

**LISA EICHHORN**

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**EMPLOYMENT**

**Professor of Law, University of South Carolina School of Law.** Professor since August 2005; Associate Professor, August 2000-August 2005. Teach Civil Procedure, Advanced Civil Procedure, Advanced Legal Writing, and Advanced Legal Analysis; direct Legal Writing Program; have served on University Tenure Review Board (chair, 2018-20); Provost's Breakthrough Research Awards Committee (2013-2014); Law Dean Search Committee (law faculty chair, 2010-11; member, 2003-04); University Committee on Tenure & Promotion (2007-10); Law School Faculty Advisory Committee (elected; 2013-16 and 2005-06); University Faculty Senate; Law School Admissions Committee (chair, 2023-24 & 2017-20 & 2009-11); Law School Curriculum Committee (chair, 2022-23 & 2020-2021 & 2004-05); Law School Faculty Selection Committee (most recently in 2021-22); and Law School Strategic Planning Committee (2021-23).

**Associate Dean for Faculty Development, University of South Carolina School of Law.** Organized faculty works-in-progress series and outside-speaker colloquia; arranged for external reviews of scholarship for faculty candidates for tenure, promotion, and endowed chairs; planned orientation for new Law School faculty; counseled faculty regarding tenure and promotion requirements, publication of scholarship, and teaching techniques. May 2012-May 2014.

**Visiting Assistant Professor, University of Denver College of Law.** Taught two-semester Civil Procedure course and directed Lawyering Process Program. August 1999-June 2000.

**Lecturer, West Virginia University College of Law.** Taught Civil Procedure and Legal Research & Writing; taught week-long intensive Interviewing & Counseling course as part of WVU's Skills Week program; directed Academic Support Program for at-risk students; served on Admissions, Scholarship, Academic Standards (chair), and Minority Affairs Committees. August 1992-May 1999.

**Litigation Associate, Bingham, Dana & Gould, Boston, MA.** Researched and drafted pleadings, motions, and trial and appellate briefs related to civil litigation matters for 230-attorney firm. 1990-1992.

**Staff Attorney, Housing Unit, Greater Boston Legal Services.** Worked full-time as participant in pro bono program through Bingham, Dana & Gould. Solely responsible for caseload averaging fifteen landlord-tenant cases. Argued motions, conducted trials in Boston Housing Court. January-June 1991.

## EDUCATION

**Duke University School of Law**, J.D., with high honors, May 1990. Style Editor, *LAW & CONTEMPORARY PROBLEMS*, 1989-90; staff editor, 1988-89. James A. Bell (merit) Scholarship recipient.

**Princeton University**, A.B., cum laude, in English, June 1987.

## PUBLICATIONS

### *Articles*

*Rhetorical Questions as Argumentative Devices in U.S. Supreme Court Dissenting Opinions*, in *PROCEEDINGS OF THE 10<sup>TH</sup> INTERNATIONAL CONFERENCE OF THE INTERNATIONAL SOCIETY FOR THE STUDY OF ARGUMENTATION* (forthcoming 2024).

*Declaring, Exploring, Instructing, and (Wait for It) Joking: Tonal Variation in Majority Opinions*, 18 *LEGAL COMMUNICATION & RHETORIC* 1 (2021) (lead article).

*Heated Debate and the Frozen Trucker: Argument Schemes in Judicial Opinions Reviewing Agency Interpretations of Statutes*, in *PROCEEDINGS OF THE 9<sup>TH</sup> INTERNATIONAL CONFERENCE OF THE INTERNATIONAL SOCIETY FOR THE STUDY OF ARGUMENTATION* (2019).

*Old Habits: Sister Bernadette and the Potential Revival of Sentence Diagramming in Written Legal Advocacy*, 13 *LEGAL COMMUNICATION & RHETORIC* 79 (2016).

*A Sense of Disentitlement: Frame-Shifting and Metaphor in Ashcroft v. Iqbal*, 62 *FLA. L. REV.* 951 (2010).

*Clarity and the Federal Rules of Civil Procedure: A Lesson from the Style Project*, 4 *J. A.L.W.D.* 1 (2008) (winner of Honorable Mention in GREEN BAG's Best Legal Writing of 2008 volume).

*The Chevron Two-Step and the Toyota Sidestep: Dancing Around the EEOC's "Disability" Regulations Under the ADA*, 39 *WAKE FOREST L. REV.* 177 (2004).

*Hostile Environments, Title VII, and the ADA: The Limits of the Copy-and-Paste Function*, 77 *WASH. L. REV.* 575 (2002), reprinted in 19 *Civil Rights Litigation and Attorney Fees Annual Handbook* 13-1 (Steven Saltzman ed., 2003).

*Applying the ADA in Mitigating Measures Cases: A Choice of Statutory Evils*, 31 *ARIZ. ST. L.J.* 1071 (1999).

*Major Litigation Activities Regarding Major Life Activities: The Failure of the "Disability" Definition in the Americans with Disabilities Act of 1990*, 77 *N.C. L. REV.* 1405 (1999).

*The Legal Writing Relay: Preparing Supervising Attorneys to Pick Up the Pedagogical Baton*, 5 LEGAL WRITING 143 (1999).

*Writing in the Legal Academy: A “Dangerous Supplement”?*, 40 ARIZ. L. REV. 105 (1998) (cited in the “Worth Reading” column, National Law Journal, Aug. 3, 1998).

*Reasonable Accommodations and Awkward Compromises: Issues Concerning Learning Disabled Students and Professional Schools in the Law School Context*, 26 J. OF L. & EDUC. 31 (1997).

### ***Shorter Writings***

*Of Neurons and Nominalizations*, 12 LEGAL COMMUNICATION & RHETORIC 277 (2015) (reviewing STEVEN PINKER, THE SENSE OF STYLE (2014)).

*The Toyota Sidestep Catches On*, ABA ADMIN. & REG. L. NEWS, Summer 2008, at 7.

*The Role of Legal Writing Faculty in an Integrated Law School Curriculum*, in ERASING THE LINES: INTEGRATING THE LAW SCHOOL CURRICULUM – PROCEEDINGS FROM THE 2001 NATIONAL CONFERENCE OF THE ASSOCIATION OF LEGAL WRITING DIRECTORS (West 2002).

### **PRESENTATIONS**

“U.S. Courts and Civil Procedure: A Comparative Perspective,” presented via Zoom to students and faculty at Poltava State Agrarian Academy (Poltava, Ukraine), November 23, 2023, and via Zoom to students and faculty at Odessa National University Faculty of Law, October 13, 2022.

“Rhetorical Questions as Argumentative Devices in U.S. Supreme Court Dissenting Opinions,” presented at the 10<sup>th</sup> International Conference of the International Society for the Study of Argumentation, University of Leiden, The Netherlands, July 7, 2023.

“Scholarship Speed-Dating and the Sirico Scholars Workshop,” presented (with other Sirico Scholars Board Members) at the National Biennial Conference of the Legal Writing Institute, Georgetown University Law Center, July 21, 2022.

“A Place for Grammar and Mechanics in the Legal Writing Curriculum,” presented at the Carolinas Legal Research and Writing Colloquium, Elon University Law School, June 24, 2021.

“The Dunning-Kruger Effect and the Necessity of Individualized Feedback,” presented at the National Biennial Conference of the Legal Writing Institute, hosted (live online) by Georgetown University Law Center, July 15, 2020.

“Heated Debate and the Frozen Trucker: Argument Schemes in Judicial Opinions Reviewing Agency Interpretations of Statutes,” presented at the 9<sup>th</sup> International Conference of the International Society for the Study of Argumentation, University of Amsterdam, The Netherlands, July 4, 2018.

“Is Remedial the New Normal?” Roundtable discussion co-hosted with Prof. Jan Baker, Biennial Conference of the Legal Writing Institute, Marquette University, Milwaukee, WI, July 12, 2018.

“Organizing & Editing for HHS Litigators,” a workshop that I designed, presented live online to over 100 litigation attorneys of the U.S. Department of Health and Human Services, who participated from 15 offices across the U.S., Fall 2017.

“Drafting Effective Advice Letters, Emails, and Other Non-Litigation Documents,” a workshop that I designed, presented live online to over 100 non-litigation attorneys of the U.S. Department of Health and Human Services, who watched from offices across the U.S., Fall 2017.

“Editing for Administrative Attorneys,” presented to FAA attorneys, Washington, DC, May 17, 2017, and Atlanta, GA, July 31, 2017

“Organizing and Editing FAA Administrative Opinions,” presented to FAA Airports Compliance Office staff, Washington, DC, May 16, 2017.

“Organizing and Editing Administrative Opinions,” presented to hearing officers of the South Carolina Department of Employment & Workforce, Columbia, SC, August 5, 2016.

“Help Us Help You Get Published,” presented at the 2016 Biennial Legal Writing Institute Conference, Portland, OR, July 13, 2016.

“Law for Medical Residents,” presented to residents at the University of South Carolina School of Medicine, Columbia, SC, September 26, 2013.

“Legal Writing Scholarship,” presented at the 2010 Legal Writing Institute Regional Conference, Wake Forest University, Winston-Salem, NC, December 3, 2010.

“A Sense of Disentitlement: Frame-Shifting and Metaphor in *Ashcroft v. Iqbal*,” part of the “Reading the Supreme Court” panel, presented to the Association for the Study of Law, Culture and the Humanities, Brown University, Providence, RI, March 19, 2010.

“Getting Tenure: Variations, Expectations,” presented at the national biennial Legal Writing Institute Conference, Marco Island, FL, June 29, 2010.

“Legal Basics: What Medical Students Should Know About the Law,” presented to medical students at the University of South Carolina as part of the Ethics & Professionalism component of the Medical School’s Clinical Medicine course. Columbia, SC. February 9, 2010; February 12, 2008; February 24, 2004; and November 4, 2002.

“*Iqbal*’s Ramifications for Employment Discrimination,” presented as part of the Workings of the Supreme Court series, with Profs. Joseph Seiner & Howard Stravitz, Univ. of South Carolina School of Law, November 4, 2009.

“The Scrivener: Advanced Legal Writing.” CLE at the offices of Nelson Mullins, Riley & Scarborough, Columbia, SC, on Sept. 18, 2009.

Plenary Panelist, “Development of Legal Writing Programs,” at the national Biennial Conference of the Association of Legal Writing Directors, University of Missouri-Kansas City School of Law, Kansas City, MO. July 17, 2009.

“Co-Dependent No More? When Teaching Becomes Enabling,” presented at the national Biennial Conference of the Legal Writing Institute, Indianapolis, IN. July 17, 2008.

“Brief Writing Workshop,” Office of the S.C. Attorney General, October 18 & 19, 2007.

“Introduction to the Legal System for University Administrators,” Medical University of South Carolina, Charleston, SC. September 26, 2008, and September 26, 2007.

“Drafting Effective Demand Letters and Briefs,” presented to Protection & Advocacy for People with Disabilities, Columbia, SC. September 20, 2007.

“Roundtable: Converting a Legal Writing Program from Adjunct to Full-Time Staffing,” presented at the annual national conference of the Association of Legal Writing Directors, University of Denver College of Law, Denver, CO. June 15, 2007.

“An Overview and Update of the ADA and the Family Medical Leave Act,” presented at the Federal Judicial Center’s Workshop for Fourth Circuit Judges, Charleston, SC. March 20, 2007.

“Five Analogies to Help Your Students,” presented at the 7th Annual Rocky Mountain Legal Writing Conference, UNLV Boyd School of Law, Las Vegas, NV, March 10, 2007.

“A Comparison of Assessments of Student Performance in Legal Writing and Non-Legal Writing Courses,” presented at the National Biennial Conference of the Legal Writing Institute, Georgia State University, Atlanta, GA. June 8, 2006.

“The Employment Provisions of the Americans with Disabilities Act: An Overview,” presented at the South Carolina Epilepsy Foundation’s 2006 Conference on Employment Issues and Epilepsy,” Columbia, SC. March 24, 2006.

“Drafting Judicial Opinions,” presented to D.C. Superior Court judges at the Annual Conference of the District of Columbia Superior Court, Rocky Gap, MD. April 28, 2005.

“Writing and Editing Workshop,” presented at the 2005 Conference of the National Council of Law Reviews, Charleston, SC. March 18, 2005.

“Writing in Law School and Law Practice,” presented to junior and senior undergraduates at the University of South Carolina as part of University 401 course, designed to prepare students for law school. Columbia, SC. February 9, 2005.

CLE Workshop: “Citation Systems,” presented to staff attorneys and judicial clerks of South Carolina’s appellate courts, Columbia, SC. April 18, 2003.

“Medicine and the Law,” presented to University of South Carolina senior medical students as part of pre-residency Capstone Month program. Columbia, SC. April 7, 2003.

“Hostile Environments, Title VII, and the ADA: The Limits of the Copy-and-Paste Function,” presented at the Southeastern AALS Conference, Kiawah Island, SC, August 2002.

Report to Plenary Session: “Do Best Pedagogical Practices Include an Integrated Curriculum?,” presented at the National Conference of the Association of Legal Writing Directors, University of Minnesota School of Law, Minneapolis, MN, July 2001.

“Collaborating with the Bench and Bar to Teach Legal Practice Skills,” presented at the national Biennial Conference of the Legal Writing Institute, University of Michigan School of Law, Ann Arbor, MI, June 1998.

“Synthesis: Dissecting a Rule of Law,” presented at the national Biennial Conference of the Legal Writing Institute, University of Michigan School of Law, Ann Arbor, MI, June 1998.  
“Writing in Plain English,” presented to the West Virginia Trial Lawyers Association, Charleston, WV, June 1997, and to the Defense Trial Counsel Association of West Virginia, Charleston, WV, July 1997.

#### **UNITED STATES DEPARTMENT OF JUSTICE COURSES TAUGHT**

“Motion Practice Seminar.” Taught one day of this three-day seminar for 40 Assistant U.S. Attorneys at the National Advocacy Center, Columbia, SC, on July 20, 2016; July 8, 2015; April 2, 2014; September 25, 2013; February 13, 2013; April 26, 2012; May 25, 2011; March 10, 2010; and June 17, 2009.

“Writing and Editing Workshop.” Taught this workshop for attorneys and staff of the United States Attorney’s Office for the District of Columbia, Washington, DC, on July 10, 2008.

“Editing Effective Motions.” Taught this segment of four-day Motion Practice Seminar for Assistant United States Attorneys at the National Advocacy Center, Columbia, SC, on June 13, 2006.

“Brief-Writing Skills for Assistant United States Attorneys.” Taught one day of this two-day seminar at the National Advocacy Center, Columbia, SC, on January 20, 2005; July 29, 2004; and June 12, 2003.

“The Art of Editing.” Served as a panelist discussing this topic as part of a two-day seminar for Appellate Chiefs in United States Attorneys Offices. National Advocacy Center, Columbia, SC, February 23, 2003.

“Advanced Writing Skills for Supervising Attorneys.” Taught this seminar at the Executive Office for United States Attorneys, Washington, DC, on October 22, 2002, on August 8, 2002, and on June 7, 2002. Taught same seminar at the U.S. Attorney’s Office of the District of Columbia, Washington, DC, on July 9, 2003.

“Writing and Editing Skills for Evaluation & Review Staff.” Taught this three-hour segment of a course for senior U.S. Attorneys Office personnel to prepare them for service on site evaluation teams reviewing U.S. Attorneys Offices around the country. National Advocacy Center, Columbia, SC, October 17, 2002.

“Advanced Legal Writing for Federal Agency Counsel.” Taught one day of this two-day course to federal agency counsel from across the nation at the National Advocacy Center, Columbia, SC, on February 14, 2002, and on December 18, 2001.

## **GRANTS RECEIVED**

Received 2002 Research Grant from the American Association of Law Libraries to study “Research Habits of the South Carolina Bar” with U.S.C. Law Reference Librarian Pamela Melton as co-investigator. Research documented in 2002-2003 Completed Research Grant Projects, 95 Law Library Journal 719, 723 (Fall 2003) and in Report of the AALL Research Committee, 94 Law Library Journal 790-91 (Fall 2002).

Received U.S.C. Provost’s 2001 Teaching Grant to serve as Reporter for Ass’n of Legal Writing Directors annual conference entitled “Erasing the Lines: Integrating the Law School Curriculum” at the University of Minnesota Law School in July 2001. Grant resulted in publication of an essay, The Role of Legal Writing Faculty in an Integrated Law School Curriculum, in Erasing the Lines: Integrating the Law School Curriculum – Proceedings from the 2001 National Conference of the Association of Legal Writing Directors (West 2002).

## **OTHER PROFESSIONAL ACTIVITIES**

Governing Board Member, Sirico Scholars Workshop. Assist in planning and implementing annual national workshop in which newer legal writing faculty present scholarly works in progress and receive feedback. 2020-present. Served as facilitator during workshop, July 13-16, 2024; July 21-24, 2021; and July 17-20, 2022.

Commenter, “Works in Progress and Half-Baked Ideas,” at the National Biennial Conference of the Legal Writing Institute, University of Indiana McKinney School of Law, Indianapolis, IN. Provided feedback on drafts of two law review articles to junior scholars, July 20, 2024.

Facilitator for “Critiquing Workshop” at the National Biennial Conference of the Legal Writing Institute, Georgetown University Law Center. Led small group of new legal writing teachers in workshop designed to develop their ability to provide written critiques of papers to students, July 22, 2022.

Chair, Phelps Award Selection Committee of the Legal Writing Institute. Solicited nominations of scholarly publications each year in the field of legal writing and selected the work that best exemplified aspirational standards for others in the field. 2017-20; member, 2016-17.

Editorial Board, LEGAL WRITING: THE JOURNAL OF THE LEGAL WRITING INSTITUTE, 2010-18. Reviewed approximately 40 manuscripts each year for possible publication; served as substantive editor for one or two accepted articles per year.

Scholarship Committee Member, Legal Writing Institute, 2012-present; 2009-10; and 2005-07. Reviewed proposed research projects; served as mentor to faculty preparing grant applications.

Commenter, Legal Writing Institute Scholarship Workshop, St. John's University, New York, NY, May 12, 2011.

Advisory Committee Member, Journal of Legal Education, January 2005-January 2008.

Programming Chair, International Biennial Conference of the Association of Legal Writing Directors, University of Windsor, Windsor, Ontario, Canada, July 17-19, 2003. Solicited and reviewed presentation proposals, selected guest speaker, and coordinated program schedule of two-and-a-half day conference attended by approximately 100 faculty members from across North America.

Reporter on Best Pedagogical Practices, Biennial Conference of the Association of Legal Writing Directors, University of Minnesota, Minneapolis, Minnesota, July 27, 2001. Reported to plenary session; drafted essay published in conference proceedings volume.

Member, Association of Legal Writing Directors; Legal Writing Institute; Scribes.

## **AWARDS**

University of South Carolina School of Law Best Classroom Teacher Award for 2023-24 and for 2021-22. Chosen by Law School student body.

University of South Carolina Law School Faculty Service Award, 2010-11 and 2007-08.

BLSA Professor of the Year Award, 2009-10. Awarded annually by the Univ. of South Carolina Chapter of the Black Law Students Association.

G.G. Dowling Award, 2009-2010. Awarded annually by the faculty of the University of South Carolina School of Law to the faculty member who best exemplifies the qualities of integrity, concern for others, and scholarly productivity.

GREEN BAG Best Legal Writing of 2008 Award, for *Clarity and the Federal Rules of Civil Procedure: A Lesson from the Style Project*, 4 J. A.L.W.D. 1 (2008).

Robert Bockman Award for service to U.S.C. Law School Moot Court Program, 2002.