LETTING STUDENTS TEACH EACH OTHER: USING PEER CONFERENCES IN UPPER-LEVEL LEGAL WRITING

Sheila Rodriguez

Abstract: This Article illustrates how incorporating structured one-on-one student conferences in an upper-level legal writing course helps novice writers develop expertise. This Article also explains how peer conferences help students to develop critical skills that they will need as practicing lawyers. Although the peer conferences described in this Article are discussed in the context of legal writing, peer conferences may be used in any upper-level course, including both practice-oriented courses and doctrinal courses. This Article responds to the recent impetus to reexamine the nature and purpose of legal education by providing students with more skills training.

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Letting Students Teach Each Other: Using Peer Conferences in Upper-Level Legal Writing

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I. Introduction

Benjamin Franklin is not generally associated with peer feedback, but he should be. As a teenager living in colonial Boston, Franklin and his friends formed learning groups to pursue their own education. The friends met regularly to "produce a piece of our own composing, in order to improve it by our mutual observations, criticisms, and corrections." Franklin, like others before him, understood

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1 "Peer feedback is a form of formative assessment." See infra Part IV.C. For a detailed discussion of formative assessment, see infra Part IV.C.

2 Kenneth A. Bruffee, Sharing Our Toys: Cooperative Learning Versus Collaborative Learning, CHANGE, Jan.-Feb. 1995, at 12, 12. Goals of cooperative learning include making "school education more efficient and effective by helping children of whatever background learn to work together successfully on substantive issues." Id. at 16. Another goal is social integration. Id. at 14. Collaborative learning was developed for adolescents and adults—namely college and university students—and "help[s] [them] learn to work together successfully on substantive issues.... Another important goal of collaborative learning is the structural reform and conceptual re-thinking of higher education." Id. at 16. Franklin, who lived "under conditions of near abject poverty," id. at 12, "had only two years of formal education." Anne Ruggles Gere, Writing Groups: History, Theory, and Implications 32 (1987).

3 Benjamin Franklin, A Benjamin Franklin Reader 78 (Nathan G. Goodman ed., 1945).

4 Aristotle is reported to have used peer teaching. The "university" of Athens consisted of an informal group of young men gathered around an eminent philosopher or rhetorician. [John] Wise stated that Aristotle is said to have used archons or student leaders who took care of many details for him. It can be surmised that because of the popularity of a teacher such as Aristotle and the lack
that a critical mode of feedback is the reaction of peers. A conference with a peer is almost always the most productive means of providing feedback.

The idea of peers depending on one another and learning with each other "is no longer confined to a small band of enthusiastic innovators." Similarly, using peer feedback in a legal writing course is nothing new. Incorporating structured one-on-one peer conferences into of widespread or numerous educational centers or institutions, the use of students as helpers may have been a reality.


8 See, e.g., Linda L. Berger, Applying New Rhetoric to Legal Discourse: The Ebb and Flow of Reader and Writer, Text and Context, 49 J. Legal Educ. 155, 180 (1999) (describing the benefits of peer review); Kirsten K. Davis, Designing and Using Peer Review in a First-Year Legal Research and Writing Course, 9 Legal Writing: J. Legal Writing Inst. 1, 3 (2003) (noting that a professor “designed a peer review exercise” for her first-year legal writing courses); Jo Anne Durako, Peer Editing: It’s Worth the Effort, 7 Persp.: Teaching Legal Res. & Writing 73, 73-74 (1999) (describing how one professor has students act as teachers to review their peers’ work); Cassandra L. Hill, Peer Editing: A Comprehensive Pedagogical Approach to Maximize Assessment Opportunities, Integrate Collaborative Learning, and Achieve Desired Outcomes, 11 Nev. L.J. 667, 670 (2011) (“Many legal writing professors have administered peer-editing exercises in their courses.”); Terry Jean Seligmann, Testing the Waters, Second Draft, June 2001, at 12, 13 (noting that students loved peer editing and “found it invigorating”); Susan M. Taylor, Students as (Re)visionaries: Or, Revision, Revision, Revision, 21 Touro L. Rev. 265, 281 (2005) (noting that one professor has used peer review in almost all of her legal writing classes); Marilyn R. Walter, “Writing as Conversation”: Using Peer Review to Teach Legal Writing, 16 Legal Writing: J. Legal Writing Inst. 411, 417-18 (2010) (describing a professor’s experience with using peer feedback in her classes); Libby A. White, Peering Down the Edit, 16 Persp.: Teaching Legal Res. & Writing 160,
an upper-level legal writing course helps novice writers develop expertise while simultaneously teaching students the collaboration skills they will need as practicing lawyers. As discussed infra, my own journey toward accepting peer feedback as a valuable teaching method was a long one. Thanks to one bad experience with peer editing as a law student, for years I considered this type of collaborative learning to be the professorial equivalent of snake oil. It was not until I joined the faculty at Rutgers-Camden School of Law, where I currently teach, that my colleagues persuaded me to use peer feedback in first-year legal writing.

160 (2008); Kurt W. Lenz, Lecturer in Law, Univ. of Miami School of Law, A Modest Proposal: Creating a Truly Student-Centered, Peer-Feedback-Driven Legal Writing Classroom at the Biennial Conference of the Legal Writing Institute (June 28, 2010) (describing the disadvantages and benefits of peer review); Patricia A. Rooney & Ann I Nowak, Teaching Students to Play nice in the Sandbox—The Benefits of Practice Experience in the Classroom at the First Annual Empire State Legal Writing Conference (May 14, 2010) (discussing how peer-writing groups “help students develop as readers and writers”).

As discussed infra at note 157 and accompanying text, “[s]tudents are more likely to develop legal writing expertise when the feedback reinforces [a writer’s sense] of autonomy and competence.” Using structured feedback helps to achieve this goal. See generally Sheila Rodriguez, Using Feedback Theory to Help Novice Legal Writers Develop Expertise, 86 U. DET. MERCY L. REV. 207 (2009) (discussing the benefits of using peer editing in first-year legal writing classes).

While peer conferences can be conducted with more than two students, the peer conferences I describe in this Article are limited to one-on-one interactions. A discussion of how to conduct peer conferences with more than two students is beyond the scope of this Article. For a discussion of how to conduct peer-editing exercises in groups of varying sizes, see generally Hill, supra note 8 (discussing planning and execution strategies for incorporating peer editing into large and small classes).

As discussed infra at notes 28-31 and accompanying text, the peer conferences that I describe in this Article are designed to be used with students who have already mastered the basics of first-year legal writing. Peer conferences can be used in other upper-level courses provided that students are coached in how to conduct them. Hill, supra note 8, at 704. I have used peer conferences effectively in the Animal Law seminar I teach at Rutgers-Camden School of Law. In fact, the first time I used peer conferences in that class, students requested a second round of conferences.

Hill, supra note 8, at 704.

See infra notes 303-07 and accompanying text.
There is currently renewed interest in peer feedback. The increased attention to collaborative learning may be because of the recent impetus to reexamine the nature and purpose of legal education. The two most recent reports on legal education both criticize law school faculty for overemphasizing doctrinal instruction and urge faculty to place more emphasis on teaching skills used by practitioners. Peer conferences help students develop many critical law practice skills. Peer conferences teach students to cooperate with and respect their peers' opinions. Peer conferences also help students develop the capacity to assess their own writing. Perhaps most important, by giving and receiving feedback at different stages of the writing process, students become better writers.

Although legal writing scholars have stressed the importance of incorporating peer feedback into the law school curriculum, they have not addressed how peer conferences can be used in legal writing. This gap in the literature may be because law-trained scholars, particularly those who have practiced law, have viewed feedback primarily from

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14 See, e.g., Walter, supra note 8, at 412 (noting two recent reports that call for increased peer review in law school); Lenz, supra note 8; Rooney & Nowak, supra note 8.


17 See infra notes 18-21 and accompanying text.

18 Davis, supra note 8, at 3.

19 Rodriguez, supra note 10, at 211.

20 See Mary Barnard Ray & Jill J. Ramsfield, Legal Writing: Getting It Right and Getting It Written 273 (5th ed. 2010) (describing the importance of getting feedback even as early as during the initial organization).

21 Davis, supra note 8, at 2; Durako, supra note 8, at 73; Hill, supra note 8, at 674; Seligmann, supra note 8, at 13; Taylor, supra note 8, at 266; Walter, supra note 8, at 412; White, supra note 8, at 161; see also Berger, supra note 8, at 180.

22 See infra notes 23-24 and accompanying text.

23 In a study analyzing the credentials of legal writing professors, “[o]nly nine of [the] 428 respondents did not have law practice experience.” Susan P. Liemer & Hollee S. Temple, Did Your Legal Writing Professor Go to Harvard?: The Credentials of Legal Writing Faculty at Hiring Time, 46 U. LOUISVILLE L. REV. 383, 424 n.255 (2008). Of those who did, approximately one-third “worked in more than one law practice category,” and half had “more than three years of law practice experience.” Id. at 424-25.
an editorial perspective.\textsuperscript{24} Editing the writing of peers is undoubtedly a key part of practicing law, and students learn to become better editors through peer review.\textsuperscript{25} However, peer conferences can accomplish much more than editing.\textsuperscript{26} The peer conferences that I describe in this Article are a vehicle for engaging students in each other’s intellectual growth.\textsuperscript{27} As such, peer conferences are designed to be used with students who have already mastered the basics of legal writing.\textsuperscript{28} These are students who, with minimal coaching,\textsuperscript{29} are ready to move beyond the core skills that they learned in first-year legal writing to learning activities that more closely approximate law practice.\textsuperscript{30}

Incorporating peer conferences into any course requires planning, coaching, and reflection.\textsuperscript{31} In Part II of this Article, I discuss the

\textsuperscript{24} See, e.g., Davis, supra note 8, at 1 (noting that peer review is an editing process); Hill, supra note 8, at 669 (noting that peer editing “is an excellent means of incorporating additional assessment measures and opportunities for student feedback”); Taylor, supra note 8, at 281 (calling peer review an editing process); Walter, supra note 8, at 413 (noting that one benefit of peer review is to improve editing).

\textsuperscript{25} See, e.g., Davis, supra note 8, at 3 (arguing that peer review gives students confidence in their editing ability); Hill, supra note 8, at 671-72 (noting many benefits of peer review, including improving students’ editing abilities).

\textsuperscript{26} See Charlotte Brammer & Mary Rees, Peer Review from the Students’ Perspective: Invaluable or Invalid?, 35 COMPOSITION STUD., Fall 2007, at 71, 72.

\textsuperscript{27} Judith Fishman, On Tutors, the Writing Lab, and Writing, in MURIEL HARRIS, TUTORING WRITING: A SOURCEBOOK FOR WRITING LABS 86, 88 (1982).

\textsuperscript{28} Unlike first-year students, whose existing writing skills may degrade under the “cognitive overload” of having to perform in a new genre, upper-level students are ready to move onto more sophisticated tasks. See Joseph M. Williams, On the Maturing of Legal Writers: Two Models of Growth and Development, 1 LEGAL WRITING: J. LEGAL WRITING INST. 1, 15 (1991) (citing studies of children, high school students, and college freshman).

\textsuperscript{29} Jeff Brooks, Minimalist Tutoring: Making the Student Do All the Work, in ROBERT W. BARNETT & JACOB S. BLUMNER, THE ALLYN AND BACON GUIDE TO WRITING CENTER THEORY AND PRACTICE 219, 220 (2001) (arguing that students should do most of the work).

\textsuperscript{30} See, e.g., Davis, supra note 8, at 3 (noting that peer-review activities are skills lawyers use when collaborating on cases).

\textsuperscript{31} See, e.g., Hill, supra note 8, at 678 (identifying the three phases in administering an effective peer-feedback exercise as (1) planning; (2) “pitch” and training; and (3) assessment); see also Davis, supra note 8, at 3-7 (discussing how the author designed a peer-review exercise for her first-year legal writing students).
underlying theory for using structured peer conferences. In Part III, I discuss how to address the common issue of student skepticism about peer feedback. I also describe how to coach students in giving and receiving effective feedback. In Part IV, I briefly describe some activities and worksheets that I have created to support peer-feedback conferences and promote collaborative learning.

II. THEORETICAL BACKGROUND

A. Collaborative Learning

"[T]he fact [is] that people have always learned from their peers and doggedly persist in doing so whether we professional teachers and educators take a hand in it or not." — Kenneth A. Bruffee

Although experts disagree on how to define collaborative learning, "the core assumptions" are that learners are actively engaged in learning and are taking responsibility for managing their learning. This student-centered approach to learning requires us to think differently about knowledge. Knowledge is seen as "the product of human

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32 See infra Part II.
33 See infra Part III.
34 See infra Part IV.
35 See infra Part IV.
37 The British educator Edwin Mason coined the phrase "collaborative learning" to describe the findings of M.L.J. Abercrombie. Id. at 636. In her text, M.L.J. ABERCROMBIE, THE ANATOMY OF JUDGMENT (Penguin, 1964), Abercrombie suggested "that diagnosis, the art of medical judgment and the key element in successful medical practice, is better learned in small groups of students arriving at diagnoses collaboratively than it is learned by students working individually." Bruffee, supra note 36, at 636.
beings in a state of continual negotiation or conversation.” Moreover, the traditional cognitive understanding of knowledge assumes that there is a theory or structure—a foundation—behind knowledge. Collaborative learning assumes that knowledge has no foundation. Instead, knowledge is a consensus among the members of a community of knowledgeable peers. Students working collaboratively become members of knowledge communities different from the communities to which they already belong.


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40 Bruffee, supra note 36, at 646-47.
42 See BRUFFEE, supra note 6, at 3 (observing that “[u]nderstanding knowledge in this way goes by an ungainly name: nonfoundational social construction.”). Stanley Fish was the first to apply nonfoundational social construction to the teaching of writing. Stanley Fish, Anti-Foundationalism, Theory Hope, and the Teaching of Composition, in THE CURRENT IN CRITICISM: ESSAYS ON THE PRESENT AND FUTURE OF LITERACY THEORY 65, 70 (Clayton Koelb & Virgil Lokke eds., 1987). Richard Rorty provided a discussion of the seminal philosophical treatment of nonfoundational social construction. See generally RICHARD RORTY, PHILOSOPHY AND THE MIRROR OF NATURE (1979).
43 BRUFFEE, supra note 41, at 7-8.
44 See id. at 8.
47 BRUFFEE, supra note 41, at 67.
48 PHILOSOPHY OF EDUCATION: AN ENCYCLOPEDIA, supra note 46, at 147.
themes of Vygotsky’s work was the idea that individuals may be ready to understand a good deal more working among peers than they would be ready to understand working alone. In other words, what students cannot currently learn on their own, they can learn with the help of their peers.

Drawing on the work of Vygotsky and the British educator Edwin Mason, Kenneth Bruffee was an early proponent of using collaborative techniques in the writing classroom. For Bruffee, the degree of peer status is what distinguishes collaborative peer learning from traditional peer learning. In a traditional peership, students learn from each other, but only as a means of achieving “prevailing institutional ends.” In contrast, in a collaborative peership, students are involved in each other’s writing as a way to promote their intellectual growth.

Vygotsky invented the term “zone of proximal development” to refer to “the distance between a student’s ability to perform a task under adult guidance and/or with peer collaboration and the student’s ability solving the problem independently. According to Vygotsky, learning occurred in this zone.” Social Development Theory (Vygotsky), supra note 50; see also Bruffee, supra note 41, at 37 (“For any of us individually, the ‘zone’ of what we are capable of learning next, between what we already know and what we can’t make sense of for love nor money, can often be somewhat narrow: what I am ready to understand working alone may be fairly limited. But in a heterogeneous group that includes diverse experience, talent, and ability, people’s ‘zones of proximal development’ overlap. The distance between what the group as a whole already knows and what its members as a whole can’t make sense of for love nor money—the area of what as a whole they can learn next—is likely to be fairly broad.”).

See Bruffee, supra note 41, at 37.

See id. at 80 (noting that reading your work aloud to peers is one of the oldest and most effective ways of collaborative writing).

In traditional tutoring, a “centralized monitor-like tutoring that mobilizes [students] as institutional manpower for prevailing institutional ends.” Bruffee, supra note 6, at 83. Monitor-type tutoring or peer teaching originated in the British public schools during the nineteenth century. Id.

See id.

Fishman, supra note 27, at 88.
Bruffee’s ideas and how he developed them merit further discussion because, like many progressive thinkers, he is frequently misunderstood.56 Someone unfamiliar with collaborative peer learning may question whether teachers using this method of instruction are "‘[even] teaching’ at all."57

Bruffee came to collaborative learning out of necessity.58 As a young faculty member at Brooklyn College, now the City University of New York, Bruffee became Director of Freshman English during the advent of open admissions.59 In open admissions, many students came to college lacking basic writing skills.60 In what would become known as the Brooklyn Plan,61 Bruffee designed a nationally recognized program to prepare these students, and others, to tutor each other.62 Perhaps not surprisingly, Bruffee developed this program by collaborating with his fellow faculty members.63 Through this collaboration, the faculty at Brooklyn College began to realize that these students, "however poorly prepared academically, did not [arrive] as blank slates. They arrived ... already deeply acculturated, already full-fledged competent members ... of some community [of knowledge]. In fact, they were already members of several interrelated communities ... ."64

As a composition theorist, Bruffee understood the profound implications of applying a method of instruction that recognizes writing as a social process.65 "Virtually everyone who has commented on writing as a social practice" now recommends using collaborative learning ex-

56 See BRUFFEE, supra note 6, at 7-8.
57 Id.
58 See BRUFFEE, supra note 41, at 3-4 (describing the process by which the professors at Brooklyn College worked together to form programs designed to teach the 20,000 new freshmen entering the school).
59 Id. at 3.
60 Id. (observing that "some 20,000 new students, many of them lacking the basic skills of reading, writing, and mathematics needed for college work, entered the City University of New York").
61 Fishman, supra note 27, at 88.
62 See id. (noting that Bruffee does not refer to this program as a training program because training is equivalent to teaching).
63 BRUFFEE, supra note 41, at 4.
64 Id. at 4-5.
65 Fishman, supra note 27, at 88-89.
tensively in the classroom to reinforce the social nature of writing. When students collaborate on their legal writing, they can begin to see how the choices they make in their writing are rhetorical choices, which are best made in a social context. Learning to write is a matter of socialization into a discourse. Like all social processes, when students enter law school, they enter a new community of knowledge or discourse.

While the student-teacher conference "has the potential to be the most effective means of helping students develop legal writing expertise," a student engaged in a conversation with a teacher is always engaging in a conversation with a member of a different community of knowledge. A conversation with a teacher is always something of a performance. "[A]ll teacher [feedback] in some way [is] evaluative and directive." A peer reviewer, unlike a teacher, has the advantage of being "a nonjudgmental, non-evaluative helper . . . in whom the writer can confide." Moreover, research has shown that by reviewing the work of others, students can "gain[ ] insight into their own perform-

67 Id. at 72.
68 Williams, supra note 28, at 24-30.
69 Rodriguez, supra note 9, at 212.
70 Id. at 209 (citing Robin S. Wellford-Slocum, The Law School Student-Faculty Conference: Towards a Transformative Learning Experience, 45 S. TEX. L. REV. 255, 262 (2004)).
71 BRUFFEE, supra note 41, at 58.
72 Id.; Rodriguez, supra note 9, at 214-15.
Collaborating with a peer may also help students with other important writing tasks, such as how to address a particular audience.76

1. Peer Conferences

Peer conferences are an ideal vehicle for engaging students in collaborative learning.77 Peer conferences are premised on a student-centered, process-oriented philosophy, which supports learning.78 This philosophy raises profound questions about the authority of knowledge and what that implies for the authority of teachers.79 Not all teachers are willing to accept that when students have just learned something, they are often better able “to explain it to their classmates in a language . . . that is accessible.”80 Moreover, in a one-on-one peer conference, students actually assume more responsibility than they do in a conference with a professor.81 Students play dual roles, “one of writer and one of reviewer.”82 By playing both roles, students begin to understand the complexity and variety of the writing process.83 The long-term goal of all peer conferences is to enable the writer to function independently.84 However, it is easy for a novice peer reviewer to lose sight of

75 See Philip Vickerman, Student Perspectives on Formative Peer Assessment: An Attempt To Deepen Learning?, 34 ASSESSMENT & EVALUATION HIGHER EDUC. 221, 222 (2009).
76 Rideout & Ramsfield, supra note 66, at 71 (arguing that when students get feedback from multiple sources, they are more likely to appreciate the role of audience in writing); Taylor, supra note 8, at 283 (arguing that collaborative work also helps to reduce writing anxiety, helps students get started, emphasizes “the importance of addressing a particular audience,” and helps students to evaluate their own writing).
77 See infra notes 78-86 and accompanying text.
78 See generally Bruffee, supra note 41 (describing the philosophy, process, and benefits of collaborative learning).
79 See id. at xi-xii.
80 Nicol & Macfarlane-Dick, supra note 38, at 211.
81 See id.
82 Kwangsu Cho et al., Self-Monitoring Support for Learning to Write, 18 INTERACTIVE LEARNING ENV’TS 101, 103 (2010). Peer conferences may be held with more than two students. See Hill, supra note 8, at 684-85.
83 See Janet Alsup et al., Tutoring is Real: The Benefits of the Peer Tutor Experience for Future English Educators, 8 PEDAGOGY: CRITICAL APPROACHES TO TEACHING LITERATURE, LANGUAGE, COMPOSITION & CULTURE 327, 338 (2008).
this deceptively simple goal. In order for feedback to be effective, teachers should coach students in how to improve the quality of their peer dialogue.

2. Tutor Pro Hac Vice

One day, while my class was reviewing a pleading in a case I had handled, a student asked what *pro hac vice* meant after my name. I explained that I was not admitted to practice in Nevada, where the case had been filed, and that I had been admitted to that jurisdiction for the limited purpose of representing my client in that particular case. “That’s like getting a bus pass for the day,” another student remarked. Seen simply, a peer conference involves a similar concept. A peer reviewer becomes a writing tutor for the limited purpose of helping another student become a better writer on a particular piece of writing. But unlike the experienced lawyer licensed elsewhere, a peer reviewer generally comes to law school with no previous experience in tutoring writing.

Students who have trained as peer-writing tutors typically work through undergraduate or graduate academic departments or through some designated campus writing center or learning center. Students functioning in this capacity usually take at least one college-level course on peer tutoring. In addition to completing course work, many writing center tutors receive mentoring from more experienced staff and are

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85 See Hill, *supra* note 8, at 692-93 (noting that some students have the difficulty seeing the benefits of peer review or role playing).
86 *Id.* at 697-98.
87 See *infra* note 88 and accompanying text.
88 *See, e.g., Taylor, supra* note 8, at 281 (discussing the peer-review process).
89 Durako, *supra* note 8, at 74 (discussing how most law students come to law school with no experience in peer review). In eight years of teaching and polling my students, I have taught only two students who have worked in a writing center.
90 Bruffee, *supra* note 41, at 93.

Graduate students in the English Department at Purdue may apply [to work in the Writing Lab] if they 1) have taught for at least one year in [the Introductory Composition at Purdue (ICaP)] program [or are in their first year of teaching in ICaP when they apply]; 2) have
required to attend regular staff meetings to reinforce key concepts.92 While writing-center-caliber training is beyond the scope of what teachers can cover in a one-semester upper-level legal writing class, teachers can help students become better peer reviewers by introducing them to the interpersonal dynamics of one-on-one learning.93

a. Conference Dialogue

To coach students effectively in giving and receiving feedback, teachers should understand the interpersonal dynamics involved in one-on-one learning.94 Most writing center tutors are familiar with Stephen North’s now legendary admonition: “[A tutor’s] job is to produce better writers, not better writing.”95 This deceptively simple mantra translates

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92 Opportunities for Purdue Graduate Students in English 2012, supra note 91. At one of the most highly regarded and influential writing centers in the U.S., writing center tutors or “consultants” participate in a variety of professional development activities. Jill Koch Hayford, Style Books, Web Sites, and Podcasts: A Lawyer’s Guide to the Guides, Wisc. Law., Nov. 2008, at 33, 34. Consultants develop and facilitate workshops, lead conversation groups, conduct research, and present at conferences. Opportunities for Purdue Graduate Students in English 2012, supra note 91.

93 Muriel Harris, who pioneered writing center theory, coined the term, “one-to-one” to describe a student-teacher conference that she believed should be “an integral part” of teaching writing. Muriel Harris, Teaching One-To-One: The Writing Conference 3, 5 (1986). A “one-to-one” conference allows for a conversation between the student and teacher about each other’s writing. Id. at 3.

94 See Rodriguez, supra note 9, at 210. While most of the concepts discussed here apply to all writing conferences, some concepts differ when applied to a student-teacher conference. See id.

95 Stephen M. North, The Idea of a Writing Center, 46 C. Eng. 433, 438 (1984); see also Nat’l Council of Teachers of English, supra note 84, at 4 (arguing that the focus of the conference should be on the student’s writing skills, not on the actual piece of writing before them); Ronald Barron, What I Wish I Had Known about Peer-Response Groups but Didn’t, Eng. J., Sept. 1991, at 24, 24 (stating that when working in peer-response groups, students should not embark on an “error hunt,” but instead suggest successful writing methods); Brooks, supra note 29, at 220 (arguing that
into having to do many things that may seem counterintuitive to the peer reviewer.\footnote{See, e.g., North, supra note 95, at 438 (stating that a writing center’s goal should not simply be correcting the particular text a student brings in, but instead correcting the process by which the student produces the text).} For example, without being guided in advance, it is tempting, and perhaps even inevitable, to want to rewrite a student’s work.\footnote{See, e.g., Donald A. McAndrew & Thomas J. Reigstad, Tutoring Writing: A Practical Guide for Conferences 19 (2001) (‘‘As tempting as it might be for the tutor to rewrite the student’s work wholesale by inserting her own information, style, and language[,] . . . she should resist doing so, always remembering that she is not the writer’s coauthor.’’).} Peer reviewers also have a tendency to do most of the talking during a conference.\footnote{Thomas Newkirk, The First Five Minutes: Setting the Agenda in a Writing Conference, in Barnett & Blumner, supra note 29, at 313.} To ensure that a conference is collaborative, the writer needs to do most of the talking.\footnote{Muriel Harris, Writing Labs: On Campus and Online, McGraw-Hill Higher Educ., http://www.mhhe.com/socscience/english/tc/pt/harris.htm (last visited Mar. 20, 2012).} While this may seem like a modest goal, it is not always easy.\footnote{Newkirk, supra note 98, at 313 (observing that “[w]e all tend to talk too much.”).} As much as students might like to, they cannot tell other students how to write.\footnote{See Bruffee, supra note 41, at 95.} Perhaps the greatest challenge for the reviewer is learning to become comfortable with silence.\footnote{See Newkirk, supra note 98, at 212-13.} Learning to feel comfortable with silence is a key part of helping a writer to revise because talk plays a key role in revision.\footnote{See id. at 312.} When a reviewer first sits down with a writer, it can be especially difficult not to talk.\footnote{See id. at 313.} To avoid taking over the substantive part of the conversation, it can help to initially chat informally about something that does not directly involve the writer’s paper.\footnote{Harris, supra note 99 (suggesting to start conferences “by establishing a comfortable interaction”).} Chatting informally for a few moments before discussing a paper also helps put the writer at ease. Peer reviewers also can encourage writers to talk by using “encouragers,” such as “okay” and “uh huh” after the writer responds to a

"[t]he moment we consider it our duty to improve the paper, we automatically relegate ourselves to the role of editor.")
question. Perhaps most important, writers need to be given ample time to respond to questions.

Research on peer conferences indicates that tutors are more collaborative with strong writers. "[T]he presence of a strong writer" seems to increase the likelihood that a conference will be productive. The most effective way to work with writers, regardless of ability level, is to treat them as if they are all high-ability writers. Treating students like high-ability writers means focusing on "higher order concerns," such as legal analysis and organization, rather than "lower order concerns," such as grammar and punctuation. Regardless of what students discuss during a conference, peer reviewers should be mindful of not trying to cover too many points. Research in cognitive science has shown "that people can realistically absorb no more than about five to seven ‘chunks’ of new information at a time.”

A good conference should feel like a conversation, not a lecture. The types of questions a peer reviewer asks can help keep the writer focused on the “natural hierarchy of . . . concerns.” Such questions can range from, “What is your strongest argument?” to "Where

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107 Wellford-Slocum, supra note 70, at 307.
108 Harris, supra note 99.
109 McANDREW & REIGSTAD, supra note 97, at 91.
110 Id. (discussing how “the presence of a strong writer loads the dice in favor of a strong tutoring session”).
111 Id.
112 Id. at 42 (defining “higher order concerns” as concerns “which are central to the meaning and communication of the piece, [and] are matters of thesis and focus, development, structure and organization, and voice”).
113 Id. at 56 (defining “lower order concerns” as concerns “which are vital to preparing any finished piece, [and] are matters related to surface appearance, correctness, and standard rules of written English”).
114 See id. at 91 (stating “surface correctness” should be a “second-tier priority”).
115 Harris, supra note 99.
116 See Wellford-Slocum, supra note 70, at 280 (citing Gary L. Blasi, What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory, 45 J. LEGAL EDUC. 313, 343 (1995)); see also Harris, supra note 99 (recommending that tutors “quit before the student goes into information overload”).
117 McANDREW & REIGSTAD, supra note 97, at 10; see also infra Appendix A.
118 HARRIS, supra note 93, at 61 (quoting Donald M. Murray, Teaching the Other Self: The Writer's First Reader, 33 C. COMPOSITION & COMM. 140, 145 (1982)).
does your theory of the case come through the strongest?"\textsuperscript{119} Open-ended questions such as these tend to invite broadly inclusive responses and initiate “real inquiry.”\textsuperscript{120} Less effective questions call for no response from the writer.\textsuperscript{121} Tutors are generally taught to avoid making vague declarative comments.\textsuperscript{122} For example, instead of saying, “You don’t have a thesis statement,” ask the writer, “Can you show me your thesis statement?”\textsuperscript{123} Similarly, instead of saying, “Move your thesis statement here so the reader knows where this paragraph is going,” the reviewer might say, “You might consider placing your thesis statement here to let the reader know where this paragraph is going.”\textsuperscript{124} Closed questions, which invite only a yes, a no, or a brief response, are similarly less effective in stimulating a collaborative dialogue.\textsuperscript{125} Leading questions, in which the peer reviewer already knows the answer, also fail to promote a real conversation between the reviewer and the writer.\textsuperscript{126}

Writers crave a reader’s immediate reaction to their writing.\textsuperscript{127} The influential composition theorist Peter Elbow has observed that “[t]o improve your writing you don’t need advice about what changes to make; you don’t need theories of what is good and bad writing. You need movies of people’s minds while they read your words.”\textsuperscript{128} Some experts recommend using “I statements” followed by a specific question to help writers express their intentions.\textsuperscript{129} For example, “I am having trouble following your analysis. Where does your counterargument be-

\textsuperscript{119} Id.
\textsuperscript{120} Id. at 62.
\textsuperscript{121} Id.; see McAndrew & Reigstad, supra note 97, at 43 (stating that “[t]utors can use many strategies and questions to help writers,” such as, “What’s the central issue of your piece?”).
\textsuperscript{122} See Brooks, supra note 29, at 222-23.
\textsuperscript{123} See id.
\textsuperscript{124} See id.
\textsuperscript{125} Harris, supra note 93, at 62.
\textsuperscript{126} Id.
\textsuperscript{127} See McAndrew & Reigstad, supra note 97, at 20; see also Jessica L. Clark & Kristen E. Murray, Scholarly Writing: Ideas, Examples, and Execution 103-04 (2010) (observing that a writer needs the reader’s reaction regardless of whether the feedback is written or verbal).
\textsuperscript{128} Peter Elbow, Writing Without Teachers 77 (1973) (emphasis added).
\textsuperscript{129} Hill, supra note 8, at 698; see also Brooks, supra note 29, at 222-23.
gin?” avoids negative language and provides the writer with useful feedback.130

b. Staging Peer Conferences

Like actors in a play, students who confer convey meaning in many ways that have nothing to do with the spoken word.131 “Research . . . suggests that no more than thirty to thirty-five percent of meaning is conveyed through language itself.”132 Nonverbal behavior can do more to affect the dynamics of a conference than anything that can be said.133 Students should be aware of the basic types of nonverbal communication that can “interact with speech to convey meaning.”134 Simple gestures and facial expressions can promote or diminish a collaborative dialogue.135 For example, leaning forward toward the writer generally conveys the reader’s interest and active involvement, whereas leaning away conveys distance and detachment.136 Similarly, smiling at the writer shows trust, while less positive facial expressions “can increase perceptions of dominance and distance.”137 Maintaining good eye contact with the writer is associated with trust and credibility, whereas minimal eye contact suggests “a desire for psychological distance and a lack of [engagement].”138 Reviewers can also move their bodies in subtle ways to reinforce a sense of collaboration.139 For example, a reviewer can nod when the writer speaks.140 Mirroring the way writers move their bodies is another way to strengthen rapport.141

130 Hill, supra note 8, at 698.
131 Wellford-Slocum, supra note 70, at 300.
132 Id.
133 Brooks, supra note 29, at 221.
134 Wellford-Slocum, supra note 70, at 301.
135 McAndrew & Reigstad, supra note 97, at 29.
136 See id.
137 See Wellford-Slocum, supra note 70, at 301.
138 Id. at 302 (suggesting that while North Americans of European descent value good eye contact when communicating, people from other cultures may not).
139 See id. (identifying mirroring as “movement synchrony” and “movement complementarity”).
141 See Wellford-Slocum, supra note 70, at 302-03. For example, when writers cross their ankles, reviewers can carry out the same movement to promote rapport. Id.
At the outset of a conference, it is important to establish a feeling of collaboration that is inherent in any good peer relationship.\textsuperscript{142} A fully collaborative conference should have goals, not a predetermined agenda.\textsuperscript{143} One way to help writers set their own agendas is by avoiding writing too much on the paper both before and during a conference.\textsuperscript{144} If the reviewer is right handed and using a pen, the reviewer should sit on the writer’s right, which makes it more difficult for the reviewer to write on the paper.\textsuperscript{145} Composition theorists recommend that peers sit beside one another when conferring rather than across from one another.\textsuperscript{146} Seating side-by-side reduces perceptions of confrontation and hierarchy and allows both students to view the paper or electronic device displaying the paper simultaneously.\textsuperscript{147} Ideally, the writer should be physically closer to the writing.\textsuperscript{148}

Peer conferences can take place in the classroom or outside the classroom on students’ own time.\textsuperscript{149} If conferences take place in the classroom, the physical arrangement of the room should support collaborative learning.\textsuperscript{150} “The ideal classroom for [one-on-one] learning has a level floor, moveable seats, [whiteboards] on three or [more] walls, controlled acoustics . . . and no central seminar table . . . .”\textsuperscript{151} I am not suggesting that peer conferences must be held in such settings, only that these settings are ideal. Colleagues have observed students collaborate successfully in large lecture halls and in many other less-than-ideal spaces.\textsuperscript{152} I personally have had productive conferences with students

\textsuperscript{142} See infra notes 143-48 and accompanying text.
\textsuperscript{143} HARRIS, supra note 93, at 55.
\textsuperscript{144} Newkirk, supra note 98, at 3 (discussing how a tutor who marks up a paper before the conference signals to the writer that the agenda has already been set); Harris, supra note 99.
\textsuperscript{145} Brooks, supra note 29, at 222 (observing that “[b]etter yet, don’t let yourself have a pencil in hand”).
\textsuperscript{146} Id.; see also Harris, supra note 99 (suggesting that students sit beside each other).
\textsuperscript{147} Harris, supra note 99.
\textsuperscript{148} See Brooks, supra note 29, at 221.
\textsuperscript{149} See Hill, supra note 8, at 683-84.
\textsuperscript{150} BRUFFEE, supra note 41, at 259.
\textsuperscript{151} Id. at 259-60.
\textsuperscript{152} E-mail from Mary Barnard Ray, former Senior Lecturer of Law, Univ. of Wis.-Madison, to Sheila Rodriguez, Clinical Assoc. Professor of Law, Rutgers Sch. of Law-Camden (Aug. 7, 2011, 18:54 EST) (on file with author).
in less-than-perfect venues, such as in noisy cafes and even on public transportation.  

B. Structured Feedback

While writing involves a fundamentally social process, the cognitive aspects of providing feedback on writing cannot be overlooked.

Students are more likely to develop legal writing expertise when the feedback reinforces their feelings of autonomy and competence. Psychologists who study “educational settings use the term ‘autonomy-support’ to describe a ‘mode of communication and persuasion’ that teachers can use to help students internalize learning goals.” Autonomy support is grounded in self-determination theory, which is “an approach to human motivation and personality that combines humanistic psychology with traditional empirical methods.” Self-determination “theory focuses on the degree to which human behaviors are volitional or self-determined.”

153 My mobile conference took place onboard a Bay Area Rapid Transit train traveling between San Francisco and North Berkley. When I taught at Golden Gate School of Law, a resourceful student gained nearly twenty minutes of additional conference time by scheduling the last conference of the day, knowing that I had to leave school immediately after that conference and that we both would be traveling home in the same direction.

154 See Nat'l Council of Teachers of English, supra note 84 at 3.

155 See Rodriguez, supra note 9, at 218; see also Hyungshim Jang et al., Engaging Students in Learning Activities: It Is Not Autonomy Support or Structure but Autonomy Support and Structure, 102 J. Educ. Psychol. 588, 589 (2010) (discussing how teacher-provided structure promotes student engagement and helps students develop perceived competence).


157 Rodriguez, supra note 9, at 215.

edness to others must be met.\textsuperscript{159} While autonomy support is generally applied in situations in which there is a status differential, e.g., student-teacher interactions, research has shown that when friends provide autonomy support to one another their "autonomous motivation, quality of performance, and psychological health" are enhanced.\textsuperscript{160}

"[L]egal writing is a conscious, systematic process over which the most successful learners exert considerable and continuous control."\textsuperscript{161} While theorists generally agree that the writer should control the direction of the learning,\textsuperscript{162} humans do not instinctively know how to achieve this goal.\textsuperscript{163} Teachers—and students—can respond to writing in ways that fail to promote the writer’s autonomy.\textsuperscript{164} Similarly, "[s]elf-assessment is not intuitive."\textsuperscript{165} Using structured feedback is one way to put writers in control of their learning while simultaneously helping them to develop critical self-assessment skills.\textsuperscript{166} Moreover, recent research suggests that teachers should “mov[e] away from lists of peer review questions that lead to a lot of writing, but little [dialogue].”\textsuperscript{167}

Consistent with this research, I have abbreviated Beryl Blaustone’s Six-Step Feedback Model into four steps for use in peer conferences.\textsuperscript{168} This feedback model provides a flexible framework for


\textsuperscript{162} Nat’l Council of Teachers of English, \textit{supra} note 84, at 3-4.

\textsuperscript{163} See \textit{infra} notes 164-67 and accompanying text.


\textsuperscript{165} Rodriguez, \textit{supra} note 9, at 220.

\textsuperscript{166} Id.

\textsuperscript{167} Brammer & Rees, \textit{supra} note 26, at 81.

\textsuperscript{168} See Beryl Blaustone, \textit{Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance}, 13 Clinical L. Rev. 143, 144
dialogue rather than a series of content-specific questions. The first two steps of this feedback model promote feelings of competency by concentrating exclusively on the positive aspects of the student's writing. Positive feedback plays a key role in the development of writing expertise. By concentrating on the success of a paper at the outset, a peer reader "radically depart[s] from the role of editor." Positive feedback also "helps to ameliorate the potentially ego-threatening effects of criticism and increases the likelihood that a student will accept the [criticism]." The second two steps of the Feedback Model maintain feelings of competence while addressing where the student's writing needs to improve. The overall assessment of the writing emerges in the latter half the critique, when the student is most likely to remember it.

(2006) (describing the six-step process). Professor Blaustone has used the Six-Step Feedback Model successfully in simulations and in clinical supervision at C.U.N.Y. School of Law, where she directs the law school's Mediation Clinic. Id. at 143, 154. Drawing on her twenty-six years as a professional mediator, Blaustone developed this model to engage law students in rigorously deconstructing their own performances in a balanced manner. Id. at 144 n.2, 154-56; see also Rodriguez, supra note 10, at 219-27 (providing a thorough discussion of how the Six-Step Feedback Model can be used in law student-professor conferences).

See infra notes 172-77 and accompanying text.

See Blaustone, supra note 168, at 155-58. The model's emphasis on promoting feelings of competence should not be confused with an attempt to reinforce students' self-esteem. See Ruth Anne McKinney, Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?, 8 LEGAL WRITING: J. LEGAL WRITING INST. 229, 234 (2002) (noting that "[i]t is easy to confuse self-efficacy with self-esteem"). According to social cognitive theory, the model promotes self-efficacy, which is the belief that individuals are competent, or can become competent, in an activity. JEANNE ELLIS ORMROD, HUMAN LEARNING 464 (2d ed. 1995). Albert Bandura coined the term "self-efficacy" to explain how individuals' perceptions of their competence and control develop, and to explore how those perceptions affect their ability to cope with challenges. See generally ALBERT BANDURA, SELF-EFFICACY: THE EXERCISE OF CONTROL (1997).

Rodriguez, supra note 9, at 217 ("Positive feedback enhances perceived competence, which tends to increase intrinsic motivation.").

See Brooks, supra note 29, at 222.

See Rodriguez, supra note 9, at 217.

Blaustone, supra note 168, at 158-59.

But see Richard K. Neumann, Jr., A Preliminary Inquiry into the Art of Critique, 40 HASTINGS L.J. 725, 764 (1989) (arguing that in a student-professor conference, the teacher's assessment has to emerge "[n]ear the beginning of the critique").
### Steps One—Two: Promoting Feelings of Autonomy and Competence

**Step 1:** The writer identifies the aspect(s) of the paper that she thinks she did well.

**Step 2:** The reader responds *solely* to those items that the writer has identified in Step 1.

### Steps Three—Four: Maintaining Feelings of Autonomy and Competence

**Step 3:** The writer identifies the aspect(s) of the paper that she thinks she did not do well.

**Step 4:** The reader responds *solely* to those items that the writer has identified in Step 3.

Composition researchers have long emphasized the connection between students' ownership in their writing and the development of expertise. \(^{176}\) Ownership, in the context of the model, has two levels of engagement: In the first level of engagement, the student assimilates the structure of the feedback process and has the opportunity to proactively "solicit input as well as to provide input." \(^{178}\) In the second level of engagement, the student develops a deeper ownership in the substantive content or information elicited during the feedback process. \(^{179}\)

\(^{176}\) This exercise is largely adopted from Rodriguez, *supra* note 9, at 219-20.

\(^{177}\) See Linda Adler-Kassner, *Ownership Revisited: An Exploration in Progressive Era and Expressivist Composition Scholarship*, 49 C. COMPOSITION & COMM. 208, 208 (1998) (observing that "the notion that students should have ownership of their writing... has virtually become a tenet of composition"). See McAndrew & Reigstad, *supra* note 98, at 19 (quoting Donald M. Murray, *Learning by Teaching: Selected Articles on Writing and Teaching* 89 (1982)) (cautioning that when writing tutors usurp ownership from writers, writers produce work that is "trivialized, unchallenging, unauthoritative, impersonal, [and] unimportant.").

\(^{178}\) Blaustone, *supra* note 168, at 153 n.31.

\(^{179}\) *Id.*
III. TEACHING APPRENTICE WRITERS TO GIVE AND RECEIVE FEEDBACK

Most students need instruction on how to give constructive feedback. One teacher who observed her students interacting successfully after almost a year of collaborative learning remarked, "I felt unneeded. This is a good thing." Her glib observation belies how hard a teacher must work to ensure that students collaborate effectively. Law students are, after all, still novice legal writers who rely on their professor for expert feedback. By treating students as apprentice writers, teachers can slowly increase the complexity of the tasks while giving students time to integrate skills. Students are assigned work that is "slightly more difficult than students can manage independently, requiring the aid of their peers and [professor] to succeed."

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182 See, e.g., David F. Chavkin, Matchmaker, Matchmaker: Student Collaboration in Clinical Programs, 1 CLINICAL L. REV. 199, 233 (1994) (noting that ensuring collaboration among students takes more than merely assigning students to pairs or groups).
183 See Rodriguez, supra note 9, at 213. Law students develop expertise when they have control over the feedback. See id. at 218-19.
186 Cognitive Apprenticeship, supra note 186.
Treating students as apprentice writers involves giving them authority that they would not otherwise have in a traditional classroom. A class that uses a workshop format is an ideal environment to nurture this type of student authority. I recently used peer conferences in Advanced Legal Writing: Writing Workshop, an upper-level class offered at Rutgers-Camden School of Law. The objective of the course is to improve writing skills by placing each student in the role of a teacher. All students research and write their own writing projects and periodically present them to the group for peer feedback. Students lead the workshop by providing written and oral feedback to other students. The professor facilitates the feedback. Because the success of a writing workshop depends on the efforts of everyone in the group, students should be aware of the substantial time commitment involved beforehand. In the writing workshop, students sign a course agreement on the first day of class. The course agreement stipulates, among other things, that students must come to each class prepared and ready to participate. Whether in a writing workshop or in a class with a different format, students need to believe that their peers can help them develop expertise.

187 See Rodriguez, supra note 10, at 218-19 (arguing for students to have more control of the feedback process); Tinzmann, supra note 183 (“In collaborative classrooms, teachers share authority with students in very specific ways.”).

188 In seven years of teaching, I have used peer conferences in first-year legal writing, in upper-level legal writing, and in Animal Law, a seminar in which students receive feedback on multiple drafts of their writing assignments. See Rodriguez, supra note 10, at 227.

189 Sheila Rodriguez, Syllabus for Advanced Legal Writing: Writing Workshop (Fall 2010) (on file with author). My colleague, Ruth Anne Robbins, created this seminar based on the model taught at Mercer University School of Law. Id. This Syllabus is adapted from Ruth Anne Robbins.

190 Id.

191 Id.

192 Id.

193 Id.

194 Id.

195 Sheila Rodriguez, Course Agreement for Advanced Legal Writing (Fall 2010) (on file with author). This Course Agreement is adapted from Ruth Anne Robbins.

196 Id.

peer feedback requires students to trust their peers.198 Because teachers have long used modeling to help students develop writing expertise, students also need to observe effective feedback.199

A. Selling Peer Feedback

How a teacher "sells" peer feedback to students largely determines its success or failure.200 Perhaps the greatest obstacle to convincing students how much they can gain from peer feedback is what everyone knows but does not want to discuss: students are never absolutely equal in ability, knowledge, and expertise.201 Any teacher using peer feedback cannot pretend that students are not aware of this reality.202 As a result, some students may be reluctant to show their writing to students they perceive to be stronger writers.203 Others, conversely, may resent having to show their writing to students they perceive to be inferior writers.204 However, in a collaborative peership, a student's ability level is irrelevant.205 "Students will become better writers regardless of the strength of their partners' critiques . . . ."206 Of course, there is always some risk that peer reviewers will give inaccurate feedback.207 Teachers can lessen the likelihood that students will give inaccurate feedback by giving students explicit criteria in advance and having students revisit those criteria later in the semester.208 Teachers

199 See Harris, supra note 93, at 67-68.
200 See Hill, supra note 8, at 691 (arguing that "[t]he right 'pitch' by the professor and training for students makes all the difference in the exercise's success").
201 See Durako, supra note 8, at 74 (noting that strong students do not like having weaker students edit their work, and weaker students do not feel comfortable editing the work of others).
204 Durako, supra note 8, at 74.
205 See Hill, supra note 8, at 693.
206 Id.
207 See Kwangsu Cho et al., supra note 82, at 109-10.
208 See Hill supra note 8, at 679-80; Vickerman, supra note 75, at 223.
should also remind students that they are always in control of their writing and need not accept all of the feedback they receive.209

Even students who choose to take a course that revolves around peer feedback remain skeptical that they can learn from their peers.210 Howard Aves,211 one of my former students, candidly expressed his initial skepticism at the end of the semester: “I was quite confused after the first [class] meeting. It was because the class format was not what I had imagined that it would be. . . . I felt confusion and doubt. Honestly speaking, I seriously thought about dropping the class for something else.”212 To combat such skepticism, teachers should take a proactive approach.213 If peer feedback is a major course feature, professors should mention it in the course description, list it on the Syllabus, and discuss it in class.214 Professors may also assign readings on how to give constructive feedback. The next time I teach a course in which peer feedback plays a major role, I intend to let my former students do some of the selling by sharing comments like Howard’s with students. I will be sure to include Howard’s final verdict on peer feedback: “I

210 See infra notes 211-12 and accompanying text.
212 Id.
213 Teachers can lessen the likelihood that students will give inaccurate feedback by pairing students carefully. Hill, supra note 8, at 686.
214 See id. at 692-93. At Rutgers-Camden School of Law, the course description for Advanced Legal Writing: Writing Workshop provides:

While writing practice is basic to writing improvement, another key way to strengthen writing skills involves reading the writing of others to offer a careful response to the text . . . . [B]y assessing and integrating peer feedback, the writer has the ability to stay in control of and be responsible for her own writing.

Many composition programs at the undergraduate level have thus created some form of writing group in which students take the lead in providing directed feedback to other students. Using the undergraduate model, students in this course provide peer review on each other’s work. The professor facilitates the feedback and provides additional peer review. . . . Most weeks the group [class] responds to a piece written by a group member, but the group also reads examples of good writing . . . .

Course Description: Advanced Legal Writing—Workshop, RUTGERS, https://camlaw.rutgers.edu/cgi-bin/course-description.cgi?class=523 (last visited Mar. 21, 2012).
decided to stick it out [and stay in the course], and it proved to be a
great decision after all.”  

Another area of resistance that teachers may encounter when us-
ing peer feedback is the competitive culture of law school.216 Some
students fear that sharing their work or giving constructive feedback to
their classmates might give their classmates an unfair advantage.217 In
an upper-level writing course in which students have multiple oppor-
tunities to give feedback to their classmates, one way to avoid this percep-
tion is to give more weight to student feedback when grading.218 Of
course, students are not the only ones who may be skeptical about peer
feedback, particularly in the face of failure.219 When peer feedback
fails, teachers may be quick to abandon it.220 However, teachers “must
be willing ‘to tolerate some partial failures even though they may have
worked’” hard to improve student performance.221

B. Getting to Know Your Peers

In shifting from a traditional teacher-centered mode of education
to a student-centered approach, teachers should learn about their stu-
dents.222 An awareness of what students already know, how they have
developed as writers, and why they behave in certain ways helps teach-
ers to develop the most effective methods for teaching.223 Similarly, in
a student-centered classroom, students should learn about and know

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215 Anonymous, supra note 211.
216 Kathleen Magone, Peer Editing, in GERALD F. HESS & STEVEN FRIEDLAND,
TECHNIQUES FOR TEACHING LAW 245, 246 (1999).
217 Davis, supra note 8, at 4.
218 In Advanced Legal Writing: Writing Workshop, the Writing Project consists of
the rewrite of the student’s own document, along with a short reflection paper
discussing the student’s reactions to the course and what the student learned from the
writing process. The Writing Project is worth twenty percent of the final grade.
Student feedback on other students’ writing is worth eighty percent of their final
course grade. Rodriguez, supra note 191.
219 See Hill, supra note 8, at 703.
220 See id.
221 Id. (quoting Barron, supra note 95, at 34 (“The important point to keep in mind is
not to junk the technique because it does not work well with all students.”)).
222 Hackney, supra note 45, at 12.
223 Id. at 12-13.
their peers. Knowing your peers helps to develop trust. Moreover, writers who know their readers are more likely to do a better job. To help students get to know each other, I use a technique recommended by Peter Elbow. Before the first class, I ask students to write a letter describing their writing experience. Students then upload their letters to the course webpage. Students should be encouraged to read their fellow classmates’ letters.

I also encourage students, in their critiques of their fellow students, to tell writers something about themselves. For Andrew Gniewek, this disclosure seems to come naturally:

I’ll start by saying that your comment involves a subject matter that is personal and meaningful to me. Having been heavily invested in the labor movement for most of my life and, perhaps more importantly, being currently employed by a . . . labor union, I’ve had the opportunity to work closely in the area of employment discrimination, so the subject matter immediately caught my interest to the point that I took some time to read through the full draft, which I appreciate your having attached to your comment and accompanying memo.

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224 Cf. id. (noting the importance of understanding students in order to help them).
225 See supra notes 200-01 and accompanying text (discussing how a student’s skepticism may be an obstacle to effective peer-reviewed learning).
226 See Hill supra note 8, at 688.
227 See Rodriguez, supra note 9, at 226 (citing Peter Elbow, Ranking, Evaluating, and Liking: Sorting Out Three Forms of Judgment, in A Sourcebook for Responding to Student Writing 175, 193 (Richard Straub ed., 1999)).
228 Rodriguez, supra note 9, at 226 (citing Elbow, supra note 227, at 193).
229 The first time I asked students to upload their letters to the course webpage, I neglected to tell them to read each other’s letters. When I asked students about the letters in a subsequent class, only one student, who happened to have worked in a university writing center, had read the letters.
230 See infra notes 231-32 and accompanying text.
231 Written Statement of Andrew Gniewek, J.D. 2012, Rutgers Univ. Sch. of Law-Camden (Fall 2010) (on file with author) (statement of student in Advanced Legal Writing: Writing Workshop, Fall 2010).
Getting to know your peers is an ongoing process. Students invariably continue to share their deeply felt concerns as writers during the class and beyond. At the end of the semester, Alysa Castro reveals:

Because I was so deeply immersed in disability law over the summer, I was concerned that I might not be able to clearly articulate an argument in this context to someone less familiar with this highly specific and technical subject. I have worked with disabled individuals in some capacity . . . for almost ten years now. When something is so familiar and close to one’s heart, it is often difficult to articulate its significance to other people.232

C. Modeling

“Modeling [or observation] involves an expert[ ] carrying out a task so that students can observe and build a conceptual model of the processes” required to complete the task.233 “With modeling, students can learn [effective] reviewing skills . . . without repeated struggles of trial and errors.”234 Modeling also encourages writers’ autonomy by enabling students to reflect on how their performance measures against expert performance.235 “Education research suggests that people learn best ‘when an expert is able to model performance in such a way that the learner can imitate the performance while the expert provides feed-

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235 Collins et al., supra note 233, at 456 (arguing that a conceptual model gives writers “an advanced organizer for their initial attempts to execute a complex skill,” provides structure for making sense of feedback, and “provides an internalized guide for [a] period of relatively independent practice”).
Modeling also supports intrinsic motivation.  

1. “I'll Go First”: Modeling with the Professor

"[C]ollaboration rather than correction is the goal of . . . successful peer review." The biggest challenge for anyone giving feedback on a paper is to facilitate learning. It is much easier to point out mistakes than it is to lead the writer toward finding them. A critique focused on correcting a paper can often lead to feedback failure. I know how easily this can happen from an unfortunate experience I had with peer feedback in law school. In an upper-level seminar, our professor asked us to provide written feedback on our peers' papers but did not explain how we should critique. I focused on every sentence-level error I could find in my partner's paper, and I marked it up accordingly. I do not remember my partner's exact response, but I do remember that he never spoke to me for the rest of the semester. I tell students this story to illustrate not only how unproductive correction can be, but how correcting a student's paper can easily create tension.

Modeling effective collaboration should begin with the professor. In the first or second class of the semester, I have students critique the first draft of something that I am writing. Giving students a draft of your writing shows students that you are an active writer, which builds respect. Most important, “[h]anding them your work demonstrates that you understand the pressure and that you have taken the

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237 Collins et al., supra note 233, at 489.
238 Brammer & Rees, supra note 26, at 81.
239 Alsup et al., supra note 83, at 341.
240 See Brooks, supra note 29, at 224.
241 For a discussion of the different types of feedback failure that can occur between a law student and a professor during a one-on-one conference, see Rodriguez, supra note 9, at 228-29.
242 See infra notes 243-46 and accompanying text.
243 Rodriguez, supra note 9, at 225.
244 Sheila Simon, Yikes—The Students Are Editing My Writing, SECOND DRAFT, June 2001, at 16, 16.
Modeling is not limited to the professor. Students can also learn a great deal about feedback from other more experienced legal writers. To give students a sense of the different types of critiques they might encounter in practice, I invite guest speakers from diverse areas of practice to one of my classes.

2. Student Model Writing

To help students learn how to provide useful feedback early in the semester, I show students model critiques from former students. Later in the semester, after students have begun reading their classmates’ papers, I show students model critiques from their fellow classmates. To reinforce the importance of beginning a critique with a positive comment, I make a point of selecting multiple examples that illustrate this technique. For example, “[f]irst and foremost, I really like your note topic. It’s totally interesting and well introduced. I was pulled in immediately by your first introductory paragraph.” Or, this was a “[v]ery attention-grabbing title. When I glanced at this as it was coming out of the printer, I couldn’t wait to read further and I was already a little outraged with New Jersey law even though I didn’t even know what law yet!”

To illustrate what it means to give the writer “movies of people’s minds” as they read, I select samples of student feedback that demonstrate this technique. For example: “[S]omething I struggled with while reading your submission was that it felt like certain sections

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245 Id. At least one of my students appreciated this technique: “[S]he even participated in the workshop at the beginning of the term, which I totally respected. We don’t often get to see the writing process from the point of view of our instructors. . . .” Anonymous, Statement of Student in Course Evaluation for Advanced Legal Writing: Writing Workshop (Fall 2010) (on file with author).

246 For example, in one class, I invited a former student who was clerking for a New Jersey trial court judge; my former teaching assistant, who practices at a boutique law firm in Manhattan; and my former colleague, Karen Petronis, a senior attorney in the Office of the Chief Counsel of the Federal Aviation Administration in Washington, D.C.

247 See Hill, supra note 8, at 699.

248 See id.

249 Anonymous, Student Comment (Fall 2010) (on file with author).

250 Anonymous, Student Comment (Fall 2010) (on file with author).

251 ELBOW, supra note 128, at 77.
are slow developing. I found myself, on more than one occasion, thinking that I had moved on from a particular topic, only to be brought right back to it at a later point." 252 Letting a writer know how a reader is experiencing the text often leads to productive questions:

"Beginning your analysis as you do with a procedural discussion, I think, tends to distract the reader from your focus. As I was reading it, in fact, I found myself questioning why I was doing so, as it seemed out of place . . . . I found myself asking: (a) What is the Court’s heightened standard? (b) Why is the basis of the burden-shifting framework relevant? (c) How is the difficulty in determining ‘but for’ causation relevant?" 253

IV. USING PEER CONFERENCES IN UPPER-LEVEL LEGAL WRITING

Using peer conferences with more-advanced novice legal writers involves teaching students the fundamentals of critiquing, demonstrating how to avoid some of the pitfalls of critiquing, and collectively evaluating whether both teacher and student have achieved the goals they set out to achieve. 254

A. Peer Conference Simulation

Before actually conferring with their peers, students should understand the importance of establishing a supportive rapport with a writer. 255 At or near the midpoint of the semester, I dedicate one class to teaching students how to give and receive verbal feedback on their writing. I assign reading on critiquing prior to class, which we discuss in class. I then solicit two student volunteers to simulate a peer conference for the class. One student plays the writer. The other student plays the tutor. I then have these two students step outside the classroom while I distribute a worksheet to the rest of the class. The work-

252 Anonymous, Student Comment (Fall 2010) (on file with author) (emphasis added).
253 Anonymous, Student Comment (Fall 2010) (on file with author) (emphasis added).
254 See Hill, supra note 8, at 671-75.
255 See supra Part II.B.
Students observing the simulation must evaluate whether the conference dynamics are writer centered, collaborative, or tutor centered. The worksheet includes questions on the quality and quantity of the dialogue. The worksheet also includes questions on nonverbal behavior and on the substance of what was discussed. The two role-playing students do not see the worksheet until after they complete the simulation. Although I do not coach the role-playing students in how to conduct their conference, invariably, the critiquing student does most, if not all, of the talking. At the end of the simulation, we regroup as a class and discuss whether the overall dynamics of the conference were collaborative.

To implement peer conferences in the classroom, I use a variation of a form that I use in my own conferences with students. The peer conference feedback form consists of four questions, which, as discussed supra, are an abbreviated form of the Blaustone feedback model. The questions serve as a guide for the peer dialogue. Professors can coach students during peer conferences by circulating around the room to answer students' questions. Listening to the peer pairs interact also helps to ensure that students are giving accurate feedback. Ideally, class size should be small to permit this level of individualized guidance. With larger classes, teachers might consider splitting up the class so that fewer students confer during each ses-

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256 See infra Appendix A.
257 See infra Appendix A.
258 See infra Appendix A.
259 See infra Appendix A.
260 See Rodriguez, supra note 9, at 223.
261 See infra Appendix B.
262 See supra notes 168-79 and accompanying text.
263 See infra Appendix B.
264 See Hill, supra note 9, at 702.
265 See id. at 700.
266 See id. at 707-08 (explaining that a large class size may hamper this). At Rutgers-Camden School of Law, Advanced Legal Writing: Writing Workshop is limited to eight to sixteen students. Course Description: Advanced Legal Writing — Workshop, supra note 214.
They might also consider using guest coaches or allowing students to confer outside of class. For conferences that teachers do not observe, teachers can follow up with students by collecting students’ written feedback or regrouping as a class to discuss their peer conferences. A “debriefing session” with the entire class has benefits beyond assessment.

B. Assessing Outcomes

Peer feedback is a type of formative assessment. Formative assessment refers to evaluation specifically designed to generate “feedback on performance to improve and accelerate learning.” Formative assessment and feedback can help students to “regulate aspects of their thinking, motivation and behavior during learning.” Before using peer review as a method of assessment, teachers should identify three or four course goals specifically tied to collaborative learning. These goals might include:

1. Gaining insight into the composing processes of other writers;
2. Becoming more aware of their own writing processes;
3. Gaining insight into the techniques that may help them improve their own writing; and

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267 See Hill, supra note 8, at 684-85.
268 Guest coaches could be other faculty members, teaching assistants, or even practicing lawyers. See Mānoa Writing Program, supra note 180 (noting that opportunities for peer review can be created in the classroom).
269 See Hill, supra note 8, at 683-84.
270 See id.
271 Id. at 700.
272 Id. at 701.
274 Nicol & Macfarlane-Dick, supra note 38, at 199.
275 See Hill, supra note 8, at 679 (citing Michael Hunter Schwartz et al., Teaching Law by Design: Engaging Students from the Syllabus to the Final Exam 38 (2009)).
4. Understanding the importance of establishing a supportive rapport with writers during peer conferences.\textsuperscript{276} The fundamental underlying objective is for students to help each other become better writers.\textsuperscript{277}

Teachers can also articulate more specific learning goals.\textsuperscript{278} Sample learning goals in an upper-level legal writing course might include:

1. To work collaboratively to evaluate a peer’s writing critically and provide constructive feedback; and

2. To work collaboratively to receive feedback and critique from a peer and incorporate feedback.\textsuperscript{279}

Professors can improve the quality of future peer review by listening to students reflect on peer feedback in class.\textsuperscript{280} If time does not permit in-class reflection, professors can solicit targeted feedback on peer conferences by including supplemental questions on course evaluations.\textsuperscript{281} For example:

1. As a peer reader, do you think you have developed transferable skills from the peer conference that will generalize to other future writing?

2. Can you think of other, perhaps less time-consuming or more comfortable, ways that would have the same effect?

3. Would it have been useful to have another peer conference this semester?\textsuperscript{282}

\textsuperscript{276} See McAndrew \& Reigstad, supra note 97, at 127.
\textsuperscript{277} See Hill, supra note 8, at 692-93.
\textsuperscript{278} Id. at 679 (citing Schwartz et al., supra note 275, at 38).
\textsuperscript{279} See Hill, supra note 8, at 702.
\textsuperscript{280} See id. at 704.
\textsuperscript{281} See Topping et al., supra note 7, at 163.
\textsuperscript{282} Questions 4, 5, and 6 are adapted from id. at 162.
1. Mid-Course Evaluations

In a collaborative learning environment, feedback is a reciprocal process. Teachers can exploit this reciprocal relationship by soliciting student feedback on the course itself. I have developed a mid-course feedback form, which I distribute to students at the midpoint of the semester. The form contains two open-ended questions asking students what they do or do not like about the course. Over the years, I have experimented with different types of questions. I have found that open-ended questions, at least for the purposes of making mid-course corrections, tend to reveal more useful information than targeted questions.

2. Reflection Memos

For peer feedback to be effective, students should reflect on their experience with collaborative learning. Most upper-level students should be able to easily set their own personal writing goals at the beginning of the semester. To help students chart their progress both as writers and as critics, I provide students with a list of questions. These questions also serve as the outline for a brief reflection memo that is due at the end of the semester. Alysa Castro’s reflection memo is fairly typical of what students report when peer feedback works:

I ended the term with a completed trial brief that is almost five times the length of the memo upon which it is based. I also ended the term with a level of confidence in my legal writing that I did not have before. I think this is

283 See Hill, supra note 8, at 671-73.
284 See infra Appendix D.
285 See infra Appendix D.
286 See infra Appendix D.
287 See Hill, supra note 8, at 701.
288 See Kirsten K. Davis, Building Credibility in the Margins: An Ethos-Based Perspective for Commenting on Student Papers, 12 Legal Writing: J. Legal Writing Inst. 73, 99 (2006) (noting that upper-level students are more knowledgeable legal writers).
289 See infra Appendix E. The reflection memo was adapted from Ruth Anne Robbins. Students can also keep a journal of their writing progress. See McAndrew & Reigstad, supra note 97, at 137.
the result of writing in an environment that is demanding and yet completely self-determined. Overall, I accomplished my practical objective and I think I made considerable progress in the direction of my more abstract goals as well.290

Alysa rightfully takes pride in the document that she has created by the end of the semester. Her comments more than suggest that when peers collaborate successfully, they produce not just better papers, but better writers.291

V. Conclusion

John Updike was known for writing rapidly and revising very little.292 Like most writers,293 I envy the ability to turn out finely beveled prose. I lost count of how many times I rewrote the title of this Article. I initially considered Students Teaching Students, which I promptly rejected because it seemed so pejorative, like Children Having Children. Surely, given how much I have come to trust students to learn from each other, I did not want to give that connotation. I settled on Letting Students Teach because the idea of students teaching each other is still largely taboo in higher education.294 This taboo may be even stronger among law-trained educators.295

Most teachers tend to oversimplify or even ignore the significance “of their authority as teachers.”296 In terms of authority, I would be remiss in ending this Article without some personal disclosure in-

290 Written Statement of Alysa Castro, supra note 232.
291 See North, supra note 95, at 438 (noting that the goal of writing tutors is to produce better writers and not better text).
293 See id. (noting that writers who are interested in a great writer’s thought process will likely visit the archives).
294 See BRUFFEE, supra note 41, at xiii.
295 See Hill, supra note 8, at 677 (noting that law professors believe students learning substantive material is more important and time efficient than collaborative learning).
296 BRUFFEE, supra note 6, at 7.
volving the rule-bound nuns who taught me in elementary school. I was part of a generation that arrived in primary school just as many "far out" teaching techniques, of which peer feedback is but one, were proliferating across the United States. I vividly recall returning to school one fall in the early 1970s to find that classroom walls had literally been knocked down, carpets had been installed in the classrooms, and, most remarkable of all, letter grades had been eliminated. The changes were part of a movement during the Vietnam War era "to democratize education and to eliminate destructive authoritarian forms." To be sure, the radical ideas emanating from the teaching college upstairs had always managed to trickle down to the grade-school classrooms, but the rigid sisters remained. As a result, the institutional changes designed to "democratize" learning felt disingenuous.

I tell this story because it illustrates how teachers possess the greatest potential to compromise the ability of students to learn from each other. Teachers who use peer feedback liberally must be willing to relinquish a significant amount of authority, which renders them highly vulnerable to those who evaluate their teaching. Students who


298 See Bruffee, supra note 41, at xiv-xv.


301 Medaille College students occasionally taught our classes. One of those students was known to spend time in a sensory deprivation tank upstairs in the college.

302 See Bruffee, supra note 41, at 96.

303 See Harris, supra note 74, at 381. This is particularly important where, as Muriel Harris observes, "The work of preparing, structuring, and monitoring [peer] groups is overlooked by people who see the teacher as someone who puts students in groups and then spends her time staring out the window." Id.; see also Bruffee, supra note 41, at 107 (discussing how an English department chair sent a highly reputable professor
collaborate successfully invariably observe how much they learn from their fellow students. As one of my students observed, “I learned more about writing from reading other student’s submissions than I have from any other source in my time here at law school.” Comments like this naturally lead some to wonder whether teachers who use collaborative techniques are “‘really teaching’ at all.” As I edit the manuscript that will become this Article, I consider one last title for it: *Invisible Teaching.*

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304 See Bruffee, *supra* note 2, at 16 (noting that students entering college have had experience achieving goals by collaborating with others).

305 Anonymous, Statement of Student in Course Evaluation for Advanced Legal Writing: Writing Workshop (Fall 2010) (on file with author).

306 See BRUFFEE, *supra* note 6, at 7-8.

307 Over two decades ago, the influential writing center pioneer Muriel Harris observed how teachers using peer learning are so easily marginalized because their teaching has a “kind of invisibility.” Harris, *supra* note 75, at 381.
VI. APPENDIX A: PEER CONFERENCE WORKSHEET

This simulation is designed to help you conduct peer conferences on your writing next week. As part of this simulation, you will observe two of your classmates who have volunteered to play the roles of writer and tutor.

Take a few minutes to review this worksheet before the simulation begins. Circle as many items as apply.

1. Types of tutor questions

Open: Has many possible answers
Probing: Helps the writer see possibilities
Closed: Has only one answer
Leading: Tutor already knows the answer

<table>
<thead>
<tr>
<th>Writer Centered</th>
<th>Collaborative</th>
<th>Tutor Centered</th>
</tr>
</thead>
<tbody>
<tr>
<td>open</td>
<td></td>
<td>closed</td>
</tr>
<tr>
<td>probing</td>
<td></td>
<td>leading</td>
</tr>
</tbody>
</table>

2. Who talks the most?

<table>
<thead>
<tr>
<th>Writer Centered</th>
<th>Collaborative</th>
<th>Tutor Centered</th>
</tr>
</thead>
<tbody>
<tr>
<td>writer</td>
<td></td>
<td>tutor</td>
</tr>
</tbody>
</table>

3. Does tutor encourage writer to speak?

Does tutor use “encouragers” (e.g., “uh huh”; “okay”) after writer speaks? Does tutor ask rather than tell (e.g., instead of “you don’t have a rule statement,” “show me your rule statement”).

<table>
<thead>
<tr>
<th>Writer Centered</th>
<th>Collaborative</th>
<th>Tutor Centered</th>
</tr>
</thead>
</table>

308 This section was adapted from a few sources. See generally McAndrew & Reigstad, supra note 97 (discussing several strategies tutors may use to help writers); Brooks, supra note 29 (discussing techniques tutors should use to effectively assist a student in becoming a better writer); Wellford-Slocum, supra note 70 (discussing the important issues with student conferences).
4. Conference Dynamics

Writer Centered Collaborative Tutor Centered
conversational conversational lecture-like

5. Nonverbal Behavior

You may or may not observe these behaviors. Circle all that apply.

a. Seating
   Tutor sits beside writer Tutor sits across from writer

b. Who is closer to the paper?
   Writer Tutor

c. Tutor’s posture
   Leaning forward Leaning backward
   (toward writer) (away from writer)

d. Tutor’s facial expressions
   Smiling, positive facial affect Nonsmiling, lowered brow

e. Tutor’s eye contact
   High-level eye contact Low-level eye contact

f. Does tutor acknowledge writer in nonverbal ways (e.g., nods when writer speaks; uses parallel mannerisms, e.g., writer crosses ankles, tutor crosses ankles; writer gestures with hand, tutor gestures with hand)? Describe below:
   Nods when writer speaks
   Uses parallel mannerisms

6. What was discussed?

Circle all that apply.

a. Legal analysis or argumentation
b. Large-scale organization (headings, subheadings)
c. Small-scale organization (CRAC or Conclusion, Rule, Application, Conclusion)

d. Lower-order concerns (sentence-level issues, e.g., grammar, punctuation)

e. Other:
VII. Appendix B: Peer Conference Feedback Form

Tips on Giving Effective Feedback

- Try to focus on higher-order concerns, e.g., legal analysis, versus lower-order concerns, e.g., grammar and punctuation. If you need to address lower-order concerns, do that last.

- Avoid trying to cover too much information. Select one or two main strengths or weaknesses, e.g., large-scale organization, CRAC.

- Avoid giving feedback that is too general, e.g., "good job." Explain why the writer did a good job.

- Above all, be professional and courteous to your partner!

Before exchanging papers with your partner, take a few minutes to complete questions 1 and 2.

1. Identify what aspect(s) of your paper that you think you did well.

2. Identify what aspect(s) of your paper that you think you did not do well.

Now exchange papers with your partner. Try not to write on your partner's paper. If you need to take notes, write them on this paper. Take a few minutes to read the paper.

Now take a few minutes to complete questions 3 and 4.

309 Questions 1-4 are adapted from Blaustone, supra note 168, at 155-59 (discussing feedback models and their importance to assist students in recognizing their strengths and weaknesses).
3. Identify what aspect(s) of the paper that you think the Writer did well.

4. Identify what aspect(s) of the paper that you think the Writer did not do well.
VIII. APPENDIX C: PEER CONFERENCE

Now return your partner's paper and hold a fifteen-minute conference on Writer 1's paper. The conversation should follow these steps:

**Step 1**
**Writer 1:** Identify what aspect(s) of your paper that you think you did well.

**Step 2**
**Writer 2:** Identify what aspect(s) of the paper that you think Writer 1 did well.

**Step 3**
**Writer 1:** Identify what aspect(s) of your paper that you think you did not do well.

**Step 4**
**Writer 2:** Identify what aspect(s) of the paper that you think Writer 1 did not do well.

Now repeat these four steps with Writer 2's paper so that both of you have had a conference.
IX. **APPENDIX D: MID-COURSE FEEDBACK**

1. What, if anything, is working well for you this semester?

2. What, if anything, would you like to see changed this semester?\(^{310}\)

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\(^{310}\) I adapted these questions from my colleague Jay Feinman.
In thinking about your writing in this class, you might find it helpful to consider some of these questions:

1. Where in the writing process did you start this semester? Where did you end?
2. Do you think that any of your skills have improved, e.g., reading, responding, listening, writing?
3. Did you notice any “spillover” effects on your skills, e.g., reading, responding, listening, writing?
4. What kind of feedback was most helpful as you researched and wrote your paper? What were some of the challenges of receiving feedback?
5. Did reading and reacting to other people’s papers influence how you approached your own research or writing?
6. Did articulating what kind of feedback you wanted affect your writing process?
7. What was your goal for your writing this semester? Did you move closer to that goal?
8. Have you discovered new resources at the Law School?

Please feel free to address any other thoughts you have about the writing process in this reflection memo.

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*Ruth Anne Robbins.*