

How to Critique Externs' Written Work Effectively

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Why a Session on “Critique Technique”?

- Developing writing skills is of primary concern to students, professors, and the bar
- Externships are a perfect place to improve legal writing
 - Quantity, quality, variety
- There is a rich body of material on legal writing pedagogy we can share with you

Roadblocks to Effective Writing Critique

- Time
 - Competing goals of externship: teach the student vs. get the work done
 - The critique session itself takes time
 - Pressure of real-world deadlines – “it’s easier to fix it myself.”
- Professors “critique,” lawyers “edit”
- Supervisors may be wary of the process
 - bruised egos, self-doubt

Ten Steps to Effective Writing Critique

1. Let students know what to expect
2. Provide guidance before and during the assignment
3. Ask the student to evaluate his or her own performance
4. Provide an overall assessment before discussing details
5. Mix positive comments with constructive criticism
6. Use good writing samples to illustrate points
7. Don't fix everything
8. Comment on specifics
9. Develop priorities for redrafting
10. A little experience makes a big difference

1. Let the student know what to expect

- Set the tone for learning from Day 1:
 - Discuss student's goals for the externship
 - Nearly always includes “improve writing skills”
 - Explain your critique style
 - Prepare student for your “heavy” pen
 - Share stories of your own early struggles
- Helps to diffuse student anxiety
- Lets student know you are on “same page” as a partner in the learning process

2. Provide guidance before and during the assignment

- Good critiquing starts with a good assignment
 - Explain how the assignment fits into overall case or project
 - Suggest where to start research
 - Give samples of past memos
 - Have the student repeat the assignment back to you -- email works well
- Allow for an ongoing dialogue
 - check-in regularly, but encourage independence, too
- Build in time for a first draft if possible
- These practices can save time, produce better final product, ease anxiety

3. Ask the student to evaluate his or her own performance

- Ideally, supervisor will meet with student to review written work at least a few times during semester
- Begin by asking the student how the assignment went, issues she struggled with, etc. Self-critique serves to:
 - Do some of the work for you
 - Invite students to become a self-editor, which they must learn to be as legal writers
 - Encourage self-reflection
 - Similar to the “guided reflection” externship faculty encourage pursuant to ABA Standard for Approval of Law Schools 305(e)(7)
 - Help students acknowledge they are novices who can benefit from a more experienced perspective

4. Provide an overall assessment before discussing details

- Can do this in writing or orally
- Important because details can get lost as students wait eagerly to hear if it's "good" or "bad"
- Also serves to emphasize, and help student retain, most important issues, rather than minor edits
- Example:
 - "I know this first assignment was challenging, but I can see you put a lot of thought into your analysis. I've noted a few examples of good factual comparisons, and your organization of the factors within each element was nice and clear. The most important things to work on from here are 1) revising your rule statements, 2) making the legal significance of the comparisons you draw explicit, and 3) following up the counter argument with a conclusion about its merit."

5. Mix positive comments with constructive criticism

- Hard to focus on improvement if only see negative comments
- Students won't assume they did something good just because it's not marked "bad"
 - From a student journal: "I was a little disappointed that I did not receive more feedback on my writing. The only comments I got were 'it was very good' or 'you did a really good job,' which even if true is not very helpful for improvement purposes"
- Can use positive comments as models for weaker parts of the work
 - Ex.: "You make a great point here, but it's buried deep in the paragraph. Can you rewrite it with a strong thesis sentence, like the one I pointed out on page 4, to highlight your argument?"

6. Use good writing samples to illustrate points

- Law school exposes students to only a few types of legal writing
- Use other student writing or your own
- Use multiple examples
 - With a single model, students may succumb to “urge to mimic” and force their writing into that mold
- Good excerpts from student’s own memo, too
 - See Step 5

7. *Don't fix everything*

- Toughest step to abide in a busy office with real deadlines, but there are many reasons to do so:
 - Editing *everything* may overwhelm the student
 - Denies her the opportunity to internalize and apply your critique, rather than just press “accept all”
 - Can actually save time
- Must build in time for a first (and second) draft
- Edit a portion of the work and explain your reasons so the student can apply the lessons to the rest
- If you must finalize the student's work, be sure to show student the end result

8. Comment on specifics

- Be as specific as possible regarding what the student needs to do in any area:
 - Research / Analysis development
 - Overall organization / Paragraph organization
 - Sentence structure / Grammar / Conciseness
- For example, writing “more analysis” is not as helpful as stating that the student should “strengthen the analysis by directly comparing the facts of this case with a prior case.”
- Samples can be a good tool here

9. Develop priorities for redrafting

- Set priorities for subsequent drafts, from biggest (major reorganization) to smallest (grammar and word choice)
 - This “to do” list won’t overwhelm students
 - Forces them to focus on most important things before easier ones
 - Reminds them of key self-editing concerns

10. A little experience makes a big difference

- Remember your student days and how little you knew about the writing process
- Even students who excelled in writing class can be daunted by the transition to real world law practice
- Sometimes even seemingly basic concepts need to be explained
 - Thesis sentence? Special Rogs? Pocket part?
- Avoid using sarcastic or demeaning comments, even when a mistake is obvious
 - Especially in writing, sarcasm does not come through. (Even if you use a ☺).

Bibliography

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