Law Blogging Engages Students in Writing That Connects Theory to Practice and Develops Professional Identity

By Jodi S. Balsam

Jodi S. Balsam is Associate Professor of Clinical Law, Director of Civil Externship Programs at Brooklyn Law School.

Introduction
Law school doctrinal courses often require students to produce a writing assignment—e.g., a brief or research paper—in addition to taking an exam. Such assignments can stimulate meaningful learning, but students may not engage as thoroughly because the end product is not put to any purpose other than generating a grade. Students often perceive such writing as overly formal and/or theoretical, and chafe that their efforts are not being put to work in the service of a client, cause, or larger conversation about the law.¹ One way to introduce authenticity and immediacy into writing assignments in the doctrinal classroom is to assign law students to research and author a blog entry to be posted on an Internet forum relevant to the subject matter of the course. A blogging assignment by nature connects theory to practice and by its process advances students in professional role formation.

Law Blogging Background
Law blogging has become integral to the international discourse of legal institutions and topics. The legal community has long accessed and exchanged information electronically—using subscription services such as Westlaw and Lexis and through privately administered electronic mailing lists. But over the last 10 years, the exchange of ideas about the law and legal education has extended into the free, public Internet, largely through law blogs, or blawgs as they are often called. Law blogs are a dynamic and flourishing platform for connecting the larger community of lawyers. The legal community now regularly recognizes and commends the best of them.² Law blogs exist for virtually every practice area—from art law to zoning law—and for every subject matter and cause. They are authored by all types of legal professionals, including law firm partners and associates, corporate and public interest lawyers, judges, law professors and students, government lawyers, and legal journalists. Law blogs typically focus on breaking advancements in law and issues of immediate concern. At their best, law blogs enable efficient sharing of, and broader discourse about, developments in the law and lawyering, justice system best practices, and legal scholarship.

Law students are often drawn to law blogs because many address the issues from a practical perspective and adopt a less formal style of writing that can be understood by those with and without legal training. Most law students come to law school with some familiarity with the blogosphere from prior educational, work, and recreational experiences. The appearance and accessibility of law blogs offer students a reprieve from the more complex reading demanded of them in casebooks, statutes, and treatises.


Blawg Entry vs. Research Paper

Given these attributes of blogging, a writing assignment requiring a student to author a blog entry is a welcome and useful change from the typical law school course writing assignment. Many doctrinal law courses grade students solely based on a final exam, in part because shepherding a large class through drafting, revising, and evaluating a writing assignment imposes significant burdens on faculty. Best practices recommend, however, that even large doctrinal courses should provide multiple opportunities for assessment of student learning. To ease the burden this entails, commentators have proposed alternatives to the default research paper assignment, such as drafting exercises or in-class short-answer tests. But a substantive writing project is more likely to immerse students in the subject and enrich class discussion. Each student becomes an expert in the paper's topic and can contribute to the entire class's learning when that topic intersects with what is happening in the classroom. Asking students to write a blog entry can achieve assessment goals, while better managing faculty workloads.

Further, assigning a blog entry rather than a research paper requires the student to engage with the course materials in a way that illustrates doctrine at work. Blog readership often comprises practitioners, policy makers, and pundits who are interested in how legal developments affect the here and now. Many blawgs naturally focus on the immediate significance of legal developments, the practical application of the law, and trend-spotting in the short and long term. Correspondingly, blawg writing is typically punchier and targeted to keep its audience's attention. But that does not mean blawg writing can be sloppy or imprecise. Blawgers—especially those who practice and/or teach law—understand that everything they put in writing, especially when it is for publication, reflects on their reputation and credibility.

Accordingly, professional development goals also come into play in this assignment. The prospect of the writing assignment being published requires students to consider questions of accountability and audience. Whatever they might publish would perhaps remain in the public domain and be accessible to a wide audience indefinitely. Their professional reputation would be at stake. Through blogging, students also begin to see themselves as participating in an ongoing conversation about trends in the law, and how they might help shape those trends. Their words could leave a real imprint, especially to the extent that a blog entry could be a recommendation for a future course of action or direction of the law. They would need to invoke their professional judgment.

Blogging Assignment Design

I first used the law blog assignment in my Sports Law course, with 32 students enrolled. The course traditionally assessed the students using only a final exam. When I started teaching it, rather than assign a conventional paper, I asked students to also write a blog entry about a current issue in sports law for the school's own sports law blog. For law schools that do not publish blogs, a professor interested in using a blog assignment can seek a partnership with an existing law blog that covers topics relevant to the course. Many blogs actively seek guest bloggers and outside sources of content.

The principal pedagogical goal of the blogging assignment was for the students to engage with the course materials in a way that illustrates the practical application of doctrine, as opposed to a more theoretical approach. By the same token, the assignment was intended to heighten their appreciation of the need to maintain current awareness—through reading law blogs and other sources of legal information—of the issues critical to the area of law they study or will practice. I also anticipated that students would welcome the blogging format's greater flexibility and opportunity to impart something of their personality, as opposed to a dry research paper. And because only the work that received an "A" grade would actually get published on the blog, students were invested in the finished product for better reasons than getting a good grade. Students were motivated to produce their best work because it would pay dividends in the form of a publication.

Because the audience for a law blog could encompass a broad range of legal knowledge—from the layperson to the expert—the students quickly absorbed the need to adopt a simple, direct, and cogent writing style.

Assignment Instructions and Requirements

The first phase of the blogging assignment asked the students to familiarize themselves with the blogging format and reader expectations (if they were not already familiar). They read the law school’s sports law blog and other recommended law blogs. They read the blogging style manual I created. In this phase, they also reviewed my grading rubric for the final product so that they could begin to cast a critical eye on what makes for an effective blog entry. I informed the students that I would not be applying a “curve” in grading this assignment, and that I would be pleased to award an “A”—and publication on the blog—to every deserving submission. The blog entry grade would be weighted as 15 percent of the final grade for the course.

In the second phase, the students drafted an ungraded practice blog entry: 500 words on one of three current topics in sports law that I had selected for them. Rather than individually critique each entry, I set aside part of one class session to workshop the practice blog entries in small groups. The groups comprised of three or four students who exchanged their practice entries and evaluated them according to explicit critique guidelines. We discussed in class what made a successful blog entry and what was less effective.

The third phase required students to submit at least two ideas for the blog entry that would be graded. Ideas had to address a current issue in sports law, but beyond that the students had considerable latitude in suggesting topics. They submitted their ideas to a shared document accessed online through Google Groups, which allowed the students to review each other’s proposals and avoid duplication. Although there was some overlap in the proposed topics, enough ideas were generated to ensure that every student would be writing on a unique topic of real interest to that student. Students were then divided into four groups (eight students in each), with deadlines staggered throughout the semester for the submission of a first draft and a final blog entry. This avoided burdening me with 32 drafts and 32 papers to critique and grade all at once, and also allowed for content to be available to the blog on a rolling basis throughout the semester.

Lastly, the students got to work. They were required to research and draft a blog entry of at least 1,000 words (a four- to five-page paper). For many, the research stage had the benefit of requiring them to access less familiar sources, such as dockets of pending litigation and legislation, Web sources on labor relations and intellectual property, sports league contracts and policy statements, and even historical documents on Cuba-U.S. relations through the lens of baseball. Their written work had to go beyond merely the journalistic, and develop a thesis around the legal topic they explored. Citation to authority was required in the form of ample hyperlinks to other Web sources for support and to connect to the larger dialogue on that topic. For each group of students, their batch of first drafts received detailed professor feedback within a week of submission. The students then had another week to revise and submit the final version for a grade, and hopefully publication. The grading rubric evaluated the blog entries over nine areas, including topic relevance, critical thinking skills, positioning, support and connections, writing quality, community, and professionalism.

Although a blogging assignment allowed for greater flexibility in format and tone, it did not mean less rigorous writing standards. The students were required to adhere to formal grammar, punctuation, and style criteria. And one unanticipated benefit of the blog format in terms of writing was that the students intuitively understood they could not use legalese or jargon. Because the audience for a law blog could encompass a broad range of legal knowledge—from the layperson to the expert—the students quickly absorbed the need to adopt a simple, direct, and cogent writing style.

Law Blog Assignment Outcomes

The law blog assignment met with enormous success in terms of student interest in the assignment and investment in the outcome. Some of the more successful entries addressed the trend among athletes...
to seek trademark protection for their unique poses and catchphrases, fan privacy rights under the NFL’s highly restrictive stadium bag policy, the emerging market for stock linked to the value of a professional athlete, and the football contract implications of the Aaron Hernandez murder prosecution.

Most gratifying, 15 of my 32 students achieved an “A” grade and publication on the sports law blog. For those students whose work was not of sufficient quality to publish, I offered to work with them individually to revise the entry in the hopes of publication, although it would not change their grade. Two more students managed to publish their blog entry through this route. Students reported back to me the following learning outcomes, which exceeded even my expectations:

- Improved writing skills and ability to intelligibly communicate complex legal issues;
- Excitement about writing something for possible publication and participating in the wider conversation about the law;
- Greater proficiency in applying substantive law to practical situations;
- Greater connections between course work and skills development;
- Development of professional identity and judgment;
- Deeper appreciation of the importance of current awareness and of the value of law blogs;
- Interest in additional research and writing opportunities, for Internet publication and elsewhere; and
- Career advancement through the résumé boost provided by a publication credit and employer interest in hearing about the blogging experience in networking and job interview settings. (One student even got a summer job specifically to craft content for her employer’s law blog.)

Conclusion
My experience with the law blog assignment dovetails with many of the goals identified in the ongoing efforts to reform legal education. The blog assignment methodology engages law students, delivers a formative assessment, and provides authentic experience in the life of the law. It connects students to an increasingly important mechanism for ongoing conversation among a diverse legal community, and teaches them how to effectively participate in that conversation. It can even broaden faculty’s perspective on current issues that dominate the conversation about the field of law being taught. And it can serve as a vehicle for students to find their professional voice and develop their professional identity.

© 2015 Jodi S. Balsam

THE OFFICIAL REVIEW STYLE GUIDE

How to submit your blog post:

1. Blog posts should be submitted as a Word document. Name the Word file as follows:

   - LastName.FirstName.Subject.Draft#.Date.doc


   - The email subject line submitting the blog post should be the same as the name of the Word file.

   - Send the proposed post to Jodi.Balsam@nyls.edu.

2. Include a proposed headline for your blog post, no more than one line of print. (Clear, clever, and punchy is good.)

3. Include your byline as you would like it to appear on the blog (i.e., specify if you want to go by a nickname, use a middle initial, etc.). Specify your NYLS affiliation (e.g., year of graduation, other identifying information).

4. Format:

   - Times New Roman, 12pt font

   - Double-spaced

   - Left-justified with 1-inch margins all around (top, bottom, left, right)

   - Extra space between each paragraph (two hard returns after the last sentence of the previous paragraph)

5. Sources:

   - Italicize the names of any books, cases, or other published sources you mention

   - Hyperlink all sources and do not link to the same source more than once throughout your article.

   - Anytime you state a fact (or quote an opinion or story) you learned from an outside source, you should link to that source.

   - In most versions of Word, to insert a hyperlink, highlight the text you want linked, click “insert” from the main menu, and then select “hyperlink.” Copy and paste the URL you want the text linked to into the “link to” box and click “ok.”

   - DO NOT LINK TO LEXIS OR WESTLAW, or to any other subscription-required sources. (However, you may certainly use Lexis and Westlaw to conduct your research for your blog post.)

Grammar, Style, and Usage

“There is no alternative to correct punctuation. Incorrect punctuation can change the meaning of a sentence. Even if the meaning is not changed, bad punctuation, however inconsequential, can cause the reader to give up reading.”

The Associated Press Stylebook

1. Point of View. Write in the third person, not first or second (no I, you, or we, except in quotes).

2. Voice. Prefer the active voice over the passive.

3. Concision. Use clear, straightforward English and short, simple sentences.

4. Possessives: Singular: Add ‘s, for example. James’s. Plural: Add just the apostrophe after the plural form, for example: the lions’ manes; the Joneses’ wedding anniversary. If the plural doesn’t end in s (children, men), then make possessive by adding ‘s: As in children’s, men’s.

5. First mention of a name is first and last name, i.e., “Anthony Crowell”. After that, Mr., Ms., Dr., etc. before all references, i.e., “Dean Crowell”. Exception: Cher, Madonna, etc.

6. Case references: For Supreme Court cases: Case name, year, link. For non-Supreme Court cases: unless famous or the focus of the blog post, we don’t need the name. Need court, state, year, link, i.e., a 1984 U.S. Court of Appeal case.

7. Months: When you write only month and year, no commas. When month, date, and year, place commas before and after the year when midsentence. Examples: January 2010 was the coldest January on record. February 19, 2010, was the target date.
8. **Dates**: Write dates like this: *May 2* (not *May 2nd*); *October 23* (not *October 23rd*); *June 1* (not *June 1st*); *March 11* (not *March 11th*).

9. **Acronyms**: Spell out acronyms or abbreviations the first time you use them. *Performance-enhancing drugs; PEDs.*

10. **a.m., p.m.**: lower case, with periods.

11. **Ages**: *A thirty year-old man* (hyphen); *He was thirty years old* (no hyphen).

12. **Amendments**: *First Amendment.* (spell it out and capitalize)

13. **Animals**: Don't use personal pronoun unless sex is established or it has a name: *The dog was scared; it barked.* But: *Rover was scared; he barked.*

14. **Attorney general, attorneys general**: Capitalize only when used as a title before a name: *Attorney General Eric Holder.*

15. **Bible**: Capitalize when referring to Scriptures, i.e., *Genesis; the Gospels.* Lower case when using as a nonreligious term: *The dictionary is my bible.* Lower case *biblical* in all uses.

16. **Chief justice**: Capitalize only as a formal title before a name: *Chief Justice John Roberts.*

17. **Constitution**: Capitalize

18. **Court names**: Capitalize the full proper names of courts. Keep capitalization if U.S. or a state name is dropped: *the state Superior Court,* *the Superior Court.* For courts identified by a number: *the Second Circuit Court of Appeals.* If referring to a court you just referred to: *the court.*

19. **Height**: *Six feet tall. But the 6-foot-2-inch man.*

20. **Dollars**: *One hundred million dollars.* Or *$100 million.* But avoid redundant use of $ and dollars together.

21. **First degree/ first-degree**: Hyphenate when used as a compound modifier: *It was murder in the first degree. He was convicted of first-degree murder.*

22. **Follow up** (verb)/*follow-up** (adjective). *She made sure to follow up with her professor. After the sales call, he made a follow-up list of things to do.*

23. **Fractions**: Spell out with a hyphen, as in *two-thirds.*

24. **Full time/ full-time**: Hyphenate when used as a modifier. *So he worked full time.* *He had a full-time job.*

25. **Indict**: To avoid any suggestion that someone is being judged before a trial, don't say *indicted for bribery* but *indicted on a bribery charge.*

26. **In spite of**: *Despite means the same thing, and is shorter, so use despite.*

27. **Internet**: Capitalize.

28. **Numbers**: Numbers under 10 are spelled out. (zero through nine). But: They had a fleet of 10 limousines and two minivans. Exception: Something that's known as an entity, i.e., The Twelve Apostles. Spell it out. In addition, never begin a sentence with a numeral: spell it out or rewrite the sentence. Large whole numbers should be spelled out: one billion. Large numbers that are not whole should be written in numeral format: Not 5,600,000, but 5.6 million.

29. **Pronouns**: A pronoun must agree with its antecedent. *The NFL requires its [not: their] players to comply with a strict drug policy. Everyone must take his or her [not: their] seat.*

30. **Quotes generally**: Use double quotes unless for a quote within a quote. *According to the player’s agent, ”My client never used performance-enhancing drugs.” A “morals clause” establishes grounds for terminating an endorsement deal.*

31. **Quotes within quotes**: *The witness said, “I told him, ’stop doing that!!’ but he didn’t listen.”*

32. **So as to**: Just say *to.*

33. **Supreme Court**: *U.S. Supreme Court,* or if obvious, just *Supreme Court.* After that, *the Court.* (If playful, *the Supremes*).
Sports Law Blog Post

**FINAL POST Assessment Rubric**

<table>
<thead>
<tr>
<th>Question to Consider</th>
<th>Score (one to five)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Topic Relevance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you tackled a topic that is interesting, appropriate, and timely for your intended audience? Does the topic closely connect to concepts and themes addressed in the course?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Critical Thinking Skills</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does your post reflect that you have thought deeply about your topic? Is there evidence of analysis, synthesis and evaluation here?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Positioning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To the extent you are tackling a controversial or unresolved issue, have you expressed your position in an articulate, convincing, and responsible manner?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Support</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you used legal authority, statistics, quotations, and factual information effectively to express your point? Are readers likely to be influenced by this post?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Connections</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you included extensive links to reliable outside sites (websites, legal archives, blogs) that are designed to provide readers with evidence for central claims or sources for continued study?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Writing Quality: Large Scale</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is your writing clear, concise, and easy to understand? Are your paragraphs coherent and well-structured, using effective topic sentences and transitions?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Writing Quality: Small Scale</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are your sentences short and direct? Do you use the active voice, strong verbs, and parallel phrasing? Are your word choices precise and accurate? Have you used proper grammar, punctuation, and spelling?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Community</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is your post likely to spark conversations with readers by asking provocative questions or expressing interesting positions in this post? Will readers want to respond to this blog entry?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Professionalism</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did you meet all deadlines and comply with format and other submission requirements? Have you carefully proofread the post?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**RAW SCORE** *(out of 45)*

0.00

**FINAL GRADE WEIGHTED SCORE** *(out of 15)*
