

THE GENRE DISCOVERY APPROACH:

Teaching Law Students to Write Any Legal Document

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

Twitter: @krgpryal

Fair Warning:

Genre theory is the theory of everything.

-KRGP

Define “Genre”

A set of communications that share certain, predictable **conventions.**

Where do genres come from?



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

Example



The Genre?
The
Appellate
Brief

Genres are not fixed

Rhetorical situations shift.

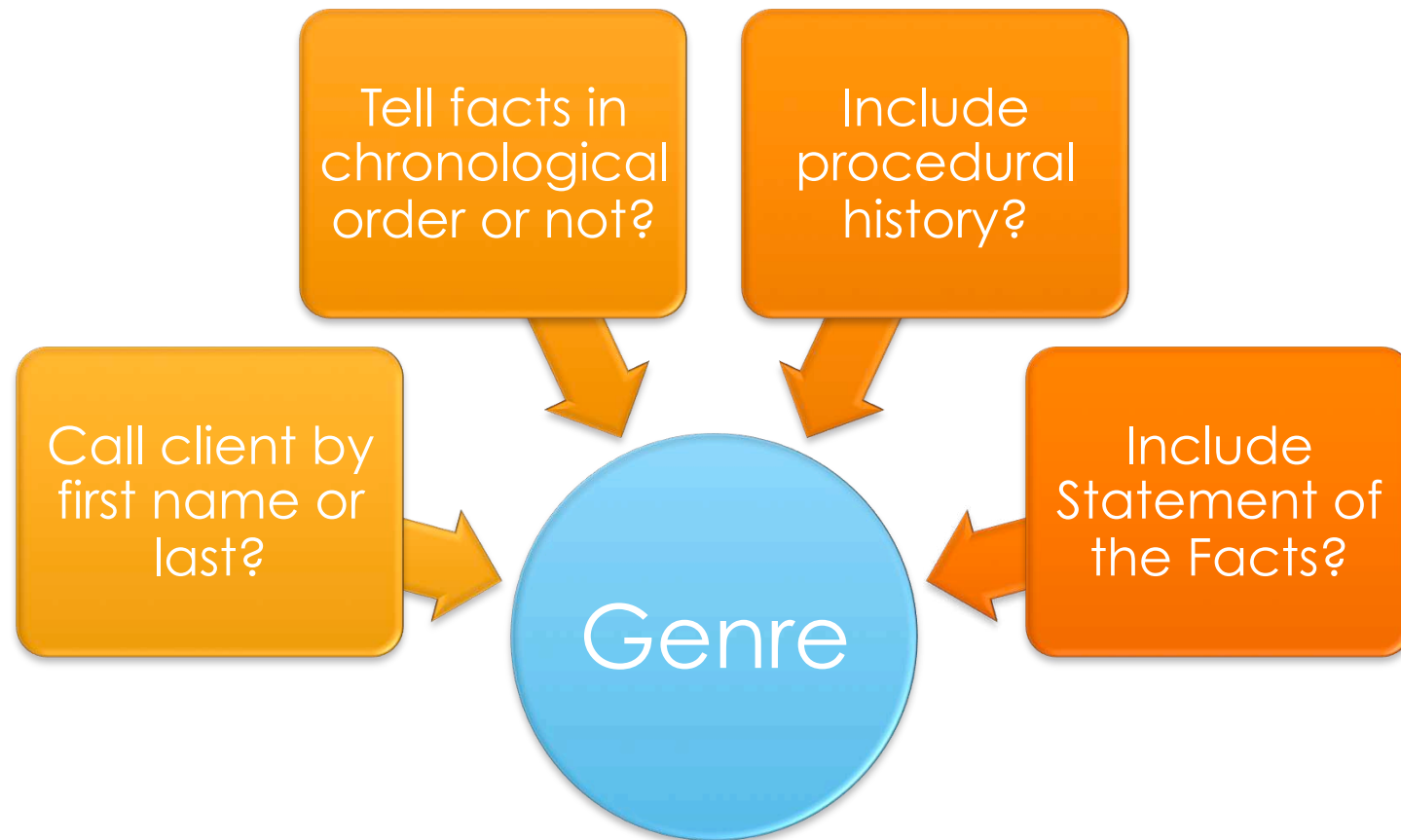
- Audiences
- Resources
- Constraints [1]

Discourse communities shift.

The population of lawyers now compared to 150 years ago.

[1] Lloyd Bitzer, *The Rhetorical Situation*, 1 *Philosophy and Rhetoric* 1 (1968).

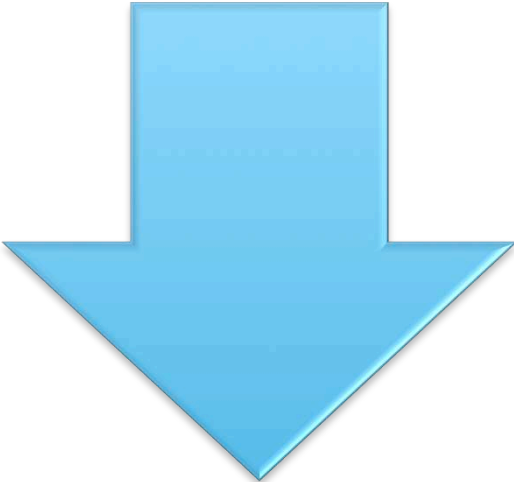
Conventions: Choices, not Rules



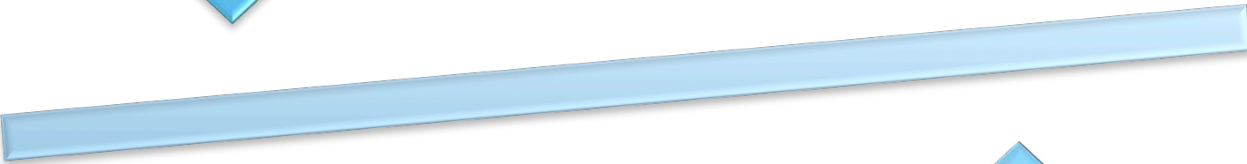
But some “choices” are less optional than others.

Expertise thus includes

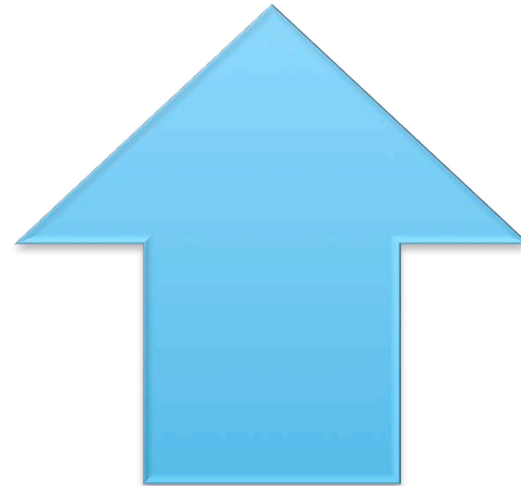
Being able to
tell which
conventions
are **flexible**
and which
are **not**.



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.**

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.



You can download the article
published in the
WAYNE LAW REVIEW:

[http://papers.ssrn.com/sol3/
papers.cfm?abstract_id=2460010](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2460010)

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