

Using Published Student Writing to Enrich Pedagogy



Margaret J. Marshall
Auburn University

An undergraduate course which required a long paper analyzing a Supreme Court opinion structured that writing assignment as a series of smaller writing tasks in order to teach students how to do rhetorical analysis and allow them to produce the complex paper over the course of the semester. When one student had her essay accepted for publication in *Young Scholars in Writing*, both she and the instructor had the opportunity for additional learning. This essay traces the impact of the student publication on subsequent versions of the course, on the instructor's effort to provide more opportunities for students to learn rhetorical analysis and engage in original research, and on the instructor's work with disciplinary faculty. The essay argues that YSW has an impact on students, faculty, and courses even where research about writing is not the focus.

Over the course of a decade, at two different universities, I developed and taught an undergraduate course in legal rhetoric. The students at both institutions who enrolled in this course included pre-law majors and those considering law as a possible career. At both institutions the course functioned more as an advanced writing course than as a preparation for the LSATs, though some students certainly hoped the course would prepare them for both the exams and their future studies. As a non-lawyer whose scholarship employs rhetorical analysis to understand educational discourse, I wanted to teach a course that drew on my expertise with reading and writing, especially reading difficult texts and sustaining a complex, analytical argument by attending closely to rhetorical choices. From my experience being married to a lawyer and helping law school writing center instructors, reading difficult texts and writing complex arguments seemed to me skills that lawyers use, yet ones that law schools have difficulty helping students develop. Few of the students who enrolled in the legal rhetoric course I taught were English majors and even those who had prior experiences analyzing a written text had no experience reading legal opinions. Though a few students had taken courses focused on topics like business law, they usually had read only summaries of important cases, not the judicial opinions.

I encouraged students to imagine their final project as a piece of writing that would be interesting to those outside our class, and I assembled a growing set of prior student projects that served as models and became important additional texts for the students to discuss, but the publication of one student paper from the course, Alaina Brandhurst's "Using Rhetoric to Sustain Democracy: The Rhetorical Devices Utilized by Justice O'Connor in *Kelo v. City of New London*," in the spring 2009 issue of *Young Scholars in Writing* enriched my appreciation of the value of publishing undergraduate research. Though we are accustomed to arguments that publishing enriches students' learning and increases their investment in writing, in this essay I map out the different ways that the publication of Brandhurst's essay impacted me and enriched my pedagogy. But first, let me describe the course and the work I asked students to do.

Legal Rhetoric: Teaching Rhetorical Analysis through a Long Paper

I built the course around the rhetorical analysis approach of cultural and legal criticism scholar James Boyd White, using his book *Justice as Translation* as a central shared text for the course.

The primary assignment was a long paper analyzing a single Supreme Court opinion of the student's choice. Because students needed to analyze the rhetoric of that opinion and to use their analysis to support their evaluation or argument about that opinion, these papers were typically fifteen to twenty-five pages in length. Because students needed to contextualize the opinion with historical information, often involving other cases, and because rhetorical analysis was not a method students already knew how to use, the projects required most of the term to develop. White's book works as a model for these projects since his text includes five chapters analyzing the rhetoric of Supreme Court opinions, and those central chapters exemplify his overarching argument about the nature of judicial rhetoric. Furthermore, White's argument is complex enough that students could appropriate portions of it to apply to their own cases. Finally, White's book is a good model because it is, for most students, a difficult text; it makes an unfamiliar argument in a style that relies on long sentences and carefully nuanced distinctions and thus it let me foreground the careful and attentive reading that is required to understand legal texts.

Since I most often teach first-year composition courses, the first time I taught the legal rhetoric course I used the common writing-course approach of requiring a full draft and then a revision. I quickly learned what disciplinary faculty often notice about the challenges of teaching writing in an upper-division course: students needed most of the course to develop confidence with the complicated nature of the legal material, and the unfamiliar method I was asking them to use also delayed their ability to complete the long paper. Since I was working with faculty across the university to support writing in the disciplines, I began to experiment with a method commonly suggested for upper-level courses: break the long assignment apart and respond to sections throughout the term. Such an approach uses the activity of writing to teach the necessary skills, in this case rhetorical analysis, and simultaneously allows students to produce the final paper. Such a serial approach to a complex writing task requires careful consideration of both the pieces of text necessary for the final product and the reading and writing skills students need to master in order to do the work; the paper cannot simply be produced by writing each section in turn from beginning to end. Using this serial approach, I developed ten interlocking assignments that culminated in the long analytical paper and linked those shorter writing assignments to the reading of White's book and class activities that featured work with both legal opinions and student writing.

I began with several assignments that helped students understand White's text and overtly taught strategies for working with difficult readings. The first assignment, for example, asked students to identify a difficult passage in White's text and write about it as a way of figuring out what it meant or why it was difficult. The second assignment divided the class into groups, with each group responsible for looking up unfamiliar terms, literary references, and cited sources in a section of a chapter. White's text, like many judicial opinions, uses footnotes that are meant to be read, so our practice in looking things up was meant to teach students strategies for reading unfamiliar and difficult texts more closely. Working in groups provided them with peer support and feedback, elements that are commonly used to bridge the gap between what students can do independently and what we want them to learn to do. Presenting the references in their section to the rest of the class as we discussed the chapter gave each group some authority and helped the class begin to craft an accurate summary of White's argument. In the third assignment, each student created a sentence outline of White's third framing chapter and compared these outlines in small groups for accuracy and clarity. The activity gave students practice with other strategies they could apply to their judicial opinions—outlining and paraphrasing—and the comparisons provided plenty of opportunity to talk about the choice of language, the difference between copying and summarizing, and how texts make their meaning. Such talk set the stage for rhetorical analysis by focusing students' attention on language and stylistic choices. Assignment 4 asked students to summarize in prose form another

er chapter by White so that we moved from outlines to paragraphs. The assignment also gave students a little more time to find a case to analyze.

By assignment 5, our attention turned to the judicial opinions, and students began to produce writing that could be revised for inclusion in the final paper by composing a summary of the facts of their chosen case. Judicial opinions begin with the facts, though dissenters sometimes provide their own versions of the facts, so students needed to look for that possibility. Summarizing just the facts of the case got students reading the cases closely, but was a manageable task that built logically from our prior work with the sentence outlines and paragraph summaries. It was also clearly a piece of writing that would have to be included in the final papers, so students could see that doing this short piece of writing was helping them move toward producing a long paper, a task many of them had never been asked to do. Because I wanted students to use peer review throughout the term, the sixth assignment had them provide a copy of the case to a partner so that the partner could write a summary of the facts as well. This gave every student two renditions of the facts to consider as they revised and incorporated the summary into the long paper. Two versions also provided additional opportunities for the class discussion to focus on language choice and accuracy. Assignment 7 forced students to read through the entire case to create a sentence outline, since I learned in early versions of the course that some students tried to rely on case book summaries or chose cases they found too difficult to follow. Insisting on the whole-case outline fairly early in the term gave students time to choose a different case if necessary.

Students also had to learn to do rhetorical analysis, a very different task than reporting about the case or summarizing the content, and by assignment 8 they had seen White use rhetorical analysis with several cases. Students were to choose a single passage, no more than a paragraph, from their case that they thought would be important enough to include in their final paper. They were to copy this passage without worrying about how to lead into it and then analyze the language of that paragraph. Class work by this point had included similar activities using the cases White analyzes, so students knew to consider key terms, metaphors, sentence structure, and other rhetorical choices. The assignment encouraged students to think about their chosen passage in White's terms: how does the language constitute the judge, the law, or the larger culture? This work helped students to move toward an argument they would make about the rhetoric of the case without yet requiring them to know precisely what that argument would be. It thus was another illustration of using writing to think through an issue rather than assuming that writing is what you do after, and separate from, thinking. Assignment 8 was also a critical moment where I could intervene to help the students who still didn't understand what rhetorical analysis required. Students who had missed class discussions often produced a summary of the case rather than an analysis of the language, but most students were pleasantly surprised that they could see the rhetorical features of the passage and had a way to talk about those choices that made the final paper seem suddenly much more possible.

Assignments 9 and 10 also helped students compose material that could be used in the final paper. In assignment 9 they investigated some aspect of the case they would need to explain in order to provide a context for their analysis. For most students, explaining context meant knowing the history surrounding the case, but for some it meant finding the prior cases that their opinion relied on or overturned. Because assignment 9 returned students to tasks that were much more familiar, because they were by now quite well acquainted with the case and had real questions about its context, this investigation seemed to most of them much easier. Writing up what they had found let them produce another component of the final paper, often a long and detailed introduction which framed their analysis and challenged their usual practice of writing a single paragraph of introduction. Assignment 10 was a sentence outline of their entire paper. I encouraged students to think about their own writing processes as they did this work. If drafting was the way they wrote best,

they could draft and then create the outline from the draft. Because of time constraints, however, I could not read and respond to complete drafts. Outlines were manageable for me as the instructor to respond to in the limited time frame, and producing a full outline forced students to think through their whole argument, the evidence they would use, and the organizational structure that would hold together the separate pieces they had written.

Throughout the course these pieces of students' writing were the basis of much of our class work, and each student received comments from me and often from peers on the short writings, but a complete version of the paper was not submitted until the week before the end of the course. Students received my comments at the final class meeting along with the preliminary grade. They had the opportunity to revise if they thought they could address the issues that kept them from getting a higher grade. Since many students taking the course were graduating seniors, giving them the chance to revise but not requiring that they do so made them think about what was reasonable given the many other activities in their lives. It also meant that students saw the submission of the complete version as a serious deadline for producing their best work even though they had the safety net of a chance to revise. Structuring the course in this way also discouraged submission of minor editing that made only superficial corrections. Insisting that students take responsibility for the decision about whether to revise seemed to me another important skill an undergraduate course could teach them: when is a piece of writing good enough? When is the work required to really revise reasonable? Such questions moved students beyond the demands of a course assignment to think instead about writing as a practice that involves a set of decisions they would soon be required to make on their own.

Extending Learning and Teaching

The structure I developed for this course worked fairly well, and the more I taught it, the more examples of student work I had to include for subsequent classes. Though I routinely encourage undergraduate students to consider submitting their writing for publication outside the course and often encouraged students in the legal rhetoric course to use the revision possibility as an opportunity to reposition their work for a broader audience, Alaina Brandhurst was one of the few who took up that opportunity. Her paper analyzing Sandra Day O'Connor's opinion in *Kelo v. City of New London* was strong enough to earn her an A in my legal rhetoric course, but it needed some revision before she submitted it to *YSW*, revisions she tackled on her own after I distributed the call for submissions in class and talked briefly about how these papers would need to be reworked for the journal's audience. In the summer after the course was over, Alaina emailed with the news that the piece had been accepted pending additional revisions. In that email she asked the kinds of questions that we might expect from undergraduates who are unfamiliar with the publication process: "Should I do this?" "Do you think I can make these revisions?" "What do they mean by 'pending revisions?'" What followed was a series of email exchanges in which I encouraged, clarified, and tried to help Alaina move beyond being a student in a course to reposition her work for this new set of readers. I was surprised and pleased by her willingness to do more research to address the reviewers' questions, and I was impressed by how quickly she understood that attending to the reviewers' concerns did not mean she had to accept their suggestions for how to address those concerns. Of course, writing teachers often offer comments to students in the spirit of "Here's where I had a problem as a reader," and we expect students to make choices about how to resolve that issue. Still, when the reader is the teacher, students have a hard time seeing that there is actually a choice for them to make. In a recommendation letter I wrote for Alaina that fall I described her work during this revision for publication stage as equal to what we would typically expect of much more experienced graduate students. Unlike university writing awards for outstanding course papers, which some of my earlier students had won for their legal rhetoric papers, publishing in *YSW*

required Alaina to continue to work on the project, to undertake additional research on her own, and to learn about the publication process in a way that no course could possibly replicate.

By the time Alaina submitted her essay to *YSW*, the project was completely her own. Though it had emerged from a course assignment, it had a very different life as an about-to-be-published article. A move to a new institution has made it impossible for me to revisit the email we exchanged or look again at the reviewer comments Alaina shared with me, but I remember trying to help Alaina understand comments from the reviewers that I took as asking her to turn away from the rhetorical analysis she had done so well and instead give more background about the case or Justice O'Connor. I remember being annoyed by these comments, which I thought would change the essay from a complex and sophisticated example of rhetorical analysis into something more like a history or report on the case, which in my mind was both more common and less interesting. I knew that just explaining my worries wouldn't help Alaina make decisions about how best to revise. I also knew that Alaina had not taken any courses where she might have learned that there are different versions of rhetorical analysis and that White's approach is but one of many. I worried that introducing such complexities in the truncated form of email exchanges would not help her. I don't remember and can't recover precisely what I said to her, but when I compare the version of her paper that she produced for the class and the version that was published, I can see how she managed to give the reviewers more background in part by reframing her work with an explanation of White's approach to constitutive rhetoric. That frame let her draw on some of the writing she had done in the course, but she clearly also did research on White and his scholarship. Helping her new readers understand something of the theoretical lens she was using for her analysis was an essential revision for publication and represents additional learning Alaina did as she moved her work into publication.

As writing teachers, we often ask students to undertake revisions that shift the audience or employ a different genre. We might ask students to take the research they've done and present it as a brochure to a public audience, or transpose a summary of a set of reading assignments into an annotated bibliography or a review of the literature. But when students are faced with a real audience represented by the readers of a journal in which they want to publish—in which their work has been accepted pending revisions—they confront a reality our assignments can only begin to approximate. Alaina had skimmed through *YSW* before she submitted her essay for review. We had, as I remember, talked a bit about the range of topics represented in the journal and how the focus on writing and rhetoric provided some commonalities. When she was confronted with the reviewers' comments, however, she had to return to the journal and read as a writer. What could she expect her audience to know? What would she have to explain? Though the topics represented in *YSW* are quite diverse, there are a few visible patterns, including essays that work with political speeches, considerations of writings by women, writing center pedagogy, collaborative learning, and first-year composition pedagogy. Technology, media, popular culture, health, and science are also represented. Brandhurst's¹ essay is, however, the only submission about a legal case. It's really no surprise, then, that her reviewers asked for more background. How to do so while keeping the focus on the case's rhetoric was the challenge.

One of the reasons Brandhurst's essay succeeds is that she was able to explain a fairly complicated case in a way that made it of interest to those outside the legal system. *Kelo v. City of New London* had already made its way into the public discourse as news articles captured the debate about whether a city could take private land in order to promote economic growth and prosperity. Indeed, *Kelo v. City of New London* pits individual homeowners and the preservation of undeveloped land against the economic well-being of an entire community. The case is conservationists versus development, homeowners and private property versus revitalization zones and distressed

cities, framed not as a moral imperative but as an issue of the definition of key legal terms like eminent domain. The published version includes such juxtapositions in the opening paragraph, which allows Brandhurst to capture her readers' interest and attention and move them from what they might already know about the issues underlying the case to what rhetorical analysis might help us better understand when she explains White's constitutive rhetoric and then ends that opening paragraph with "Thus, our judicial opinions are intended to yield interpretations of both the current case and prior cases in light of our rights as individuals under the Constitution and in light of our goals, wants, and needs as a society" (100). I take this revision as an indication of how much White's approach had resonated with Alaina's interests in public policy, social justice, and law and how deeply she understood her material. Though I remember her saying that I should definitely not eliminate White's book from the course even though many students found it difficult, I had no idea how thoroughly she understood White's argument until I saw that published version of her paper.

There's a good deal of scholarship on the value of undergraduate research experiences (see, for example, Grobman and Kinkead), experiences that typically culminate in some sort of publication, so it can be of little surprise that *YSW* provides the opportunity for students to extend their learning beyond the classroom. I really can't know for certain what the experience of publishing taught Alaina, though I do know that she went on to law school, and I can track the additional research and thinking that she did to produce the published version. I'm not sure that teachers ever really know how a course design impacts student learning. But working with Alaina as she tried to understand the publication process and make the requested revisions was certainly of benefit to me. The kind of work I did with Alaina that summer was closer to mentoring an honor's thesis than it was to classroom teaching, more akin to advising a graduate student project than teaching a course, more like being a writing center consultant than commenting as an instructor of record. Opportunities to coach an undergraduate researcher are rare for those of us in English, at least in comparison to the classroom teaching we routinely do and in comparison to our colleagues who invite undergraduates into their laboratories. Even for those of us who mentor graduate students and so have a clear sense of how to stay out of the way of a younger colleague's project, coaching an undergraduate toward publication requires a different mix of strategies. Standing in the background as Alaina undertook the revisions for *YSW* extended my repertoire of teaching moves and helped me think about the course assignments in a new way. I'll have more to say about the changes to the course her publication prompted in the next section, but let me underscore how rare and rich an experience it is *for the teacher* to have students publish their work. In my more than thirty years of teaching, Alaina is my only student to have published in this way.

A quick examination of the *YSW* archives confirms how rare an experience this is since most of the institutions represented in the ten-year history of the publication are represented only once. Setting aside the essays from first-year scholars, which often focus on a single institution, only sixteen colleges and universities have had more than one student essay published over the last decade, and only four have submissions from three or more students. Since few of the students acknowledge the course where their work originated or the professor they studied with, it is impossible to tell if the repeated institutions represent the same or different professor-mentors. Of course, even where the work originated in a course experience, there is no requirement that these students continue to work with their faculty mentors as they submit or revise their work for publication in *YSW*, other than the requirement that they obtain a statement from the instructor that the work is original. That Alaina continued to share her work with me and ask my advice as she revised was, I know, a rare gift. And that experience led me to do several things I might not have done otherwise. I developed a first-year seminar focused on rhetoric and had students analyze the rhetoric of a specific speech in much the same ways that the legal rhetoric course asked students to analyze judicial opinions. I agreed to work with a student in an independent study so he could do original research on

Miami's English-Only Amendment, an issue he had first encountered in a course where we examined language controversies. When I moved to a new institution to lead a writing initiative, I pushed to create an undergraduate research journal as a vehicle for extending writing beyond course assignments and promoting undergraduate research. So, *YSW* was a catalyst not only for extending Alaina's learning, but for prompting me to look for other avenues for promoting undergraduate research and for introducing students to rhetorical analysis.

Versions as Models

Having Alaina's permission to use both the published version of her paper and the version she submitted at the end of the course in subsequent classes provided a set of readings that supported several of the objectives of the course while also providing models of the kind of paper I was asking students to write. In subsequent semesters, students read Alaina's course paper fairly early in the term. As it happened, I had another student paper from an earlier term which analyzed *Kelo v. City of New London* but did not interpret it in exactly the same way. Like many cases, *Kelo v. City of New London* included opinions from several judges, and these students had focused their analysis on different opinions. Pairing the two student papers let subsequent groups of students better understand that making an argument about how to read a case isn't about finding the "right" answer, but rather about guiding readers through evidence and convincing them that a specific interpretation makes sense given this evidence. Since such arguments about interpretation are at the heart of legal analysis, these examples gave students confidence as they tested out their own interpretations. The two papers together also illustrated how the same case might lead writers to focus on different features of the text and even how writers could disagree with the outcome of the case and still find the rhetorical world the opinion created admirable, a point White stresses in his early chapters.

Students read Brandhurst's published revision just before they turned in their final papers. Reading the revision paired with another very successful final student paper let the class talk about evaluation criteria, about the difference between a course paper and a publishable product, and about the nature of a substantive revision. Because Alaina's paper had been accepted as good work outside the class setting, it made the discussion much richer and, I think, inspired students to push themselves to do more than they thought possible. As one student remarked in her final evaluation, "I've never been challenged to do my best in a course, just well enough to earn an A." Taking ownership of their writing and the analysis they had developed helped students write with authority, and what conveys ownership and authority more than the possibility of being published?

Once I had paired Alaina's course paper with both her published version and the other student paper on the same case, I revised the way I incorporated other student work to create additional pairings that furthered the objectives of the course. Though all of these papers were not equally strong, I did not pair them to suggest that students read one as good and the other as bad. Instead, my goal in having students read these papers was to foster discussion about what these earlier students had done that others could learn from. Because they were student examples, all had moments that could be made better, and subsequent students had no trouble finding such moments. Discussions of these papers helped later classes to construct a list of criteria for evaluation, criteria that we returned to throughout the semester and which I used in responding to and grading their final submissions. Discussions of student work also made the tasks of learning to analyze judicial opinions, deciphering White's method of rhetorical analysis, and producing the long paper more attainable. Before I had a collection of such papers to incorporate into the course, students often voiced skepticism that what I was asking was even possible. Once I had several such examples, the best students assumed that they too would be able to produce an exemplary paper and the weaker students saw that a paper didn't have to be perfect in order for them to pass the course.

Using student papers as models is certainly not a new pedagogical strategy. Indeed, even the National Survey of Student Engagement Consortium of Colleges Studying Writing includes a question about whether students have received models of the writing they are assigned precisely because models help students become more engaged and more likely to learn from the writing assignment. Harris, Miles, and Paine's recent publication *Teaching with Student Texts: Essays toward an Informed Practice* provides multiple examples of how student writing can be used to enrich learning. In the legal rhetoric course, student writing—both the finished papers of earlier students and the current students' own writing—was intertwined with judicial opinions, White's text, and other written materials. Brandhurst's YSW version certainly contributed to the work I was able to do with these materials with subsequent groups of students.

A Credible and Adaptable Example for Writing in the Disciplines

In my new position as Director of University Writing, responsible for a university-wide writing initiative to embed significant writing into every major and enhance the culture of writing and writing instruction on our campus, the structure I devised for the legal rhetoric course has provided a concrete example of strategies for teaching writing that disciplinary faculty members can adapt to their own situations. Anyone who has worked with a WAC/WID initiative, or engaged in conversations about teaching writing with colleagues from other disciplines, knows that a common concern for faculty teaching upper-division courses is the need to balance content or advanced methodological skills or theoretical perspectives with the production of a written product. Colleagues in other disciplines regularly tell me that they are unhappy with the end-of-term papers they assign, but find it impossible to make students submit such work earlier because the students simply cannot learn what they need to know to write the paper any sooner. Likewise, for most of my colleagues, having students complete a full draft and then a revision of a long paper near the end of the term is unworkable for both them and their students. My legal rhetoric course provides an alternative model for such courses. Faculty may need time to work out how best to break a long assignment into doable chunks, but most are able to do so once they see the legal rhetoric example. My course did not begin with the introduction and step students through each part because few papers are produced by beginning with the opening sentence. Instead, writing that requires research or the learning of new methods needs to begin with drafting that helps writers figure out what to do next, experiment with the argument they might make, and work with the evidence that will support that argument in small enough parcels that it is manageable.

When I use this example as a way of breaking down a long assignment over the term, I also emphasize with faculty that I had to teach students the skills they needed to do rhetorical analysis; they didn't come into the class already knowing how to do what I was asking them to do. I show faculty not only the assignments but an exploded syllabus that demonstrates how work done outside of class was used in class discussions and how the different materials of the course were woven together. When I show faculty members how such activities scaffold the learning I was expecting students to do, I can better illustrate the difference between assigning and teaching. That I have a concrete example to share makes me more credible than I would be if I had never taught a course with objectives that moved beyond improving student writing, or if I had never worked with students who found the course work unfamiliar and difficult. But when I can say that a student from this course also had her essay published in a national journal, I think my credibility is increased even more. In a research university, nothing compares to publishing original research, and that a course structured in this way could lead to an undergraduate being able to publish is usually convincing.

Final Observations

I'm proud of the work I did with this course, proud of Alaina for her persistence, interest, and intelligence. I assume she learned a good deal from the experience of publishing her work in *YSW* and that she benefited from that experience in many ways. But I did not agree to write this essay simply because I am proud. Rather, I hope my description makes clear that *YSW* serves many more students than those interested in becoming scholars of writing. The publication, I would argue, enriches courses where the primary aim may be writing *and* research, but not necessarily research *on* writing, and I suspect my legal rhetoric course is not the only example of such a course. Further, *YSW* supports the work of teachers both in multiple disciplines and teacher educators, because it provides student models of writing on topics that cut across multiple disciplinary interests, and so holds out the possibility of publication to students in a variety of courses. *YSW* helps underscore the importance of undergraduate research to the critical thinking and engaged learning we value, and demonstrates that even students outside the laboratory sciences can and do complete original research projects. Teacher educators, those of us who work with faculty in WAC/WID initiatives and those of us who work with beginning teachers, can use the examples of student work in *YSW* to illustrate best practices such as the use of student writing within courses and the importance of audience in shaping a text. For those lucky few of us who have students whose work is accepted for publication, *YSW* ripples through our careers by extending our work with students beyond the classroom, inspiring us to take up other projects that support undergraduate research, and helping us make strategies for supporting the teaching of writing in disciplinary courses more credible and concrete to our colleagues.

Note

¹ Readers may notice that I refer to Alaina as a student, but when speaking of her published writing, I've chosen to follow the convention of referring to the author by her last name.

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