Teaching Law Students to Write Any Legal Document

Katie Rose Guest Pryal, J.D., Ph.D.
Univ. North Carolina School of Law

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Fair Warning:

Genre theory is the theory of everything.

-KRGP

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Define “Genre”

A set of communications that share certain, predictable conventions.

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Where do genres come from?

- A particular discourse community
- has a particular communicative need
- in a recurring rhetorical situation.

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The Genre?
The Appellate Brief

Community: the legal profession

Need: to appeal a trial court’s ruling against your client

Situation: a lower court rules against a client

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Genres are not fixed

**Rhetorical situations** shift.
- Audiences
- Resources
- Constraints [1]

**Discourse communities** shift.
The population of lawyers now compared to 150 years ago.

Conventions: Choices, not Rules

Tell facts in chronological order or not?

Include procedural history?

Call client by first name or last?

Include Statement of the Facts?

Genre

But some “choices” are less optional than others.

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Expertise thus includes

Being able to tell which conventions are flexible and which are not.
LRW professors do a great job teaching the documents we teach.

How well do we teach the documents we don’t teach?
What do we do with genres?

**The problem:** When students leave law school, can they write documents they have *never encountered before*?

**Traditional Approach:** Teach more and more genres in LRW

**Genre Approach:** Teach fewer genres but teach *genre discovery*.

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Teaching Genre Discovery

(1) How to identify a legal document’s genre. (What is it?)

(2) How to identify the legal document’s audience, community, or sub-community. (Who reads it?)

(3) How to locate examples of the new genre and figure out which examples are strong. (Where is it?)

(4) How to extract the conventions from these examples, including form, style, and tone. (What’s it like?)

(5) How to put these discoveries together and write the new genre.

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