How We Built a Scholarly Working Group Devoted to Classical Legal Rhetoric (and How You Can Do the Same Thing with Other Legal Writing Subjects)

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Available at: https://works.bepress.com/brian-larson/43/
HOW WE BUILT
A SCHOLARLY WORKING GROUP
DEVOTED TO CLASSICAL LEGAL RHETORIC
(and How You Can Do the Same Thing with Other Legal Writing Subjects)

Image: Roman Forum and Palatine Hill
OUR AGENDA FOR TODAY

1. Group history (Brian Larson)
2. Technology used (Lori Johnson)
3. Logistics, scheduling, etc. (Ted Becker)
4. Building the disciplinary community (Kirsten Davis)
5. What we’ve learned/the future (Sue Provenzano)
6. Discussion
MY JOB IS TO PROVIDE A HISTORY OF OUR GROUP…
Pre-literate cultures placed a high value on oral performance. Consider many examples from Homer (works originally transmitted orally), who described Achilles as “a speaker of words and doer of deeds.” Peitho, the Greek goddess of persuasion, is known in this time. Viking culture also placed a high value on oral performance.
Many scholars see western conceptions of rhetoric and law arising together. Athens expelled the tyrants and moved to democracy, and Rome expelled the kings and moved to a republic, at around the same time, 510-508 BCE.

The invention of rhetoric is thought to happen in the 460s BCE by Korax in Syracuse, after the tyrant there dies.
• These forms of government and law required folks to make arguments in the form of speeches for the justice of a legal cause, the wisdom of a proposed course of action, or the principles that should bind the communities together.
• Korax may be a mythical character. The name means “raven” or “crow,” which refers to an apocryphal story. Aristotle referred to Korax and Tisias as the Syracusans who invented rhetoric. They may have been the same person or no person at all.
• Note, in ancient Greece and Rome, rhetoric was for free men. There are very rare exceptions.
I was feeling two things: [Slide] These are gross generalizations, of course. There are certainly scholars of rhetoric and law (e.g., James Boyd White), scholars of law who know rhetoric (e.g., Kristen Tiscione, Michael Frost), and scholars of rhetoric who know law (e.g., Mary Schuster, Anjali Vats).
This represents the goals as I’d previously stated them in the project vision shared with everyone. It’s only a starting point.

• The principal goal is to get us, as scholars of legal communication and legal theory, to read these texts and engage with them. If that’s all you want to do, great!

• We should plan to present some of

WE ADOPTED THREE LOOSE GOALS

• Read and discuss in 2017-18
• Synthesize and present in 2018
• Write and publish beyond

A “reader” (with classical texts and contemporary context)
  OR
Symposium issue of law review
  OR
Mutually supporting each other doing individual essays
our insights at two important conferences next year, one relating to rhetoric and the other to legal communication. If you are interested in taking part, we’ll discuss in a bit.

• Not everyone will want to write an essay regarding their readings of classical texts. For those who do, we might work in one or more of at least three ways . . .
<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Event(s)</th>
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<tbody>
<tr>
<td>2017</td>
<td>May</td>
<td>16 First meeting</td>
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<td></td>
<td>June</td>
<td>14 Gorgias <em>Helen</em></td>
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<td>July</td>
<td>7 Antiphon <em>Tetralogies</em></td>
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<td>August</td>
<td>7 Aeschines <em>Against Cleisophon &amp; Demosthenes On the Crown</em></td>
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<td>21 Isocrates <em>Against the Sophists</em></td>
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<td>September</td>
<td>14 Isocrates <em>Antidosis</em></td>
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<td>25 Plato <em>Gorgias</em></td>
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<td>October</td>
<td>9 Plato <em>Phaedrus</em></td>
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<td></td>
<td>November</td>
<td>2 Aristotle <em>Organon I</em></td>
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<td>30 <em>Organon II</em></td>
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<td>December</td>
<td>14 <em>Organon III</em></td>
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<td>2018</td>
<td>January</td>
<td>5 <em>Organon IV</em></td>
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<td>23 Aristotle <em>Rhetoric I</em></td>
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<td>February</td>
<td>7 <em>Rhetoric II</em></td>
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<td>23 <em>Rhetoric III</em></td>
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<td>March</td>
<td>7 Planning &amp; organizational meeting</td>
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<td>April</td>
<td>10 Cicero, <em>De Oratore I</em></td>
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<tr>
<td></td>
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<td>30 <em>De Oratore II</em></td>
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<td>May</td>
<td>22 Quintilian <em>Institutio Oratoria</em></td>
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<tr>
<td></td>
<td>June</td>
<td>2 <em>Rhetoric Society of America</em></td>
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<tr>
<td></td>
<td>July</td>
<td>12 LWI x 2</td>
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|      | August | ???
Technology Used

Prof. Lori Johnson
UNLV / William S. Boyd
School of Law
GOOGLE FORMS SURVEY

- Available at: https://docs.google.com/forms/u/0/?tgif=d
- Various templates for surveys/assessments.
COMPREHENSIVE LIST OF TECH TOOLS

• **Google-Based Tools:** Google Docs, Google Group, Google Site, Google Sheets, Google Calendar, Google Drive, Google+ Group

• **Other free online tools:** Doodle Polls, Freeconferencecall.com, Zotero Group

• **Email tools:** Email meeting reminders, Distribution of discussion questions

• **Hardware:** Jabra Speak 510 Wireless Bluetooth Speaker
Most successful tools

- **Freeconferencecall.com**: Free, user-friendly, and permitted for recording of discussions. **Drawbacks**: Some issues with echo/feedback, no video or screen-sharing, recordings needed to be manually started.

- **Google Group**: Free, email-list and bulletin board features, provided links to Google Docs [https://groups.google.com/group/classrhet_contempolaw](https://groups.google.com/group/classrhet_contempolaw)

- **Doodle Polling**: Free, user-friendly and widely-adopted. [https://doodle.com/](https://doodle.com/)
In our first year:
• 19 meetings overall
• 17 discussions

Average of roughly 3 weeks between sessions

One-hour meetings

It was a busy first year in terms of scheduling. Here’s how it looks on a calendar. (Next slide)
Déjà vu? Yep, you’ve seen this before. This is a repeat of Brian’s slide from earlier – putting it up again to emphasize some of the scheduling points.
This was easy enough, using a tool that Lori’s already mentioned and that most of you are probably well familiar with: Doodle. If you’re not sure what it looks like, here’s a screen shot (this isn’t from our group; all of those polls have expired and are no longer available – it’s from a poll I use to schedule youth umpires in the softball league that I run). There are of course
other scheduling tools available, but this worked well for us.
I have a very liberal definition of “midday” – generally started between 10:00a.m. and 4:00p.m. with the middle of that period being the safest time. With members from across the country finding a mutually convenient time was always difficult, especially when taking teaching schedules into account, or family/personal events when scheduling early for West Coast
/ later in day for East Coast members. As a result, this tended to put meetings in the middle of the day when people often had other obligations.

In the survey, some people expressed a willingness to have meetings later in the evening (more of an issue for East Coasters, obviously) -- something to consider going forward.
First point – There are of course inherent issues with scheduling a group of very busy people. Brian was super-organized and on top of making sure everyone had as much advance notice of things as possible.

Second point – a recurring theme in various comments. This of course would be an issue for any sort of
scheduling involving LRW profs. We all know how much of a time-suck some portions of the semester can be, and it can be difficult to find time to fit in anything additional, no matter what it is. The differential scheduling (see previous slide) also made it difficult for most people to attend every call, even if they would otherwise have had the time to prepare.

Third point – this is more group-specific. In our survey, we asked whether the 3 week average was

- Just right – 4
- Too frequently – 5
- On average OK, but less than 3 weeks is too frequent – 1
One comment: “A less ambitious time frame might have gotten more participation -- or at least people would have been able to complete the readings.” BUT it might also be the case that, as another commenter noted, “if this continues it could become more woven into the fabric of the participants' schedules” – i.e. becomes more of a “can’t miss” event.

Fourth point – A recurring theme in the comments was that the opportunity to meet with a large # of people was one of the most valuable aspects of the group. Holding fewer meetings detracts from that. Obviously, any Group needs to find its own balance here. Relatedly – several
people commented about how they enjoyed in-person meetings at conferences (e.g. our early January meeting at AALS)
BUILDING A DISCIPLINARY
COMMUNITY

• Coming together over a common interest
• Connecting novices to more experienced readers
• Creating a “canon”
• Tying practice to the canon
• Asking important questions
• Sharing as colleagues
WHAT DID WE LEARN?
HIERARCHY OF CLASSICAL VALUES

Knowledge
Reason
Probability
Opinion
WHAT DID WE LEARN?
PARALLEL CLASSICAL AND LEGAL DILEMMAS

- Education vs. persuasion
- Managing indeterminacy and frailty
- Rigidity vs. creativity
- Achieving mastery
WHAT DID WE LEARN?
BIG LESSONS

Don’t forget the Sophists!

Rediscover the Greeks and Romans
DISCUSSION

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Zoom for meetings.