

Multitasking for Professional Development

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Legal Writing, Constitutional Law, and
Scholarship

Associate Professor of Legal Analysis & Writing

- Required to teach Legal Analysis & Writing I&II
- Not a tenured faculty position
 - Provides Stability/Security
 - Promotion
 - Salary is considerably less
 - Lower position status
 - Additional Service and Scholarship

Building My Resume and Remaining Current

- Adjunct Professor
 - Constitutional Law I & II
 - Statutory Analysis I & II
 - Advanced Legal Writing
 - Advanced Constitutional Law
- Bar Lecturer and Writing Fellow
 - Prepare and subject matter outlines
 - Grade practice exams
 - Meet weekly with individual test takers



Balancing Professional and Personal Life

(Being a mother, a professor, and Regina)



Reduce the hours preparing for class

- Reading Cases
 - Writing Lecture Notes
 - Preparing Visual Aids
 - Developing Hypotheticals
 - Grading Papers
-
- Create time-saving methods



Misnomer

- This presentation in its initial stages was titled “Multi-tasking” for Professional Development
- However, the title should really be “Multi-purposing” for Professional Development
- My attention to detail rarely allows me to multitask
- But, I certainly have learned to Multi-purpose

Multi-purposing

- Obvious benefits
 - Time Saving Methods that allow me to catch 2 birds with one stone (as will be illustrated in several slides that follow)



Multi-purposing

- Not so obvious benefits
- Unforeseen and unanticipated benefits
 - I am a better skills professor
 - I am a better doctrinal professor
 - I am a better scholar
 - I am BETTER

Time Saving Methods

Incorporate Constitutional Law into Legal Writing

- Cases on the docket
 - In the Fall (objective) semester, require my Legal Writing students to do an objective presentation on a L.A. or U.S. Supreme Court case.
 - On my Constitutional Law I & II exams, I always have at least one hypothetical with similar, sometimes identical, facts of a pending case.

Time Saving Methods

- Issue Drafting
 - I assign my students an issue-drafting assignment, and the facts usually come from a bar journal or newspaper article.
 - In addition to using the news story for the Legal Writing issue, I used the story to draft a hypothetical to use as part of my class lecture and discussion materials for Constitutional Law II.
 - Ex. *Obergefell v Hodges*, Kim Davis (Rowan Cty Clk of Ct), and the Wiccan Minister (news story)

Time Saving Methods

- Use of current events/news stories
- Story from “The Advocate” Baton Rouge Newspaper
- Wiccan minister in Livingston Parish
 - Ordinance that banned fortunetelling and soothsaying
 - Freedom of Speech
 - Vagueness
 - Overbreadth
 - Freedom of Religion

- In-class issue drafting assignment
- Legal Writing I - Fall 2010
- **Problem 1**
-

- One Livingston Parish Council passed an ordinance last year outlawing fortunetelling and soothsaying.

A Wiccan minister, Cliff Eakin, has since sued the parish over the ordinance, asserting inspiration from the divine transmitted by a Wiccan minister should be treated legally the same way as a message from God transmitted to a congregation by a Christian minister.

- Blayne Honeycutt, the council's attorney has recommended to the council that it repeal the ordinance, which it enacted last year. Honeycutt had told council members the parish had little chance of successfully defending against the suit.

With a repeal of the ordinance facing opposition from some church groups, the council has chosen to defend the ordinance in court instead.

The First Amendment to the United States Constitution guarantees to individuals the right of free expression. In other words, the First Amendment forbids the government from prohibiting the expression of an idea just because society finds the idea disagreeable absent a showing by the government that the prohibition is necessary to achieve a compelling governmental interest.

- To refute assertions that this ordinance protects against fraud and scams, Eakin maintains that people who defraud others using fortunetelling methods should be prosecuted under laws prohibiting fraud, not under an ordinance that infringes on people's spiritual beliefs.
-

Eakin asserts that the ordinance "is unconstitutionally vague" because it not only declared activities such as clairvoyance, mind reading, card reading and palm reading illegal, but it

- also forbade people to pay for these services and further included the phrase, "and the like."

Eakin said that a Wiccan who accepts a donation for telling fortunes, for instance, shouldn't be treated any differently from ministers or churches accepting tithes for passing on instructions on what they believe is God's will.

The Wiccan minister said he knows of at least 100 members of his faith residing in Livingston Parish.

Many of them are reluctant to make their beliefs public for fear of religious persecution, he said, adding that members of the nature-based religion are sometimes mistakenly believed to worship Satan.

Time Saving Methods

- <https://www.au.org/church-state/january-2009-church-state/au-bulletin/la-parish-repeals-ordinance-banning>

Time Saving Methods

- In Legal Writing – I used the news story for a few in-class assignments, i.e., issue drafting, short (brief) answer, etc.
- In Constitutional Law - I used this news story to develop a question (hypothetical) to be used on my Fall 2010 Constitutional Law II final examination (Speech & Religion issues).

Time Saving Methods

- **Town of Greece v. Galloway**
 - 2014 Supreme Court decision
 - Legal Writing student presented this case in Fall 2013
 - Included as a test question on Fall 2013 Constitutional Law II final examination
 - Updated Bar Review Material
 - Updated Constitutional Law Lecture Notes

Time Saving Methods

The screenshot shows a Microsoft Word document in Read Mode. The document title is "Fall 2013 DRAFT NOT FINISHED Constitutional Law Exam - Word". The document content is as follows:

Question III (50 points)

The Town of Bayeauxville is a municipal corporation located in Livingston Parish, Louisiana, just outside the city of Baton Rouge. As of the 2000 census, the town had roughly 94,000 residents. An elected, five-member Town Board governs the town and conducts official business at monthly public meetings. At these meetings, the Board votes on proposed ordinances, conducts public hearings, bestows citizenship awards, swears in new town employees, and the like. Residents and town employees attend Town Board meetings to monitor and participate in these aspects of town governance. At times, children are among the residents attending town meetings; members of Boy Scout troops and other student groups have led the Pledge of Allegiance, and high school

students may fulfill a state-mandated civics requirement necessary for graduation by going to Board meetings.

Before 1999, Town Board meetings began with a moment of silence. That year, at the direction of the mayor, Christian Devout, the town began inviting local clergy to offer an opening prayer. Typically, Devout has called each meeting to order, the Town Clerk has called the roll of Board members, and Devout has then asked the audience to rise for the Pledge of Allegiance. After the audience has been seated following the Pledge, Devout has introduced the month's prayer-giver, who has delivered the prayer over the Board's public address system. Prayer-givers have often asked members of the audience to participate by bowing their heads, standing, or joining in the prayer. After the prayer's conclusion, Devout has typically thanked prayer-givers for being the

The screenshot also shows the Windows taskbar at the bottom with the Start button, several application icons, and the system tray area on the right.

Time Saving Methods

ANSWER KEY_Fall 2013 Constitutional Law Exam (Compatibility Mode) - Word

Question III (50 points)

Religion - Establishment Clause (50 points)

- 3 pts - Constitution restrains actions of government only. First Amendment applies to Federal Government and to State Government per incorporation through the DPC of the Fourteenth Amendment. State Actor/action-Act is clergy led invocation at the Town of Bayeauxville's monthly Council (Board) meetings.
- 2 pts - As the basis for their challenge to the prayers, Whiccan and Agnostic should rely on the First Amendment's prohibition against the government establishing religion (Establishment Clause).
- 2 pts - Government may not advance religion over non-religion or advance one religion over other religions
- 3 pts - A law that discriminates against religion gets strict scrutiny; other laws are examined under the Lemon test.
- 5 pts - The Supreme Court has adopted the analysis from *Lemon v. Kurtzman* as the test to examine a case for EC problems Test: a) government must have a secular purpose; b) principal or primary effect must be one that neither advances nor inhibits religion - (TEST when looking at purpose and effect): whether an objective observer, acquainted with the text, legislative history, and implementation of the statute, would perceive it as a state endorsement of prayer. IN this case, the observer will unquestionably perceive the

inevitable prayer as stamped with the town's seal of approval; and c) the statute must not foster "an excessive entanglement with religion"

Analysis:

15 pts - Agnostic's and Whiccan's best position is supported by the Court of Appeals decision in which the prayer fails all three (3) parts of the Lemon test. First, prayer has only one purpose and that purpose is religious in nature. Furthermore, the language from the overwhelming majority of the prayers, thanks "God" or "Jesus" for the town and lives of its citizens and invokes a specific deity, usually "God" or "Jesus" to assist with the governance of the town. Second, the prayer practice favors religion over non-religion AND favors Christianity over non-Christianity. A careful examination of the record reveals that the town favors and advances Christianity as the preferred membership for town residents. Of the 165 prayers given over the years, only four (4) were given by non-Christian clergy members. Furthermore, and even more telling is fact that, the non-Christian clergy were not invited to do the invocation until after Agnostic and Whiccan began complaining, which evidences town's shallow attempt to seem neutral on religion. However, any objective observer attending these meetings would see the prayer as the town's endorsement of religion and prayer as an integral part of public life. Third, and finally, religion is excessively entangled with local government by making the prayer itself an actual component

Time Saving Methods

Adapted Con Law grading rubric for LW assignments:

- Add points related to grammar
- Add points related to citations
- Add points related to research and support cases

Adapted Con Law grading rubric for Adv LW and Bar Prep:

- Reduce to a more focused response from exam model

Multi-purposing Life

- I have always kept a personal diary
- I “journal” almost everyday, especially when life gets stressful
- So, I use life to write hypos



Multi-purposing Life

- When I went through a less-than-amicable divorce, I developed Family Law hypos for LW
 - Hypo facts from my life juxtaposed with the life of Neil and Olivia Winters (Young and the Restless)
 - Hypos include
 - Divorce
 - Custody
 - Paternity



Multi-purposing Life

- My mother fractured her leg while shouting in church (true story), from this ordeal I developed Torts hypos for LW

- Hypos Include

- Negligence
- Owner/premise liability
- Comparative fault



Multi-purposing Life

- When I have had “conflict” at work or “conflict related to my son’s socialization and educational experiences, I developed hypos for LW
- Hypos include
 - Intentional torts/worker’s compensation
 - Zero tolerance school policies
 - Bullying and cyber-bullying



Multi-purposing Life

- Reality TV
- Show – Love and Hip Hop Atlanta
- Episode 8; First Aired 08/08/2012
- <http://www.hiphopstan.com/joseline-and-stevie-j-fight-video/>
- Hypo developed for Adv. LW hypo on insurance contract law



Areas of Scholarship

- Constitutional Law
- Education Law
- Professionalism and Ethics

As part of my Constitutional Law II course, I usually select a “liberty” or “right” that the students argue should be given “fundamental right” status.



Multi-purposing Ideas

”Education as a Fundamental Right” – Constitutional Law II Assignment

I was able to get some new ideas to finally finish and publish one article in 2010 and another in 2015 related to Education

Specifically, the right to “equal access to and opportunity for a high quality public education”



CLE Presentations & Scholarship

- I am a Professionalism & Ethics CLE speaker
- Attended Professionalism training in May
- New Goal: Broaden topics away from same ole
 - Back to Atticus Finch
 - The sharks in the water
 - The Code of Professionalism

CLE Presentations & Scholarship

- During the training in May, we “brainstormed” novel Professionalism and Ethics CLE ideas
- This “brainstorming” session, ideas included:
 - Biographical Profiles of some “great” local/state lawyers
 - Professional and Ethics in use of Technology and social media
 - Quality of Life

CLE Presentations & Scholarship

- The “quality of life” discussion resonated with me and led me to spend my summer researching
- I decided on Stress Management
- My recent presentations and current WIP



**SOUTHERN UNIVERSITY
LAW CENTER**

Fit to Practice: Protecting Yourself against Professional Pitfalls

By: Regina Ramsey James
Associate Professor of Legal Analysis & Writing
Saturday, December 12, 2015



**SERIOUSNESS
OF PURPOSE**



The focus of the CLE Presentation is “Stress Management”
I also am using the enormous amount of research and personal stories (told at the training, at the CLE’s, and “around the water cooler”) to produce an article on

“Strategies for Stress Management”



Unforeseen Benefits

- In my early years, LW Students (as a general rule) did not like me as their professor at all
 - Too hard
 - Too strict
 - Too critical
 - Too “mean”
 - Too demanding
 - LW Students (as a general rule) said I did not like them

Unforeseen Benefits

- Once I started teaching Constitutional Law I & II, my students all “loved” me
 - Long lines to talk to me after class
 - Random visits to my office
 - Emailed me current events
 - Gave me “great” student evaluations

Unforeseen Benefits

- LW students received “negative” feedback from me regularly (early and often) that they often received as “personal attacks” and by me
- Con Law students did not receive the same kind of feedback from me at all until after the final examination.

Unforeseen Benefits

- I now make a better effort to provide feedback that includes BOTH positive AND negative comments to LW students
- I regularly inform AND remind LW students that its “my job” to be critical to help them become better writers
- Its NOT personal because I don’t know you personally

Unforeseen Benefits

- I have become more sensitive
- I have become more flexible
- I have become a better communicator
- I have become more understanding

Unforeseen Benefits

- Once I started teaching doctrinal courses, I realized that I had probably been assuming that my LW students were more knowledgeable about the law and the process than they really were
- Teaching Con Law, I realized that students often did not understand the why's, what's, who's and where's of assigned cases

Unforeseen Benefits

- Teaching doctrinal courses taught me that I needed to regularly assess whether my LW students understood their LW skills assignments AND the LAW to be used for these assignments
- Often, my review of the applicable statutory and case law for the assignments helps them with LW AND the doctrinal course(s)

Unforeseen Benefits

- I have learned that doctrinal course students want guidance AND direction regarding “where they stand” and my expectations during the semester.
- In Con Law, we do more than briefing cases.
- We problem solve.

Unforeseen Benefits

- My Con Law classes are hypo driven.
- After using the traditional teaching methods for cases that provide background information and historical context, students use the assigned cases to develop arguments for the claimant, the defendant and predict outcomes of the hypotheticals in our class discussions

Unforeseen Benefits

- I am a better skills professor
- I am a better doctrinal knowledge professor
- I am a better scholar