin board/book system and was more convenient for me, the tutors, and the students.

126. Loretta Cobb & Elaine Kilgore Elledge, *Undergraduate Staffing in the Writing Center*, in *Writing Centers: Theory*, *supra* n. 66, at 124; *see also* Becker & Croskery-Roberts, *supra* n. 98, at 285 (“[M]any of the worst problems [that accompany the use of teaching assistants] can be avoided by selecting a highly-qualified and properly-motivated group of teaching assistants.”).

127. Legal research and writing professors whose schools cannot establish a writing center may achieve some of the aspirations outlined in this Article by using their own teaching assistants to perform the functions of writing center tutors. According to the 2009 ALWD/LWI survey, 104 schools use teaching assistants in the first-year program. *2009 Survey Results*, *supra* n. 7, at 73. Although some have noted the potential challenges of working with teaching assistants, e.g. Becker & Croskery-Roberts, *supra* n. 98, teaching assistants could be employed using some of the writing center theories outlined above. This expanded use of teaching assistants, however, is less effective than a peer-staffed, separately situated writing center for several reasons. First, many programs are already using teaching assistants, who presumably already have a robust list of class-related responsibilities; as with the professors, there may not be enough teaching assistants to provide an equal amount of increased individualized instruction to all students. Second, teaching assistants are associated with the first-year course, which means they do not operate outside the legal writing program hierarchy as a writing center would (see discussion *supra* in section II(A)(2)). The delivery of writing center-type services through a course's teaching assistants would also deprive upper-level students of those services because their courses do not usually have teaching assistants. Still, some of the goals of the

Next, the director should consider the hiring criteria for the student tutors.¹²⁸ Standard criteria—grades, work experience, and other law school activities—are relevant but not necessarily determinative when it comes to what makes a good tutor; even students who did not receive the best grades in the first-year legal research and writing course may make excellent tutors.¹²⁹ Some students may have worked in or with undergraduate writing centers; they make excellent candidates (and will probably be frequent users of a legal writing center themselves). Once a center is established, active users of the center make good potential tutors as well. That said, students who did not visit the center should not automatically be out of the running; almost every student will be experienced with legal writing conferences if their first-year legal research and writing professor uses that model. The key question is whether the potential tutors understand the mission and the purpose of the writing center and are not simply interested in adding a resume line. They must understand that they are coaching, not doing—those doing the hiring should be wary of candidates who say they “like editing” or “are really good proofreaders,” as this suggests that these students view the writing center as primarily a place for positivist feedback. Directors should also look for students who self-identify as empathetic and as good listeners and mentors.

Much of this information can be gathered through a robust selection process, which can involve several different components. An application packet can include a resume and a statement of interest indicating why the student is interested in working in the

writing center model could be achieved using teaching assistants, provided they are carefully trained and supervised as discussed *infra*, with appropriate emphasis on the theoretical underpinnings that their conferences with students would aim to provide.

128. See generally Beck et al., *supra* n. 114; Stephen M. North, *Training Tutors to Talk about Writing*, 33 *College Composition & Commun.* 434 (1982); Posey, *supra* n. 122.

129. Because there is an element of positivist tutoring in the law school writing center, tutors should have above-average competence in legal analysis, organization, and the rules of standard English, but this should perhaps be evaluated separately from the grade in the first-year course. An independent evaluation of an applicant's writing sample could be the source of this information. Potential tutors could also be asked to critique a sample student paper or take a grammar competency exam as part of the application process. Directors may want to establish either a course grade or overall grade point average floor, however, in order to establish the credibility of the tutors; such a floor will vary based on the law school curve at each institution. I urge directors, however, to not use grades (in the legal writing course or in the grade point average) as the sole or major criterion for hiring tutors.

writing center (this latter piece can help identify some of the motivations identified above). Asking students to review a sample paper can be telling as far as the students' ability to critique the work of others and the types of comments they would share.¹³⁰ Interviews are also a good way to get to know candidates—these can be one-on-one or group interviews, with the director or current tutors or both. Finally, rather than asking the student for a list of references, the director might confer with the students' first year legal writing professors, who probably have the best information about their potential as tutors.¹³¹

ii. Training

Writing center tutors will need to be trained, at least as an initial matter, and possibly over the course of the semester or the year.¹³² There are two basic types of tutor training programs: those that occur within a classroom course and those that exist outside the classroom.¹³³ Undergraduate writing center tutors often are trained through a required, credit-bearing course *before* they become tutors, but this is impractical for law schools.¹³⁴ Ideally, the director will oversee ongoing training through a required, credit-bearing companion course, but training could also

130. Examination of student writing and "hypothetical" peer critiques are common techniques in tutor training. See e.g. Linda Bannister-Wills, *Developing a Peer Tutor Program*, in *Writing Centers: Theory*, *supra* n. 66, at 135, 138–139; Beck et al., *supra* n. 114, at 434–436.

131. One way to control the volume of applicants is to pre-screen the candidates by asking either the legal writing professors, or current tutors, or both to recommend potential candidates so that the application process is by invitation only. This will be unfair, however, unless professors give consideration to all of their students as potential tutors. A compromise position might be having an open application process and asking for references before inviting students to go through the interview process.

132. See generally Posey, *supra* n. 122 (offering suggestions for tutor training activities throughout the academic year); Ryan, *supra* n. 114 (providing training tips for new writing center tutors). Writing center directors may also consider the creation of a training manual. See e.g. Beck et al., *supra* n. 114 (discussing tutor training in undergraduate composition studies programs, including a writing course for tutors and peer-criticism exercises); Jones, *supra* n. 120 (noting the importance of training writing center staff as a way of combating the challenges of running the center).

133. Bannister-Wills, *supra* n. 130, at 133.

134. It would be impractical to train tutors in this way because it would limit the population of potential tutors; if tutors needed a full semester of training *before* they could work in the writing center, they would not be able to work in the writing center until they were in their third year. This would also eliminate the possibility of ever having senior, experienced tutors in the center.

take place through an initial orientation followed by several training sessions throughout the semester or year.¹³⁵ This issue, however, is tied to the issue of compensation; if tutors are receiving credit for their tutoring, some sort of classroom experience is probably warranted.

The training will need to cover several concepts. As an initial matter, tutors must understand the basics about the writing center: the theoretical underpinnings; the mission behind the center and its accompanying goals; the policies and procedures that govern the center; and any other issues related to writing center administration. Directors should make their expectations of tutors clear; though tutors have likely been introduced to these expectations during the selection process, they should be reinforced during training.

Beyond that, the training needs to teach the tutors how to prepare for and conduct the one-on-one student conferences at the heart of the center. This can include background reading and discussion of conferencing or writing center theory, demonstrations, and role-playing exercises. Tutors also need to understand how to determine the theory or theories from which she should draw when conducting a conference. For example, a student who is struggling with the norms of legal writing or basic grammar and syntax will need a more instructive, positivist conference. Writers who are having difficulty articulating their arguments will benefit from a more expressivist approach, where the tutor asks questions to elicit the argument from the writer. Finally, a student working on a research paper may benefit from a social constructivist dialogue with a tutor as he develops and refines a sophisticated thesis.

Finally, there should be some discussion regarding preparation for situations that may arise in the writing center, such as dealing with difficult students or how to handle periods of high demand. Depending on how much time is available, some practice sessions and simulations may also be worthy pursuits.¹³⁶

135. Posey, *supra* n. 122 (noting three ways to have ongoing tutor training, including involving tutors in administration, providing tutors with a referral/response worksheet that they fill out in each session, and conducting a writers' workshop where the tutors' own work is reviewed and critiqued).

136. When I conducted training for writing center tutors, I planned a half-day orientation session that was followed by the week-to-week companion course. I asked students to

Depending on the goals of the writing center, training may end here, although I would advocate a companion course—or at least periodic subsequent trainings—for several reasons. First, this type of contact is the easiest way for the director to monitor the tutors' work in the writing center. Second, depending on the different populations the writing center is meant to serve, there is more information that can be shared, such as the legal issues in the major first-year legal writing assignments or techniques for working with specialized legal writers.¹³⁷ A weekly or periodic meeting is also a good time for further collaboration among tutors, who can discuss issues they are having during conferencing sessions with their colleagues.

iii. Compensation

How the tutors are compensated will depend, in part, on some of the larger administrative issues. If there is a budget for it, students can be compensated with an hourly wage or a stipend, as research assistants are. Tutors could also be compensated with course credit, but this system probably requires that the tutors have more formal training. Finally, some students may be willing to serve as tutors on a volunteer basis, for both the experience and the resume value. Directors should also make sure that, no matter how compensated, the work required of the tutors is commensurate with the amount of compensation and is evenly distributed among the tutors.

read the Murray, *supra* n. 10, and North, *supra* n. 5, articles in advance of the orientation. The initial orientation included an introduction to the legal writing program and the mission of the writing center, a lecture on preparing for and conducting conferences, and two simulation exercises. The exercises involved reviewing a sample memo as they would for a writing center appointment and discussing the tutors' reactions to the paper and working through a group exercise on dealing with scenarios that arise in the writing center. I developed a training manual to memorialize much of this initial training. Other components I considered adding but cut because of time were simulated conferences and/or video demonstrations of conferences that the group could critique.

137. The companion course I taught included coverage of the substantive law in the major legal research assignments in the first-year course, sessions on working with upper-level students and scholarly legal writers, and advanced training in working with non-native English speakers.

c. Establishing Policies and Procedures for the Center

Finally, the director must also set certain policies and procedures for the center. These include, for example, how often students may come to the center, how far in advance of an appointment students must submit their papers to the tutors, whether tutors and tutees can meet “off appointment” when the schedule is full (and whether such appointments will generate a credit toward future writing center hours), and what the penalty is for a no-show or late cancellation.¹³⁸ As with the other administrative considerations, the need for certain policies and procedures may be greater or lesser depending on the school. For example, a school that can staff a center with ample tutors may allow more than one appointment a week; other schools may need to limit the frequency of appointments to ensure that the center is available to as many students as possible.

As a writing center director, I established some policies but also handled other situations on a case-by-case basis so that I could take into account variables such as the reliability of the tutor in question and the overall fairness (or unfairness) of the situation. I would expect this hybrid approach to work for most writing center directors as well.

Thus, though law school writing centers transcend some of the practical issues confronting undergraduate writing centers, they raise their own set of practical questions. There are no global answers to these questions; instead, the answers will depend on the political and practical contexts of individual law schools and legal writing programs. And each center may have unique issues not contemplated here. However, a sound understanding of the benefits of the law school writing center and its underlying theory can provide the foundation for dealing with these practical issues.

III. CONCLUSION

Law schools and legal writing programs can benefit from the addition of a peer-staffed writing center. These centers offer ben-

138. Other potential areas for policy creation include how far in advance students must submit papers and what the penalties should be for chronic abuse of the policies themselves. See Harris, *supra* n. 114; Jones, *supra* n. 120.

efits that are consistent with both law school and legal writing pedagogy and traditional composition theory. Though schools and programs will have to make important political and practical choices regarding the structure and administration of such centers, their benefits to the entire law school community—the faculty, the law school student body, and the tutors who staff the centers—make them worthy endeavors for the law school at large.