

# Law School Writing Without Teachers: Participating In An Advanced Writing Group<sup>1</sup>

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## *Introduction*

Beginning at least thirty years ago, the way people thought about the writing process began to change in some fundamental ways. Composition theorists and college writing teachers realized that writing is a much more complex task than previously believed and that the writing process includes a number of interrelated stages with differing and sometimes conflicting goals.

One of the leaders in this new movement was Dr. Peter Elbow, who directed the Writing Program at the University of Massachusetts at Amherst. In several of his groundbreaking books,<sup>2</sup> Dr. Elbow convincingly demonstrated that once a writer has some basic familiarity with a particular discipline and genre, writers don't need teachers as much as they need good readers – readers who will give them skilled, targeted, and honest feedback. Today, most composition theorists in university English departments would agree that one of the best ways to improve writing skills is through such a writing group.

It took a long time for law schools to become aware of this important theoretical development, however, and virtually no other law school has yet been able to implement an advanced writing group experience. Therefore, our Certificate Program puts us on the cutting edge of the developments in legal writing. Because of the rarity of law school writing groups, no published materials exist for explaining peer response techniques for legal writers. To partially fill that void, this summary translates the basic concepts of a writing group into a form appropriate for legal writers.

## *Basic Concepts*

### *1. Reading improves writing.*

While writing practice is basic to writing improvement, reading the writing of others is important too. The key is how to read. Reading for information (the kind of reading we normally do) has some impact on writing skills, but reading to offer a careful response to the text is a different matter. That kind of close reading is very effective for strengthening the reader's

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<sup>1</sup> Based on the work of Dr. Peter Elbow and Dr. Pat Belanoff, particularly *Sharing and Responding*, (3<sup>rd</sup> ed., McGraw-Hill, Inc. 2000).

<sup>2</sup> Peter Elbow, *Writing Without Teachers* (Oxford Univ. Press 1973); Peter Elbow, *Writing With Power: Techniques for Mastering the Writing Process* (Oxford Univ. Press 1981); and Peter Elbow and Pat Belanoff, *A Community of Writers: A Workshop Course in Writing*, (2<sup>nd</sup> ed., McGraw-Hill, Inc. 1989).

own writing skills. So in a writing group, you'll be spending more time doing this kind of close reading than you will spend actually writing yourself. Experience has shown that learning to do close reading makes a big difference in the development of one's own writing skill.

2. *Presenting your writing to another person improves writing.*

Another way to improve your own writing is to present your text to others. Even if that other person never makes any comment, you'll see your own writing in a new and more complete light when you present it to others. The most effective way to make the presentation is by reading the text to your audience while they follow along on a hard copy. When you speak the words aloud to others, you notice things you hadn't seen before. Therefore, most of the time, we'll use the read-aloud method described below.

3. *The writer is always in charge.*

Once you have completed the first half of law school and the introductory legal writing courses, it's time to take back the authority over your own writing. You will be in charge of the text, so you decide whether and how to make any changes based on the response you get from the group. As Professors Elbow and Belanoff explained,

As the writer, you must be in control. It's your writing. Don't be passive or helpless. You get to decide what kind of feedback, if any, you need. . . . Don't let readers make these decisions for you. Ask for what you want and don't be afraid to stop them if they give you the wrong thing.<sup>3</sup>

Here's how the feedback process will work:

Before the group meeting:

- ▶ Pick a part of your text on which you want feedback (no more than 1 ½ pages);
- ▶ Make copies for everyone in the group (6 copies);
- ▶ Decide what is bothering you or worrying you about this part of the text;
- ▶ Select the kind of feedback you want from the group (see below).

At the group meeting:

- ▶ Pass out copies of what you brought;
- ▶ Tell the group what part of the brief you've brought and what comes before it and after it;
- ▶ Tell the group what's bothering you and what you want from them;
- ▶ Read the section aloud while group members follow along on the hard copy;
- ▶ The group will take a few minutes to silently re-read, think, and make notes;

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<sup>3</sup> Peter Elbow and Pat Belanoff, *Sharing and Responding* 4-5 (3<sup>rd</sup> ed., McGraw-Hill, Inc. 2000).

- ▶ Then group members will individually give you the kind of feedback you asked for;
- ▶ When everyone has given feedback, group members will give you the copies on which they may have made notes;
- ▶ The feedback process should take a total of about 30 minutes, so normally we'll be able to do two writers per group meeting.

#### 4. Two kinds of feedback.

When you think of giving feedback, you probably think first about the kind of feedback you've received, usually from teachers. Most likely, you've received evaluation and advice. The reader identifies a problem, usually labeling it with words like "disorganized," or "awkward," or "confusing," and gives advice or instruction about how to fix it. That kind of feedback can be good. In fact, it is absolutely necessary in the beginning stages of learning to write in a new discourse area like the law.

However, the more experienced a writer becomes, the less this kind of feedback is helpful. Instead, a more experienced writer needs feedback of a different kind. An experienced writer needs a thoughtful audience, that is, a few careful readers who will tell the writer what they see and how they are reacting. So when you offer feedback in a writing group, remember that your main job is to help the writer understand what is going on in your head as you read the draft. And when you are receiving feedback, don't let your readers give you evaluation or advice without first telling you what reactions prompted that evaluation or advice.

Here is an example of the difference: A reader offering evaluation and critique may say, "The organization in the rule explanation section is confusing." Don't let that reader stop there. You need her to go back and describe the sequence of points in that section as she understood them and give you her reactions to that sequence. Where did she start feeling confused? What were the questions popping up in her mind as she read on past that point? Where did she reconnect with your organization?

A good rule of thumb is to try to get the reader to begin her sentences with the pronoun "I," for instance, "I was confused right here. I thought the first paragraph said that we're now going to analyze the third element, but when I read the next paragraph, I thought that we're still talking about the second element."

#### 5. Both the writer and the reader are always right.

In a writing group, the writer is always right, and the reader is always right. That's because the writer and the reader have different jobs. The reader's job is just to tell you truthfully what he or she experiences while reading your text. It doesn't make any sense to argue with the reader about this. You can't really say, "No, you *weren't* confused," or "Yes, you *were* convinced by this point."

On the other hand, in a writing group, the writer is always in charge of the text (see above). You decide what kind of feedback you want from your readers. You get to decide what

to do with it, what changes to make, if any. You don't have to follow anyone's advice. Your job is to listen openly and see what you can learn from the reactions of your readers. It's your text, and in a writing group, no one can take it away from you.

6. *The need for a variety of readers.*

While legal readers share many characteristics and responses, they also have responses quite different from each others'. One judge or senior partner will react a certain way to a text, while another judge or senior partner would react differently. Therefore, once you have achieved a basic level of familiarity with the law and with the conventions of particular legal documents, it becomes especially important to hear the reactions of a variety of readers. In any writing group, you'll find readers disagreeing with each other frequently. That's very helpful information for a writer, who learns to anticipate those different reactions and write a text that accommodates the needs of a variety of readers.

7. *Choosing the kind of feedback you want.*

By now you know that it's the writer's job to choose the form of feedback he or she wants. You may be surprised at the variety of feedback forms you can choose. You'll want to select a feedback form that is consistent with your draft's stage in the writing process. To give you some ideas, here is a list of some of the forms of feedback you can select, organized according to writing stages.

## *Feedback Forms According to Writing Stages*

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### **Pre-writing feedback**

*sharing / no response*

(“Let me just talk out my ideas for arguments in this brief while you just listen.”)

*summary & say-back*

(“Let me talk out my ideas for this brief. Then please summarize what you heard. What are my main points? My secondary points?”)

*reply*

(“Now that you’ve heard what I have to say, what do you have to say about my subject?”)

*criterion-based (content)*

(Ask specific questions about your content or organization)

*pointing / center of gravity*

(“Which ideas somehow grab you? Get through?”)

### **Early drafts & content formation**

*sharing / no response*

(A writer listens differently to her own writing, knowing that others are listening.)

*have another person read the piece aloud*

(A writer listens differently when another person is reading.)

*pointing / center of gravity*

(“Which phrases, sentences, paragraphs somehow grab you? Get through?”)

*summary & say-back*

(“Summarize what you heard. What are the main things? The almost-main things?”)

*reply*

(“Now that you’ve heard what I have to say, what do you have to say about my subject?”)

*criterion-based (content)*

(Ask specific questions about your content or organization)

### **Substantive revision**

*sharing / no response*

(A writer listens differently to her own writing, knowing that others are listening.)

*have another read the piece aloud*

(A writer listens differently when another is reading the work.)

*pointing / center of gravity*

(“Which phrases, sentences, paragraphs somehow grab you? Get through?”)

*summary & sayback*

(“Summarize what you heard. What are my main points? My secondary points?”)

*reply*

(“Now that you’ve heard what I have to say, what do you have to say about my subject?”)

*movies in the reader’s mind*

(Begin to read, and then interrupt the reading to ask what is going on in their minds right that moment.)

(For a fact statement, ask them to describe the movie in their head about those facts.)

*believing & doubting*

(Believing: “Try to believe everything I’ve written and give me more evidence.”)

(Doubting: “Try to disagree with everything I’ve written, and tell me why.”)

(Not necessary if some in the group naturally believe and some naturally doubt.)

*criterion-based (content)*

(Ask specific questions about your content or organization.)

*written comments*

Give copies of papers to everyone to take home and make a specific written comments.

### **When you sense that you need to develop the piece but don’t know how**

*what is almost said? what do you want to hear more about?*

(Gives concrete substantive help because it leads readers to give you some of their ideas to add to yours.)

*what was on my mind that I didn’t write about?*

(Often writers don’t actually get their thoughts down on the paper and don’t realize that they haven’t.)

*reply*

(“Now that you’ve heard what I have to say, what do you have to say about the subject?”)

*skeleton feedback*

(The reader outlines your paper in writing and gives you the outline.)

*descriptive outline*

(“says” sentences:

Paragraph-by-paragraph & sentence-by-sentence, summarize the meaning)

(“does” sentences:

paragraph-by-paragraph & sentence-by-sentence, describe the function of each sentence / paragraph)

### **Final editing**

*sharing / no response*

(Good for listening for awkwardness or style problems)

*have another read the piece aloud*

(Good for listening for awkwardness or style problems)

*voice*

(What kind of voice do you hear in my writing?

Alive or dead, mechanistic? Timid or confident? Defensive or secure? Angry or

calm? Sarcastic or professional?  
What kind of person do I sound like?  
Do you trust the person you hear in this writing?)

*written edits*

(To catch grammar, style, spelling, cite form)

*criterion-based (style)*

(Ask specific questions about your style)

### **Ways to give yourself feedback**

*sharing / no response*

(See above)

*skeleton feedback on your own piece*

(outline the reasoning you see on the paper)

*descriptive outline on your own piece*

(“says” sentences:

Paragraph-by-paragraph & sentence-by-sentence, summarize the meaning)

(“does” sentences:

paragraph-by-paragraph & sentence-by-sentence, describe the function of each sentence / paragraph)

### **Best all-'round basic technique for important pieces:**

Have 2 readers take copies home and give you these 4 kinds of feedback:

1. Skeleton feedback & descriptive outline;
2. Description of their reactions while reading each section;
3. What they see as the strengths & weaknesses of each section;
4. Suggestions about how to capitalize on the strengths and what to do about the weaknesses.