

**THE UNIVERSITY OF TULSA COLLEGE OF LAW
FIELD STUDY EXTERNSHIP PROGRAM**

Top Ten Tips for Field Supervisors: Are You an Effective Critic Of Student Writing?¹

Providing effective feedback to externs on their legal writing is a time consuming task. Such feedback may sometimes be uncomfortable for the supervising attorney or judicial officer who may be sensitive to hurting a student's feelings. Supervisors may also be unsure how best to approach the task diplomatically. Yet, a nonjudgmental critique of a student's written work is one of the most beneficial aspects of the externship experience. We all know how important good legal writing is to effective legal practice. Your effective critique of the extern's work product is a very important part of the student's legal education. Here are some suggestions that may help keep the critique positive, efficient and effective:

Let students know what to expect: Let your student know beforehand to expect many comments on his or her writing and to appreciate the need for extensive revisions. Expecting comments and revision of work helps students see constructive criticism as a necessary step in developing writing skills, as opposed to a perceived personal attack on their work product.

Ask the students to evaluate their own performance: Before returning written work, or before sitting down to critique an assignment, many supervisors ask students to evaluate their research/writing project and the final result. This process could be as simple as asking the questions: "How do you think you did on this assignment?" Having produced your draft memo, pleading, etc., do you think it would have been better to approach the assignment differently?" This type of discussion should encourage students to reflect on their own learning process and consider changes for improved performance. It may also produce an acknowledgement that some part of the assignment or project needs improvement, thus opening a dialogue for areas of critique as well as a more positive acceptance of a supervisor's critique.

Provide an overall assessment of the work before discussing details: Students will usually understand specific comments better if they see the overall picture first. In giving a preliminary overall assessment of the work, state what areas were done well, and indicate the areas on which you will focus in the critique. Then move on to individual topics, *e.g.*, large-scale organization, sentence-level editing, depth of analysis, use of authority, etc.

¹ Thanks to Bernadette Feeley, Suffolk University Law School. She presented these ideas to externship program directors at "Externships 4: A Bridge to Practice," in March 2007 at the University of Seattle. She released her presentation without restriction to the University of Tulsa College of Law. See also, http://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID1323452_code737120.pdf?abstractid=1205166&mirid=5.

Mix positive comments with constructive criticism: Most of us in any situation will have a difficult time staying focused on areas for improvement if we receive only negative feedback. Positive comments, especially for novice legal writers, are an effective learning tool because novices need to hear what they have done well.

Use good writing samples to illustrate points: It is nearly always helpful for students to see samples or models of good work by you or other attorneys in the office so that they understand what is expected in terms of organization, argument development, writing style, or format. Be sure to emphasize that whatever sample you provide is illustrative only; students should understand that their work must be individually tailored to the assignment or task at hand.

Don't fix everything: Editing and reworking the student's entire work product will be time consuming for you and may very well overwhelm the student. Reworking the entire project does not provide the student the opportunity for self-improvement. A more efficient and effective method is to edit one portion of the assignment, explain why changes were necessary, create priorities for redrafting, and then allow the student to redraft, thus encouraging the novice to develop as a self-editor.

Comment on specifics: You may want to provide constructive criticism of student writing in several areas, including development of analysis, large-scale organization, paragraph organization, as well as writing style. Whatever the area, it is helpful to provide specifics on what needs improvement, rather than general comments. For example, rather than stating generally that the analysis needs to be improved, show how the student could strengthen the analysis by additional factual comparisons between the case at hand and applicable precedents. Don't assume a student will understand how to improve without specific guidance.

Develop priorities for redrafting: Student work may need redrafting in several areas, and it is often helpful to set priorities for redrafting. For example, the priority for the first redraft can be improving large-scale organization and strengthening the analysis. The priority for the second redraft might focus on correcting citations and improving writing style.

A little experience makes a big difference: Remember, you are often the first supervisor in the "real" legal world that this student has encountered. Your extern will likely be nervous, apprehensive, and overwhelmingly afraid of "appearing stupid" in front of you. Remind yourself that for the novice, often the most basic concepts need to be explained or reviewed, particularly those concepts relevant to your expectations of the work product. Be patient and supportive, prioritize the importance of what your extern should be learning from you and the externship, and be thorough and clear in communicating expectations and lessons.

Provide guidance before and during the assignment: Everyone can agree that the key to moving skills to a higher level is by providing guidance before the assignment and frequently during the assignment. For example, when assigning a research project,

it is helpful to explain the context of the assignment as it fits into the overall case, discuss research strategy, and advise when the assignment should be completed. Once the research project begins, encourage your student to ask questions as they arise, and make sure the student knows when you are available to check in on progress, before he or she starts writing. This information will assist your student in getting the research right the first time, and reduce frustration for the student when tempted with research tangents. Most externs are eager to please you and do a good job on the project; you can assist them by keeping them on track and in line with the assignment goals.