GODFREY✚KAHN s.c.

Giving and Receiving Feedback for Attorneys

James E. Doyle Inns of Court

September 20, 2012

James Friedman
Wendy Arends
Aaron Seligman
Godfrey & Kahn, S.C.
One East Main Street
P.O. Box 2719
Madison, Wisconsin 53701-2719
Phone: (608) 257-3911

PLUS/DELTA/QUESTIONS OBSERVATION TOOL

Record your thoughts about what you think it positive, what you would change and what you have questions about.

FOCUS OF THE VISIT:

+	Δ	?

Next Steps and Measures of Success
<u>**DEADLINES:**</u>

What partner knowledge, skills, beliefs will you
build? How?

So that...

What partner actions (in planning and execution)
should be enabled?

So that....

Associate Habits/Actions

So that....

Associate Progress

Do you believe this solution will close the prioritized gap?

<u>End Comments</u>

11. Keep the end comments focused. Do not list every problem here. Identify no more than three problems that need to be addressed first. Where problems exist that significantly mpact the paper (e.g. organization, problems in legal analysis, confusion with the applicable legal standard), identify and discuss these problems in the end comments.

12. While you do not want to address too many problems in your end comments, end comments should provide thorough explanations of the problems addressed and be as specific to the draft as possible. Explain why something works or doesn't work.

13. Consider including specific examples of what the reader is and is not doing well. Where appropriate refer back to examples (both good and bad) in the text of the draft.

Oral Feedback

14. Create an environment conducive for learning. To lesson impediments to learning, take steps to level the playing field. Consider meeting at a neutral location. Consider sitting together at a table, instead of across from one another at a desk.

15. Do not do all of the talking. Ask the writer about his writing choices, good and bad. Where the text of the draft is confusing, ask the writer to walk you through their legal analysis. Through this process, you can help the writer to better articulate their thoughts and ultimately transfer this better thinking to their writing.

16. Challenge the writer to address the weaknesses in his or her argument. As in an appellate argument, ask the writer about the most troubling parts of his argument. Give the reader an opportunity to explain aloud his responses to the opponent's counter-arguments.

17. Many of the principles for providing good written feedback apply to conferences as well. Do not be overambitious in providing oral comments. Prioritize your comments, and discuss the most important issues in depth. Do not try to address all of the problems you see in the paper. This is a situation where less is more.

18. Make the most out of conference time. Conferences are much more effective when the writer receives written feedback in advance and has time to digest the reviewer's comments. Prepare an "agenda" for the conference with points you would like to cover. Likewise, ask the writer to prepare his own "agenda" and make time to address the writer's concerns.

19. At the end of the conference, summarize what you have discussed. Make sure that the writer has a clear understanding of his writing priorities and knows what to do next.

Over-commenting—Why Do We Do It and How Can We Cure It?

Amy Neville, Wayne State University Law School

I have always struggled to combat my tendency to over-comment on student papers. To avoid the painful consequence of my over-commenting, the excessive number of hours I spent doing it, I sought to learn how to be more efficient in my critiques. Colleagues told me to "write fewer comments." Articles on the subject taught me that over-commenting has negative consequences, such as overwhelming and discouraging students, and that ideally I should not make more than three comments per page. Although I was left with an even firmer conviction that I needed to "cure" my over-commenting problem, I was still baffled as to how, in practice, to do it and still use my written comments as an effective teaching tool. How could I only write three comments on a page that screamed out for eight?

Eventually, I found a way of reducing the number of written comments to a level that straddles that line between too many and too few. The number of comments that qualify as too many will necessarily vary based on the assignment being evaluated and the teaching style of the evaluator. To find my answer, I looked at my own teaching process for written comments, which generally follows four steps:

1. Identify the error or problem.
2. Explain why it is a problem.
3. Explain how to fix it.
4. Provide an example of how to fix it.

Breaking my process down showed me that I could reduce the comments generated by steps 2, 3 and 4 by providing only one explanation and example for fixing the error for each type or category of error. Then, when the same category of error is made again, I need only identify the error and cross-reference the student to my previous detailed explanation.

In practice, it did indeed reduce the length of my written comments but I still struggled with the number of comments I was making, particularly in the first semester, when student memos suffer from a wide variety of problems. I concluded that it was the first step that was driving the number of comments I was making. Over-commenting results when you comment on the majority of errors you detect, possibly generated by a fear that if you don't identify an error the student will assume it is correct and repeat the mistake in the future. In reality, identifying too many errors in work submitted by novice legal writers is more likely to have the negative consequence of causing students to feel overwhelmed and discouraged about their ability to master the skills required.

> *In reality, identifying too many errors in work submitted by novice legal writers is more likely to have the negative consequence of causing students to feel overwhelmed and discouraged....*

I found that an effective way to reduce the number of my error-identification comments was to design assignment specific grading/commenting rubrics for each major assignment. Designing your own assignment-specific rubric yields several benefits. First, it forces you to concretely identify your pedagogical goals for the assignment. In developing a rubric for an initial, closed universe memo draft assignment, I had to identify the foundational skill set necessary to provide students with the building blocks for the more complex skills taught as part of the final draft memo assignment.

Second, designing a rubric forces you to determine how your pedagogical goals can be achieved in the specific legal and factual context of the assignment. For example, if your assignment has an issue requiring the use of several rules but not an illustrative rule case, your rubric can focus more on assessing the accuracy and clarity of the rule statements and the relationship between those rules. A great starting point for creating your own rubric is to look at the sample rubrics available on the LWI website, http://www.lwionline.org/.

The third benefit of designing a detailed rubric is that it allows you to communicate to the students the primary skills they should focus on, those skills you will be evaluating. Providing this information to students up front also helps to convey to them that you will prioritize your feedback and will not comment on every error they might make.

Ultimately, developing detailed, assignment-specific rubrics serves to focus your view by filtering out those errors that are unrelated to the target skill sets. Understanding, concretely, the relative importance of student errors provides a check against the urge to comment on those errors that are peripheral to the target skills, resulting in fewer but more helpful comments for the student. As I grade a paper, I highlight the applicable comments on the rubric for each task or criteria, which provides the students with a big picture assessment of the more specific points I may have commented on. While I may still exceed three comments per page, I no longer write too many comments on every paper and do not stray beyond the targeted skill sets.

IV. WRITING STYLE & MECHANICS

A. Do all subjects agree with their verbs, and did the writer use pronouns (especially "this" and "it") precisely?

B. Did the writer use understandable sentence structures and avoid misplaced modifiers and parallelism problems?

C. Did the writer avoid burdening the reader by using effective syntax and word choice and by avoiding wordiness, needless repetition, suspense, and other problems?

D. Did the writer avoid sentence fragments and run-on sentences, as well as other grammatical errors?

E. Is the document punctuated correctly?

F. Did the writer avoid spelling errors?

G. Did the writer use citations when needed? Did the writer use correct citation form throughout?

H. Did the writer incorporate citations unobtrusively by using short citation forms and citation sentences whenever possible?

I. Did the writer avoid errors caused by lack of proofreading?

Additional Comments:

FINAL COMMENT:

8429697_1