Incorporating Writing in a Seminar on Land Use and Community Lawyering
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The Land Use and Community Lawyering course sheds light on the legal and policy issues and community lawyering contexts in which urban land use law is practiced. These issues include the ways in which community-based stakeholders can participate meaningfully, through formal processes or negotiated agreement, in decision making about affordable housing, environmental safety, and the effects of climate change.

In addition to fostering this critical perspective, the seminar seeks to build skill in analytic legal writing, drafting, negotiation, and informal advocacy through a role-play based on a case study of the actual expansion of Columbia University into West Harlem in New York City. The exercise places students in the role of negotiators for the Local Development Corporation (LDC), as representatives of its multiple community partners, and as negotiators for the university as the LDC and university continue negotiating over a community benefits agreement. The role-play culminates in the drafting of a predictive legal memorandum analyzing a third-party beneficiary issue related to the community benefits agreement. The writing assignment thus grows organically out of the role-play.

For the first class, students review the actual 49-page agreement, which the role-play assumes is the “latest draft” subject to continued negotiation; for the next class, each prepares a negotiation plan reflecting the student’s role. After a second class dedicated to the negotiation and “pre-negotiation” role plays among community partners, students turn to drafting the legal memorandum, which considers whether a court would recognize a community partner’s standing to enforce the agreement’s provisions even though it is not a party to the agreement. In this next class meeting we discuss the law and issues relating more specifically to memo drafting. The assignment also asks students to think creatively about modifications in contract language that might better serve their client’s interests and the purpose of the agreement. Students receive written feedback as well as a grade on the memo.
Incorporating legal writing into a context inspired by an actual case reinforces the overall course design, which orients students to active and integrated learning. Further, it taps into students’ typically high level of motivation to address issues that situate law in a public-interest context. The assignment is more challenging than the memoranda students have encountered in the first year of law school but they embrace it as an opportunity to gain needed practice in writing a law-office memorandum and to work in a substantive area in which they have an interest.