

“And Please, Speak as You Might to a Young Child”: *Client-Centric Legal Writing Assessments for a NexGen and GenAI World*

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I. INTRODUCTION

In a scene from the 2011 film *Margin Call*, a group of investment bankers confronts a looming financial collapse driven by complex derivatives they barely understand.¹ Seeking clarity, the firm’s CEO turns to the analyst who uncovered the problem—a “rocket scientist” with advanced technical training—and asks for a simple explanation stripped of the technical jargon of financial models and Bloomberg terminals.² “And please,” the CEO says, “speak as you might to a young child. Or a golden retriever. It wasn’t brains that got me here; I can assure you of that.”³

While not a legal film in any conventional sense, the scene illustrates a lesson directly applicable to legal education and practice. Lawyers are routinely asked to explain complex ideas to people who do not share their training or vocabulary. Yet the ability to use plain language—both in writing and orally—to distill that complexity for non-lawyer audiences

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1. *See* MARGIN CALL, Amazon Prime Video (Starz Entertainment 2011).

2. *See id.*

3. *Id.* at 46:50.

remains under-emphasized in the legal writing classroom.⁴ That need not and should not be the case.

Though no program in any law school is the same, first-year legal writing curricula tend to follow a familiar path. In the fall, students learn objective writing and legal analysis, often through an objective memo.⁵ In the spring, they turn to persuasive writing, typically in the form of a motion or appellate brief.⁶ Oral arguments, statutory analysis, and even transactional matters may also be incorporated. Each assessment serves its own purpose, but they also share a common limitation: the intended audience is almost always another lawyer.

This article argues that the realities of both the NextGen Bar Exam (“NGBE”) and the continued prevalence of GenAI in legal education and practice warrant a modest but meaningful shift in legal writing pedagogy. In addition to traditional assignments, first-year legal writing courses should incorporate client-focused assessments that require students to translate legal analysis for non-lawyer audiences. To that end, this article offers two adaptable assignments—a plain-language client memo and a client interview exercise—that professors can easily integrate into existing curricula without displacing traditional pedagogical goals and assessments of first-year legal writing.

II. THE NGBE AND EMPHASIS ON CLIENT COMMUNICATION AND WRITING

While the NGBE remains a few years away, the National Conference of Bar Examiners (“NCBE”) has made available certain information that offers insights as to what assessments on the new exam might look like and entail. The NGBE Content Scope Outlines, as of August 1, 2025, identify both “Foundational Skills” and “Tasks” set to be tested.⁷ Based

4. See generally Leen van Besien, *Plain Language in the Written Law*, 36 GEO. J. LEGAL ETHICS 861, 873–74 (2023) (noting that most legal writing courses emphasize traditional objective and persuasive assignments and concluding that “law students today are not required to practice legal writing for a lay audience”).

5. See Julie M. Spanbauer, *Teaching First-Semester Students That Objective Analysis Persuades*, 5 LEGAL WRITING: J. LEGAL WRITING INST. 167, 167–68 (1999).

6. See Johanna K.P. Dennis, *The Renaissance Road: Redesigning the Legal Writing Instructional Model*, 38 S.U. L. REV. 111, 130 (2010); see also Joseph Hummel, *You Can’t Just Learn It On the Job: The Case for Requiring Transactional Drafting in the Law School Curriculum*, 57 TEX. TECH L. REV. 1, 4 (2024) (discussing the “traditional” bifurcation of first-year legal writing programs into a fall-objective memo / spring-persuasive brief format).

7. *Bar Exam Content Scope: July 2026–February 2027*, NAT’L CONF. OF BAR EXAM’RS, at 2–5, <https://perma.cc/9NDG-U3YX> (last visited Feb. 14, 2026) (hereinafter “NextGen Bar CSO”).

on the NCBE's descriptions, at least two of the four "Foundational Skills" groups likely implicate client-focused writing:

Foundational Skills Group B: Client Counseling and Advising, Negotiation and Dispute Resolution, Client Relationship and Management

The purpose of Foundational Skills Group B is to assess the extent to which an examinee can identify lawyering strategies within the lawyer-client relationship, based on the relevant rules and standards and consistent with a client's objectives, interests, and constraints. . .

Foundational Skills Group D: Legal Writing and Drafting

The purpose of Foundational Skills Group D is to assess the extent to which an examinee can complete a legal writing or drafting task based on the relevant rules and standards and **consistent with a client's objectives, interests, and constraints.**⁸

The NCBE also identified 28 "Tasks" the NGBE "may assess" from within and across the four "Foundational Skills" groups.⁹ Though the "Task" descriptions are somewhat generic, they do reveal the NCBE has in mind to assess students on effective written communication skills oriented toward clients. Of the 28 "Tasks," at least seven implicate client communication skills and legal writing:

Tasks to Measure Foundational Skills

8. Identify which claims to recommend bringing, which remedies to recommend seeking, which evidence to present, which arguments or defenses to raise, or how to respond to arguments or defenses, and in a transactional matter which provisions to recommend including, based on the relevant legal rules and standards and **consistent with a client's objectives, interests, and constraints.** . . .

10. **Identify two factors that favor a client's position** or two factors that favor an opposing party's position in a matter.

8. *Id.* at 2 (emphasis added).

9. *Id.* at 3–5.

11. Identify two benefits or two drawbacks of a proposed resolution of a dispute, **consistent with a client's objectives, interests, and constraints.** . .

13. **In a matter in which a client has multiple stated objectives, explain why a legal rule or principle, as applied to the client's situation,** may make one of those stated objectives attainable or unattainable.

14. Determine the best **strategy to identify the client's needs and achieve the client's stated goals and objectives.** . .

23. **Draft or edit correspondence to a client** explaining the legal implications of a course of action, **updating the client** on the status of the client's matter, **and/or providing advice** on the next steps to be taken in the matter. . .

26. **Given draft provisions of a contract or other legal document,** identify language that should be changed, explain why it should be changed, and suggest how that language should change, consistent with the facts, the relevant legal rules and standards, **and the client's objectives, interests, and constraints.**¹⁰

Beyond their necessarily general phrasing, these descriptions reveal a meaningful shift in emphasis on the bar exam. The traditional law school writing curriculum has long centered lawyer-to-lawyer communication as the primary, and often exclusive, model for assessing student competence.¹¹ By contrast, the NGBE places sustained weight on a different task: explaining legal rules and strategy in a way that is responsive to a client's objectives, constraints, and level of understanding.¹²

10. *Id.* (emphasis added).

11. See Ted Becker et al., *ALWD/LWI Legal Writing Survey, 2023–2024*, ASS'N LEGAL WRITING DIRS., at Q6.19 at 40 (2024), <https://perma.cc/NT6F-5M9Q> (hereinafter "ALWD/LWI Legal Writing Survey, 2023–2024") (responding to the LWI survey question about types of writing assignments included in courses focused "principally on objective (including predictive) legal analysis and writing," 79% of respondents did not include a "Client Letter" as an assignment but 94% and 80% of respondents included a closed and open universe office memo, respectively). The responses to a related question about assignments included in courses focused on persuasive writing showed a similar trend. See *id.* at Q6.24 at 44 (noting that 78% of respondents did not include a "Client Letter" assignment whereas 86% assigned a "Pre-trial/Trial Brief").

12. See generally *Bar Exam Content Scope: July 2026–February 2027*, *supra* note 7.

That shift reframes what it means to demonstrate competence. It is no longer enough to simply “get the law right.” Students must also show they can translate legal analysis into advice a client can actually understand and use. Tasks such as drafting correspondence to a client or explaining how legal rules affect a client’s goals suggest that client-centered communication is not peripheral, but core.

This shift implicates how we should design first-year legal writing assignments. If the NGBE will assess students on their ability to communicate effectively with clients, then a curriculum focused exclusively on lawyer-facing documents risks preparing students for only part of the communicative demands they will face. Incorporating client-focused assessments alongside the objective memo begins to align classroom instruction with what the NGBE—and, by extension, legal practice—will require.

III. TRIED AND TRUE: THE OBJECTIVE MEMO

In any given Fall semester, I assign my students a closed-packet objective memo (the “Objective Memo”), providing them with case law and record evidence and asking them to predict how a court would rule on a given legal issue. In one recent example, students analyzed whether, under Texas law, a client’s sibling had testamentary capacity at the time she executed her will. To answer that, they evaluated whether the testator had sufficient mental ability “to know the natural objects of [her] bounty and the claims upon them” and whether she “had sufficient memory to collect in [her] mind the elements of the business to be transacted and hold them long enough to form a reasonable judgment about them.”¹³

The assignment requires students to analyze the law for a legally trained audience—here, a supervising attorney who understands doctrinal terminology and legal processes. But it omits an obvious next step: communicating that analysis to the client. Would a non-lawyer, perhaps someone without any secondary (or even any formal) education, understand what “objects of bounty” are? Or what it means to “collect” the “elements of the business to be transacted”? Not likely. This gap presents an opportunity to offer a follow-up assignment focused on client communication, the very type of task the NGBE is designed to assess. Enter the next assessment—a “plain language” memo from the associate *to the client* translating the substance of the Objective Memo.

13. Horton v. Horton, 965 S.W.2d 78, 85 (Tex. 1998).

IV. THE PLAIN-LANGUAGE CLIENT MEMO

Soon after students submit their Objective Memo, I assign a follow-up “plain language” client memo (the “Client Memo”). Building off the same subject matter, the assignment asks students to now explain their analysis to the client rather than the supervising attorney. The prompt frames the task as a response to a client who has read the Objective Memo but remains confused and wants clarification in terms he or she can understand. Below is a typical prompt for the Client Memo:

Thank you for your hard work on the Memo. I forwarded the Client the Memo and planned to schedule a time to talk with him about it, but he got back to me this morning and now we've got to pivot. In short, he's a bit lost. What you wrote in the Memo works for me, but we're lawyers and now we need to think about client-facing issues. Where we are is that the Client specifically asked us for a substantive explanation of two of the issues you discussed in the Memo. First, he wants clarification on the concept of "bounty" as part of Texas probate law on testamentary capacity. In short, he doesn't understand what it means. Second, the Client wants to understand how, procedurally, we would go about proving that his sister had testamentary capacity on the day she executed her will. I understand you touched on these issues in the Memo, but the Client is bit lost and understandably so. These issues don't necessarily lend themselves to easy explanation. I thought about handling this myself, but I'd like to give you some client exposure and a chance to explain your work in a different manner.

What I'd like you to do is put together a short follow-up memo to the Client that explains these two issues—what "bounty" means and how we will prove his sister had testamentary capacity—in plain language such that a lay person like the Client could understand it. Strip these issues of legalese and jargon and explain them as you would to some who lacks our understanding of the law and its technicalities.

The prompt also contains a brief “portrait” of the client to guide students’ tone and level of explanation:

The Client is a long-time friend and has been successful in his line of work, but based on my experience I can tell you he's more of a big picture guy. He's street smart more than book smart. He started his business over two decades ago, right out

of high school. He's a reasonable guy but hyper-technical stuff will confuse him and talking down to him will just frustrate him. He is also incredibly busy. I'm trusting you will take this into account with this follow up assignment.

The Client Memo requires students to do something distinct from the Objective Memo. Students must not only analyze the law but also translate it for a specific, non-lawyer audience. In doing so, they adapt their explanations to the client's level of sophistication, distill complex doctrine into accessible language, and communicate in a way that is both clear and respectful of the client's perspective.

V. THE NEXT STEP: THE CLIENT INTERVIEW

The Client Memo helps gauge students' understanding of, and ability to communicate in plain language about, a given, complex legal issue. It is both pedagogical and practical, particularly given the NGBE's anticipated emphasis on client communication. But a limitation remains: as a written assessment, the Client Memo is still susceptible to the lure of GenAI.

A stark reality of GenAI is that, regardless of prohibitions against its use, some students will still use it.¹⁴ And equally troubling is the difficulty policing—much less proving—that use.¹⁵ Moreover, for all the “bad” output GenAI can produce, it *can* be quite good at distilling complex legal issues into simple, understandable terms for a non-lawyer audience—one of the very goals of the Client Memo. Yet it also presents an opportunity and an inroad to a new type of assessment: an in-person interview where student and professor role-play as lawyer and client and discuss the Client Memo's subject matter in real time.

Shortly after students receive their graded Client Memos, I assign a follow-up client interview exercise (the “Client Interview”). Over the course of seven to ten minutes, I take on the role of the client and have a live discussion with each student, acting as the associate. The format

14. See Noor Akbari, *The AI Cheating Crisis: Education Needs Its Anti-Doping Movement*, EDUC. WK. (Feb. 28, 2024), <https://perma.cc/9NVD-QBCS> (linking the use of GenAI in education to steroid use in sports and noting that, as of 2024, in “[one] survey of 1,000 college-age students, 89 percent of respondents admitted to using ChatGPT to complete a homework assignment” and “[a]nother 48 percent admitted to using [ChatGPT] it on at-home tests or quizzes, and 53 percent had the bot write an essay”).

15. See Jonathan Choi et al., *Lawyering in the Age of Artificial Intelligence*, 109 MINN. L. REV. 147, 206–07 (2024) (noting that relying on honor codes to police or prohibit use of GenAI tools in law school classrooms “is simply impractical...because there are currently no reliable tools available for identifying content produced by generative AI, meaning that law schools and professors cannot reliably detect cheating”).

removes any technological crutch—no phones, no prompting, no shortcut to answers from GenAI. Just an old-fashioned, face-to-face discussion. The Client Interview requires students to explain the law and answer client questions in real time. In doing so, it both tests their understanding of the material and requires them to articulate it verbally in a way not often (much less traditionally) done in a legal writing course.¹⁶

The benefits to this are many. Research in legal pedagogy and cognitive science suggests that requiring students to explain concepts aloud is not just intuitive but cognitively powerful.¹⁷ When students articulate ideas verbally, they must connect new information to existing knowledge, organize it coherently, and confront “gaps in [their own] understanding.”¹⁸ In other words, talking becomes a kind of real-time self-audit. Oral explanation also functions as a form of “rehearsal,” often generating more ideas and deeper insight than writing alone.¹⁹ Moreover, students tend to demonstrate greater comprehension of complex material when they explain it aloud to another person rather than when they merely re-read or even write about it.²⁰ A client interview simulation incorporates these benefits. In a course so often focused on *writing*, an oral assessment such as this offers a valuable mode of learning.

The assignment prompt begins with an email from the client to the associate attorney, asking for a meeting to discuss several points raised in the Client Memo.

Hi Associate,

How are you? I think we met briefly a few months ago when I was in your office to talk about my sister's will issue. Anyways I read over what you sent to Senior Partner but honestly I

16. See ALWD/LWI Legal Writing Survey, 2023–2024, *supra* note 11, at Q6.20 at 41 (noting that in courses “focusing principally on objective (including predictive) legal analysis and writing,” only 26% of respondents noted they required a “Client Interview,” whereas only 25% and 32% required an “Oral Report to Senior Partner,” either in a group or individual setting, respectively).

17. See Jennifer M. Cooper, *Let Them Talk: Cognitive and Social Benefits of Elaboration*, 45 NOVA L. REV. 329, 336 (2021).

18. *Id.* at 336–37.

19. *Id.* at 331 (citing Anthony S. Niedwicki, *Lawyers and Learning: A Metacognitive Approach to Legal Education*, 13 WIDENER L. REV. 33, 45 (2006)).

20. See Michelene T. H. Chi et al., *Eliciting Self-Explanations Improves Understanding*, 18 COGNITIVE SCI. 439, 439, 452–54 (1994) (discussing research results that showed eighth grade students who were asked to orally “self-explain” a scientific text on the human circulatory system “learned with greater understanding” and showed “greater gain” on an assessment of the material than did a control group that was simply asked to read the text twice but without orally “self-explaining” it).

didn't really follow some of it. I tried calling him but his secretary said he was out golfing. Can you help me out? I appreciate all your work, but I'm still a bit confused. You said something about my sister needing to understand "the persons dependent on her bounty." I still don't know what that means. She didn't have "bounty" as I understand it. Is that like treasure? She just had a house and some savings. Also, how do they figure out the "condition" of her mind on that day she executed the will? She had good days and bad days, as I told your boss, and I'm not sure how that plays into it.

Look, I'm not a lawyer. I barely scrapped out of high school but I've made something of myself. I don't think I'm dumb but a lot of this is over my head. This memo wasn't cheap and I'm struggling to get through it. Simple terms are easier for a guy like me. Also, you said you thought the will was going to hold up. So what's the next step? Do you go to court and get the prosecutor to sue on it? I'm watching Suits on Netflix but Harvey Specter hasn't done this one yet.

I'm heading out for a meeting but I'm going to be by your office later this afternoon. How about I stop by around 3pm and we can discuss?

*Thx,
Client*

The prompt directs students back to issues they addressed in the Client Memo while also revealing that the client remains confused. Here, the client struggles with two core aspects of testamentary capacity: what "bounty" means and how capacity is actually proven. Students must now explain those concepts in real time during the interview.

The prompt also expands the scope of the conversation. To push students to think more broadly, I situate the client to ask about something related to, but not included within, the scope of either memo—here, the question about the next steps in probate. This requires students to draw on their broader understanding of the law and the facts provided. I also like to include something objectively inaccurate—here, the note about the "prosecutor" suing on the will—a clear misconception given there is no "prosecutor" in the probate process.

Together, these elements turn the Client Interview into more than a recitation exercise. Students must explain legal concepts while responding to confusion, addressing inaccuracies, and guiding the conversation in a

way that reflects how client interactions often unfold in practice. This becomes a learning moment. In practice, lawyers must often deliver bad news or correct a client's misunderstanding about their case or transaction. Introducing these dynamics in a low-stakes setting gives students early exposure to the kinds of communication challenges they will encounter.

While some students initially feel intimidated by the Client Interview, I can safely say most enjoy it and quickly come to appreciate its value. More than that, students often report that the exercise helped them better understand the law they were writing about. It becomes for so many the “aha” moment—that point at which, through explaining their work aloud, they begin to see the issues more clearly and connect the underlying reasoning. Moreover, the prompt is always fungible. I can make the client more or less sophisticated, familiar or unfamiliar with the Objective Memo itself, and even pleasant or curmudgeonly—about an expensive legal bill, for instance. Each semester the prompts change slightly, shaping the color and scope of students' engagement in the interview process. The end result, though, remains consistent: students leave the exercise with a stronger grasp of the material.

But the broader value of these assessments lies in their adaptability. Take our topic of testamentary capacity and substitute in false imprisonment, or strict liability, or intrusion upon seclusion, or wrongful death. Whatever serves as the foundation for an objective memo can, with minimal adjustment, become a client-focused writing assignment and corresponding client interview. That flexibility allows professors to incorporate practical, low-stakes assessments into their courses. At the same time, these exercises deepen students' understanding of the subject matter while giving them repeated opportunities to practice the kinds of communication skills they will be expected to use on the NGBE and in practice.

VI. CONCLUSION

The scene in *Margin Call* captures a familiar professional reality: expertise alone is not enough. The ability to translate that expertise for someone who does not share it is just as critical. Legal education has long recognized the importance of analysis and precision. But as both the NGBE and the growing presence of GenAI make clear, we must now pair those skills with the ability to communicate that analysis in ways clients can understand and use.

Incorporating client-centered assessments such as the Client Memo and Client Interview reflects a meaningful shift in emphasis. They do not replace traditional writing instruction; they expand it. They ask students to

do what lawyers are routinely asked to do in practice: explain complex legal concepts clearly, respond to confusion, and guide clients through unfamiliar terrain. In doing so, they reinforce not only doctrinal understanding, but also the communication skills that define effective lawyering.

That skill has always mattered. What is new is how visible its absence has become. The bar exam now tests for it. Clients expect it. The challenge for legal writing professors is not to abandon existing methods, but to build on them in ways that reflect how law is actually practiced. Helping legal writing students learn to “speak as you might to a young child”—or at least to a client—is one of the clearest ways to do so.