

## **Michael R. Smith**

Professor of Law  
Director of Legal Writing  
Director of the Center for the Study of Written Advocacy  
University of Wyoming College of Law  
Department 3035  
1000 E. University Avenue  
Laramie, WY 82071  
(307) 766-6421  
msmith89@uwyo.edu

### **EDUCATION:**

Law School: University of Florida College of Law  
Gainesville, Florida  
Graduated May 1985, J.D. Degree  
GPA: 3.42 (Honors), Top 5%

Undergraduate: Florida State University  
Tallahassee, Florida  
Graduated May 1982, B.S. in Criminology  
GPA: 4.00, Top 1% (ranked 6 out of 4889 graduates)

### **ACADEMIC ACTIVITIES AND HONORS:**

Law School: The Order of the Coif  
Senior Research Editor, University of Florida Law Review  
Phi Kappa Phi Honor Society  
Graduated with Honors  
High Honors, 3 Semesters; Honors, 3 Semesters  
Teaching Assistant: Contracts, Prof. Ernest M. Jones  
Fellowship Instructor, Legal Research & Writing Program  
Honors in Legal Research & Writing  
Phi Delta Phi Legal Fraternity

Undergraduate: Graduated Summa Cum Laude  
Dean's List, All Semesters  
Alpha Phi Sigma, Nat. Criminal Justice Honor Society

**RELEVANT WORK  
EXPERIENCE:**

Professor of Law  
Director of Legal Writing  
Director of the Center for the Study of Written Advocacy  
University of Wyoming College of Law  
Laramie, WY  
November 2011 - Present

Professor of Law & Director of Legal Writing  
University of Wyoming College of Law  
Laramie, WY  
August 2006 - November 2011

Winston S. Howard Distinguished Professor of Law & Director of Legal Writing  
University of Wyoming College of Law  
Laramie, WY  
July 2008 - June 2011

Associate Professor of Law  
Mercer University School of Law  
Macon, GA  
July 2001 - June 2006

Assistant Professor of Legal Writing and Analysis  
Mercer University School of Law  
Macon, GA  
July 1999 - June 2001

Assistant Professor, Legal Research & Writing Program  
Temple University School of Law  
Philadelphia, PA  
July 1996 - June 1999

Instructor - Lawyering Skills I Program  
University of San Diego College of Law  
San Diego, CA  
August 1992 - May 1996

Assistant Director and Lecturer - Department of Legal Research, Writing, and  
Appellate Advocacy  
University of Florida College of Law  
Gainesville, FL  
August 1990 - May 1992

Associate  
Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A.  
Pensacola, FL  
September 1986 - May 1990

Associate  
Gibson, Dunn & Crutcher  
Newport Beach, CA  
October 1985 - July 1986

#### **COURSES TAUGHT:**

Legal Writing (Objective Writing)  
Legal Writing (Persuasive Writing)  
Introduction to Law  
Legal Research  
Legal Analysis  
Appellate Advocacy  
Advanced Persuasive Writing  
Client Interviewing and Counseling  
Property

#### **FACULTY COMMITTEES AND ASSIGNMENTS:**

Wyoming Law School:

University Academic Planning Committee (2007-Present)  
Faculty Appointments Committee (Chair 2011-2012)  
Honor Code Committee (2007-2012; Chair 2009-2011)  
University Tenure and Promotion Committee (2007-2010)  
Curriculum Committee (2011-Present)  
Faculty Development & Enrichment Committee (Chair, 2007-2009)  
Accreditation/Self-Study Committee (2006-2007; 2012-Present)  
Academic Support Committee (2006-2007)  
Clinic & Skills Group (2009-Present)  
Bar Task Force (2011- 2013)

Mercer Law School:

University-Wide House of Delegates (2004-2006); Executive Committee (2004-2006)  
President, Brainerd Currie Honor Society (2002-2006)  
Library Committee (2003-2006)  
Faculty Appointments Committee (2004-2005)  
Curriculum Committee (1999-2004; Chair, 2003-2004)  
Faculty Secretary (2000-2002)

## SCHOLARSHIP:

### **Books and Book Chapters**

MICHAEL R. SMITH, ADVANCED LEGAL WRITING: THEORIES AND STRATEGIES IN PERSUASIVE WRITING (Aspen Pub. 1st ed. 2002, 2d ed. 2008, 3d ed. 2013).

- This book – the first of its kind – explores the nature of persuasive legal writing from the standpoints of numerous disciplines including classical rhetoric, cognitive psychology, literary theory, and morality theory. It has been hailed as a groundbreaking work in the field of persuasive legal writing, and it was formally reviewed in Kathryn M. Stanchi, *Moving Beyond Instinct: Persuasion in the Era of Professional Legal Writing* (*A Book Review of Advanced Legal Writing by Michael R. Smith*), 9 *Lewis & Clark L. Rev.* 935 (2005).
- The second edition of this book was published in 2008. On September 19, 2008, Rutgers Law School-Camden and the University of Wyoming Law School hosted a conference celebrating the release of the second edition. The event – *A Dialogue About Persuasion in Legal Writing & Lawyering* – featured panels of nationally recognized scholars who gave presentations that explored or built on topics from the book. I was the guest of honor and the keynote speaker at the event, which was held on the Rutgers campus in Camden, New Jersey.
- The third edition of this book was published in 2013.

MICHAEL R. SMITH, TEACHER’S MANUAL, ADVANCED LEGAL WRITING: THEORIES AND STRATEGIES IN PERSUASIVE WRITING (Aspen Pub. 1<sup>st</sup> ed. 2002, 2d ed. 2008, 3d ed. 2013).

*Chapter VIII, Beyond the First Year: Upper-Level Programs*, in SOURCEBOOK ON LEGAL WRITING PROGRAMS (E. Easton ed., 2d ed. ABA 2006) (with M. B. Beazley and J. A. Durako).

## Articles

Michael R. Smith, *Commas and Clauses*, 38, No. 2, WYOMING LAWYER 50 (2015).

Michael R. Smith, *That and Which*, 37, No. 6 WYOMING LAWYER 64 (2014).

Michael R. Smith, *Me, Myself, and I*, 37, No. 4 WYOMING LAWYER 64 (2014).

Michael R. Smith, *Misplaced and Dangling Modifiers*, 37, No. 2 WYOMING LAWYER 60 (2014).

Michael R. Smith, *The Sociological and Cognitive Dimension of Policy-Based Persuasion*, 22 J.L. & Pol'y 35 (2013).

Michael R. Smith, *Linguistic Hooks: Overcoming Adverse Cognitive Stock Structures in Statutory Interpretation*, 8 LEGAL COMMUNICATION & RHETORIC: JALWD 1 (2011) (lead article).

Michael R. Smith, *Levels of Metaphor in Persuasive Legal Writing*, 58 MERCER L. REV. 919 (2007).

Michael R. Smith, *Rhetoric Theory and Legal Writing: An Annotated Bibliography*, 3 J. ASSOC. LEGAL WRITING DIRECTORS 129 (2006).

Michael R. Smith, *The Next Frontier: Exploring the Substance of Legal Writing*, 2 J. ASSOC. LEGAL WRITING DIRECTORS 1 (2004).

Michael R. Smith, *Alternative Substantive Approaches to Advanced Legal Writing Courses*, 54 J. LEG. EDUC. 119 (2004).

Adam A. Milani and Michael R. Smith, *Playing God: A Critical Look at Sua Sponte Decisions by Appellate Courts*, 69 TENN. L. REV. 245 (2002).

Comment, *Criminal Procedure: Considering the "Totality of the Circumstances" in Determining Probable Cause for a Search Warrant Based on Informant's Tip*, 36 U. FLA. L. REV. 325 (Spring 1984).

## PRESENTATIONS:

### Academic Presentations

“Logos, Pathos, and Ethos in Advertising: How Lawyers Can Better Understand the Processes of Persuasion by Observing Them in Exaggerated Form,” plenary presentation by me as the ALWD Legal Communication and Rhetoric Visiting Scholar at Vermont Law School, South Royalton, VT, October 23, 2014.

“The Devil You Know: The Power of Cognitive Uncertainty in Policy-Based Persuasion,” presented as a faculty colloquium by me as the ALWD Legal Communication and Rhetoric Visiting Scholar at Vermont Law School, South Royalton, VT, October 23, 2014.

“Clearing the Lens: Understanding Appellate Standard of Review by Exploring What It Isn’t,” presented as a CLE event by me as the ALWD Legal Communication and Rhetoric Visiting Scholar at Vermont Law School, South Royalton, VT, October 24, 2014.

“Logos, Pathos, and Ethos in Advertising: How Lawyers Can Better Understand the Processes of Persuasion by Observing Them in Exaggerated Form,” presented at The University of Wyoming College of Law “Law Week 2014,” Laramie, WY, October 7, 2014.

“The Cognitive Dimensions of Policy Arguments in Legal Advocacy,” presented at The University of Wyoming College of Law “Law Week 2014,” Laramie, WY, October 7, 2014.

“Rhythm as Reason: The Power of Alliterative Antithesis in Legal Persuasion,” presented at the 2014 Legal Writing Institute’s Biannual Legal Writing Conference, Philadelphia, PA, July 1, 2014.

“Speed Mentoring on Legal Scholarship,” conducted at the 2014 Legal Writing Institute Biannual Legal Writing Conference, Philadelphia, PA., July 2, 2014 (panel project).

“The Sociological and Cognitive Dimension of Policy-Based Persuasion,” presented at The Impact of Cognitive Bias on Persuasion and Writing Strategies Symposium at Brooklyn Law School, March 1, 2013.

“Fog on the Lens: Confusion Over Standard of Review in Judicial Opinion Writing,” presented at a Faculty Colloquium at the University of Miami School of Law, March 8, 2012.

“The Sociological and Cognitive Dimensions of Policy-Based Persuasion,” presented at a Faculty Colloquium at the University of Colorado Law School – Boulder, November 11, 2011.

“Metaphors of the Mind: A Critical Analysis of Metaphors for Cognition Under Doctrinal Law,” presented at the 2011 Applied Legal Storytelling Conference, University of Denver Sturm College of Law, July 9, 2011.

“Legal Scholarship,” presented at the AALS Workshop for Beginning Legal Writing Teachers in Washington D.C., June 23, 2011 (plenary presentation).

“Linguistic Hooks: Overcoming Adverse Cognitive Stock Structures in Statutory Interpretation,” presented by me as the J.ALWD Visiting Scholar in Rhetoric & Writing at Rutgers Law School – Camden, April 7, 2011.

“The Sociological and Cognitive Dimensions of Policy-Based Persuasion,” presented at The Second Colonial Frontier Legal Writing Conference, at Duquesne University School of Law, Pittsburgh, Pennsylvania, March 5, 2011.

Plenary Session Panel, “The History and Future of Advanced Legal Writing Courses,” presented at The Second Colonial Frontier Legal Writing Conference, at Duquesne University School of Law, Pittsburgh, Pennsylvania, March 5, 2011 (panel presentation).

“The Substance of Legal Writing and Reasoning: Rhetoric and Persuasion,” presented as part of the Legal Writing, Reasoning, and Research Program at the 2011 AALS Annual Meeting in San Francisco, California, January 8, 2011 (panel presentation).

“Ethos: Establishing Credibility in Persuasive Legal Writing,” presented at the 2010 Legal Writing Institute’s Biannual Legal Writing Conference, Marco Island Marriott Beach Resort, Marco Island, Florida, June 28, 2010.

“Stetson’s Virtual Legal Writing Conference: What is Legal Writing Scholarship?,” a Webinar hosted by Stetson University College of Law, February 26, 2010 (panel presentation).

“The Future is Now: A Ten-Year Update on Interdisciplinary Skills Scholarship,” presented at the Central Region Conference on Legal Research, Analysis, and Writing, Marquette University Law School, Milwaukee, Wisconsin, October 10, 2009.

“Overcoming Adverse Cognitive Stock Structures in Statutory Interpretation,” presented at a Faculty Colloquium at Stetson University College of Law, Gulfport, Florida, September 14, 2009.

“Cognition and Rule-Based Analysis,” presented at the Southeastern Regional Legal Writing Conference, Stetson University College of Law, Gulfport, Florida, September 12, 2009.

“Reconciling Colliding Images: Overcoming Adverse Stock Structures in Statutory Interpretation” presented at the International Conference on Applied Storytelling in Law held at Lewis & Clark Law School, Portland, Oregon, July 23, 2009.

“Legal Writing’s Struggle for Disciplinary Identity,” presented at the Law & Rhetoric Conference: Legal Writing Through a Rhetorical Lens, sponsored by Mercer University School of Law and held in San Diego, California on January 6, 2009.

Keynote Address: “Keeping the Flame: The Noble Pursuit of Advocacy Doctrine,” presented at A Dialogue About Persuasion in Legal Writing & Lawyering sponsored by the Rutgers Law School-Camden and the University of Wyoming Law School and held in Camden, New Jersey, September 19, 2008.

“Advice From the Editors: Getting Your Legal Writing Article Published,” presented on behalf of Editorial Board of the Journal of the Association of Legal Writing Directors at the 2008 Legal Writing Institute Conference, Indiana University School of Law – Indianapolis, Indianapolis, Indiana, July 15, 2008 (panel presentation).

“How Policy Persuades: Policy Arguments from a Classical Rhetoric Perspective,” presented at the 2008 Rocky Mountain Region Legal Writing Conference, University of Utah College of Law, Salt Lake City, Utah, March 21, 2008.

“Stock Stories and the Power of the Parenthetical: The Cognitive Dimensions of Illustrative Parentheticals in Legal Writing,” presented at the international conference, Applied Storytelling in Law, held at the City University’s Inns of Court Law School in London, England, July 20, 2007.

Presentation and Co-Facilitator of a Discussion on “Upper-Level Legal Writing Programs,” at the 2007 Biennial Conference of the Association of Legal Writing Directors, held at The University of Denver Sturm College of Law, Denver, Colorado, June 15, 2007.

“Fog on the Lens: Appellate Court Confusion Between Standards of Review and Substantive Rules,” presented at the 2007 Rocky Mountain Region Legal Writing Conference, UNLV School of Law, Las Vegas, Nevada, March 9, 2007.

“Metaphoric Strategies for the Legal Advocate,” presented at the Mercer Law Review Symposium, Using Metaphor in Legal Analysis and Communication, held at Mercer University School of Law, Macon, Georgia, November 10, 2006.

“The Five Levels of Metaphor in Persuasive Legal Writing,” presented at the 2006 Legal Writing Institute Conference, Atlanta, Georgia, June 9, 2006.



“Publishing Legal Writing Books: How We Did It, and How You Can Do It , Too,” presented at the 2006 Legal Writing Institute Conference, Atlanta, Georgia, June 9, 2006 (panel presentation).

“Once Upon a Time: A Three-Part Collaboration to Start the New Discipline of Applied Storytelling in Law,” poster presentation at the 2006 AALS Conference on Clinical Education, New York, New York, April 30, 2006 (with Ruth Anne Robbins and Brian J. Foley).

“Summoning Dreams and Swords: Exploring the Power of Literary Allusion in Persuasive Discourse,” presented at the international conference, The Power of Stories: Intersections of Law, Culture, and Literature, University of Gloucestershire, Gloucester, England, July 26, 2005.

“Psyched Up: Teaching the Psychology of Persuasion,” presented at the 2005 New England Consortium of Legal Writing Teachers Regional Conference, Albany Law School, Albany, New York, June 10, 2005 (with Ruth Anne Robbins).

“Shared Stories: Exploring the Functions of Literary Allusion in Persuasive Discourse,” presented at the 2005 Conference of the Association for the Study of Law, Culture, and the Humanities, College of Liberal Arts, University of Texas at Austin, Austin, Texas, March 12, 2005.

“Scholarship Guides: Journals, Passports, Roadmaps,” presented at the 2004 Legal Writing Institute Conference, Seattle University School of Law, Seattle, Washington, July 24, 2004 (with Linda L. Berger).

“Shared Stories: Exploring the Functions of Literary Allusion in Persuasive Writing,” presented at the 2004 Rocky Mountain Regional Legal Writing Conference, UNLV School of Law, Las Vegas, Nevada, March 6, 2004.

Moderator/Facilitator, Roundtable Discussion on “Upper-Level Legal Writing Courses,” at the 2003 Association of Legal Writing Directors Biennial Meeting, University of Windsor, Windsor, Ontario, Canada, July 19, 2003.

“The Cognitive Dimensions of Illustrative Narratives in the Communication of Rule-Based Analysis,” presented at the 2003 Notre Dame Law School Colloquium on Legal Discourse, South Bend, Indiana, June 11, 2003.

“Alternative Approaches to Designing Advanced Legal Writing Courses,” presented at the 2002 Legal Writing Institute Conference, University of Tennessee College of Law, Knoxville, Tennessee, May 30, 2002 (with Amy E. Sloan).

“Alternative Approaches to Designing Advanced Legal Writing Courses,” presented at the 2001 Southeastern Regional Research and Writing Conference, Stetson University College of Law, St. Petersburg, Florida, September 8, 2001.

“Theories and Strategies of Persuasive Writing: An Overview,” presented at the 2001 Southeastern Conference of the Association of American Law Schools (AALS), Hilton Head Island, South Carolina, July 16, 2001.

“Analyzing Lawyer-Client Relationships in Film,” presented annually (1999-2005) as part of the Introduction to Client Counseling Program required for all second-year law students at Mercer University School of Law, Macon, Georgia.

"Legal Writing 'Skills' Scholarship: Proposals for the Future," presented at the 1998 Legal Writing Institute Conference, University of Michigan School of Law, Ann Arbor, Michigan, June 19, 1998.

"The Total Integration of Legal Research, Legal Writing, and Legal Analysis," presented at the 1998 Legal Writing Institute Conference, University of Michigan School of Law, Ann Arbor, Michigan, June 20, 1998 (panel presentation).

"Skills' Scholarship in Legal Writing: Toward an Interdisciplinary Future," presented at the 1997 Atlantic Region Legal Research and Writing Conference, Temple University School of Law, Philadelphia, Pennsylvania, May 30, 1997.

"Creating Hypothetical Legal Research and Writing Problems Through 'Reverse-Engineering,'" presented at the Temple University School of Law Grad-Fellow and Adjunct Professor Orientation, Philadelphia, Pennsylvania, August 6, 1997.

### **CLE Presentations**

“Writing More Effective Administrative Orders: Towards a Reader-Friendly ‘Conclusions of Law’ Section,” presented at the 2014 Annual Meeting of the Wyoming Office of Administrative Hearings, Encampment, Wyoming, September 7, 2014.

“Fog on the Lens: Confusion Over Standard of Review in Judicial Opinion Writing,” presented at the Writing Better Briefs CLE event in Denver, CO, November 1, 2012.

“A Refresher on Effective Citation Form in Legal Writing,” presented at 2012 Seminar of the Legal Assistants of Wyoming, held in Laramie, Wyoming, September 14, 2012.

“Commanding Favorable Attention: Establishing Credibility in Legal Writing,” presented at the Advanced Topics in Persuasive Legal Writing Conference, in Cheyenne, Wyoming, July 17, 2012.

“Clearing the Lens: Understanding Standard or Review by Exploring What It Isn’t,” presented at the 2011 Annual Meeting of the Wyoming State Bar, Cheyenne, Wyoming, September 14, 2011.

"Effective Judicial Opinion Writing - Part 3," presented to members of the Wyoming judiciary (state and federal courts) and their clerks and staff attorneys, Laramie, Wyoming, September 16, 2010.

“The Power of Metaphor in Legal Advocacy,” presented in Denver, Colorado, July 29, 2008.

“Commanding Favorable Attention: Establishing Credibility in Legal Writing,” presented in Denver, Colorado, July 29, 2008.

“Communicating Rule-Based Analysis,” presented at the 2007 Wyoming State Public Defender Seminar, Sheridan, Wyoming, September 28, 2007.

“Writing Effective Administrative Orders,” presented at the 2007 Annual Meeting of the Wyoming Office of Administrative Hearings, Cheyenne, Wyoming, September 23, 2007.

“Communicating Rule-Based Analysis,” presented at the 2007 Annual Meeting of the Wyoming State Bar, Jackson, Wyoming, September 14, 2007.

“The Foundations of Persuasion – Reasoning, Values, and Credibility,” presented in Cheyenne, Wyoming, April 24, 2007.

"Effective Judicial Opinion Writing - Part 2," presented to members of the Wyoming judiciary (state and federal courts) and their clerks and staff attorneys, Cheyenne, Wyoming, March 26, 2007.

"Effective Judicial Opinion Writing - Part 1," presented to members of the Wyoming judiciary (state and federal courts) and their clerks and staff attorneys, Cheyenne, Wyoming, October 25, 2006.

"Persuasive Writing: How to Persuade in Argument," presented at the "Essentials for Appellate Practice" CLE Program sponsored by Mercer Law School and the Macon Bar Association, Mercer University School of Law, Macon, Georgia, February 9, 2001.

**PROFESSIONAL MEMBERSHIPS  
AND POSITIONS:**

The Legal Writing Institute

Board of Directors (2006-2010)

Chair, Committee on Committees (2006-2010)

Member, Upper Level Legal Writing Committee (2002-2006); Board of Directors  
Liaison (2006-2010)

Association of Legal Writing Directors

Board of Directors (2003-2005)

Founding Member, Editorial Committee for the Journal of the Association of  
Legal Writing Directors (2002-2010)

American Bar Association

Member, “Beyond the First Year” Subcommittee, ABA Communications Skills  
Committee, Section of Legal Education and Admissions to the Bar (2002 -  
2006)

AALS - Section on Legal Writing, Reasoning and Research

The Florida Bar (inactive)

The State Bar of California (inactive)

**SPECIAL ACKNOWLEDGMENTS  
AND HONORS:**

Awarded a second J.ALWD Visiting Scholar in Rhetoric & Writing Grant (now called a  
Legal Communication and Rhetoric Visiting Scholar Grant) by the Association of Legal  
Writing Directors. This grant funded a trip in October 2014 to Vermont Law School,  
where I gave three different presentations to three different groups (faculty, practicing  
attorneys, and the whole law school community).

Winston S. Howard Distinguished Professor of Law, University of Wyoming College of  
Law (2008-2011).

Awarded an inaugural J.ALWD Visiting Scholar in Rhetoric & Writing Grant by the  
Association of Legal Writing Directors. This grant was used to visit Rutgers Law School  
– Camden to present “Linguistic Hooks: Overcoming Adverse Cognitive Stock Structures  
in Statutory Interpretation,” on April 7, 2011.

Robert E. Boden Visiting Professor of Law, Marquette University School of Law,  
Milwaukee, Wisconsin, fall 2009.

Appointment to the Advisory Board of the Law & Rhetoric e-journal on the Social Science Research Network (SSRN), December 2008-Present.

Guest of Honor and Keynote Speaker, A Dialogue About Persuasion in Legal Writing & Lawyering, Rutgers-Camden School of Law, held on September 19, 2008 in honor of the release of the second edition of MICHAEL R. SMITH, *ADVANCED LEGAL WRITING: THEORIES AND STRATEGIES IN PERSUASIVE WRITING* (2d ed., Aspen Pub. 2008).

Appointment to the Advisory Board of the Legal Writing e-journal on the Social Science Research Network (SSRN) by the Executive Committee of the Legal Writing Institute, spring 2008-Present.

Certificate of Appreciation dated September 29, 2007, from Diane Lozano, Public Defender of the State of Wyoming, for a CLE presentation on Legal Writing at the 2007 Annual Meeting of the Wyoming State Public Defender.

Letter of Appreciation dated March 26, 2007, from Barton R. Voight, Chief Justice of The Supreme Court of Wyoming, for a two-part CLE presentation on Judicial Opinion Writing.

Outstanding Academic Service Award, presented by the Black Law Students Association, Mercer University School of Law, March 15, 2006.

Commendation from the Mercer University House of Delegates for my work with the House of Delegates, the University President's Office, and University Counsel on revising the University's "Faculty Grievance Procedure," issued May 12, 2005.

Commendation from the Mercer Law School Chapter of the Phi Alpha Delta Legal Fraternity (Fish Chapter) for serving as the faculty advisor on its award-winning speaker series, "From Law Student to Lawyer: What Law School Doesn't Teach You," issued September 14, 2004.

Honorary Certificate in Advanced Legal Writing, Research, and Drafting, presented by the third year students of the Legal Writing Certificate Program, Mercer University School of Law, May 11, 2002.

**PERSONAL  
INFORMATION:**

Date of Birth:	July, 1961
Interests:	Skiing, Rock Climbing, Golf, Tennis, In-Line Skating, Hiking, Skateboarding, Yoga