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# Brutal Choices in Curricular Design ... Going Live: The Pros and Cons of Live Critiques

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## Brutal Choices in Curricular Design ...

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# Going Live: The Pros and Cons of Live Critiques

“Instead of first doing a written critique of their work and then meeting with them for a conference, I critique their papers during their conferences.”

*Brutal Choices in Curricular Design ... is a regular feature of Perspectives, designed to explore the difficult curricular decisions that teachers of legal research and writing courses are often forced to make in light of the realities of limited budgets, time, personnel, and other resources. Readers are invited to comment on the opinions expressed in this column and to suggest other “brutal choices” that should be considered in future issues. Please submit material to Helene Shapo, Northwestern University School of Law, email: [h-shapo@law.northwestern.edu](mailto:h-shapo@law.northwestern.edu), or Kathryn Mercer, Case Western Reserve University School of Law, email: [klm7@case.edu](mailto:klm7@case.edu).*

By Alison E. Julien

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### Introduction

About five years ago, I found myself rethinking the way in which I provide feedback to my students about their drafts.<sup>1</sup> I had just completed three weeks of critiquing drafts and holding conferences with my students. With more than forty students in my class, and having first critiqued each paper and then also met with each student to discuss the paper, I had been through more than eighty versions of the same paper. As you might imagine, I was tired, and the thought of reading the stack of final versions of that same memo was daunting.

But there were other reasons why I was dissatisfied with the process. I felt as though I was spending far more time doing the written critiques than I was spending with my students. I was having a hard time remembering anything about individual papers during conferences because I often critiqued them more than a

week before, and I felt as though the process was not as collaborative as I would have liked.

Accordingly, I decided to make a change, and for the past five years I have been conducting what I call “live critiques” with my students. Instead of first doing a written critique of their work and then meeting with them for a conference, I critique their papers during their conferences. I find that these live critiques are beneficial for a number of reasons. For one, both the students and I are better prepared for conferences. In addition, the conferences are more collaborative, allowing me to build better relationships with my students. And, finally, through the live critique process I believe that students develop a better understanding of their audience and the problems their paper presents to that audience.

### My Former Process

It may help for me to place my decision to conduct live critiques in context. I generally have forty-two to forty-five students, and I assign two major assignments each semester. Students write two memoranda in the fall semester and two trial briefs in the spring semester. For each assignment, they write a draft and a final version. After students complete the draft of the assignment, I hold individual conferences, during which we discuss their drafts. Then, they revise their drafts before they turn in the final versions.

During my first five years of teaching, I did a written critique of each draft before the conferences, and returned the drafts to the students before they met with me. Because it took me at least an hour to critique each draft, I required students to turn in their drafts about two weeks before conferences began, and I generally returned the drafts about twenty-four hours before the first day of conferences. I then held a twenty-minute conference with each student.

<sup>1</sup> I would like to thank Susan Bakhshian, Lisa McElroy, and Joan Rocklin for their editorial assistance with this article.

Though the process worked fairly well for the first few years, I became less satisfied with it as I went along. Between the written critique and the conference, I was spending at least eighty minutes per student, but it seemed to me that I was allocating that time inappropriately. Spending sixty minutes or longer critiquing the paper, but spending only twenty minutes with the student did not seem to strike the proper balance.

The time I spent doing the written critiques also seemed less efficient and effective than it could have been. Particularly during the first semester, when the students really struggle with analysis and organization, I spent a lot of my critiquing time trying to ascertain what a student was trying to accomplish in a particular section of the memo so that I could pose an appropriate question or make a suggestion about how the student might clarify the analysis. But if my premise was incorrect—if I was incorrect as to what the student had been trying to accomplish in the first place—then the time I spent trying to craft a helpful question or suggestion was mostly wasted. I eventually realized that if I could just ask the student what he or she had been trying to accomplish rather than puzzle it out on my own, the process would be more efficient, and my subsequent question or comment would be much more likely to be helpful.

I also found myself exhausted before conferences even began. I had been trying to critique forty-some papers, while still teaching the course and managing my other responsibilities. I then had a week within which to hold forty-some conferences. To add to those challenges, days after conferences finished, the final papers came in, and the critiquing process would begin all over again. I got to a point where I realized that something had to change; I decided to try live critiques.

### The Live Critique Process

Once I decided to try live critiques, I had to decide how I wanted to conduct them. Especially important to me was to create a more collaborative process during which I could ask students more questions and make the students more responsible for posing solutions to the problems in their

assignments. I decided to flip the time allocations: Instead of spending sixty minutes on the written critique and twenty minutes meeting with each student, I decided to spend twenty minutes on the written critique and sixty minutes meeting with each student. Thus, the live critiques did not decrease the amount of time I spend critiquing and conferencing—they just changed the allocation of that time.

A couple of weeks before conferences, I introduce the concept of the live critique to my students. I tell them that I am planning to meet with each of them for an hour, and that during that hour we will go through their drafts line by line. I instruct students to turn in electronic copies of their drafts the evening before their conferences. I tell them that during the live critique, we will make comments on the electronic copy of their draft, but they can also bring a hard copy or a notepad if they prefer to take notes that way.<sup>2</sup> Finally, I tell them that at the end of their conference, they will receive the critiqued copy of their draft and a short rubric that identifies the paper's strengths and weaknesses. I post the rubric for both the draft and the final version of the assignment on the course website several weeks before the conferences.

During the two-week conference period, I generally hold four to six conferences per day. Every evening during the conference weeks, I download and read the next day's papers.<sup>3</sup> I sometimes make a few comments in the margins so that when I skim the paper at the beginning of the conference, I am reminded of what the student did well and

“I tell them that I am planning to meet with each of them for an hour and that during that hour we will go through their drafts line by line.”

<sup>2</sup> Interestingly, even though the vast majority of my students take notes on their laptops in class, almost every student takes notes on a hard copy of his or her assignment during conferences.

<sup>3</sup> Having students turn in their papers the evening prior to the conference works for me because I no longer collect hard copies, nor do I print copies for myself. I just download the electronic copies before leaving work or once I get home and read them on my laptop.

“When the student comes in for the conference, we sit side by side, and the student’s paper is displayed on a large monitor on a conference table in my office.”

what weaknesses I would like to discuss.<sup>4</sup> The student does not receive those written comments before the conference begins. When the student comes in for the conference, we sit side by side, and the student’s paper is displayed on a large monitor on a conference table in my office. I have two keyboards and two mice on the table so that both the student and I can add comments or make corrections to the paper as we work.

I start the conference as I always have, by asking the student if he or she has any particular concerns about the paper or whether there is a specific issue that he or she would like to discuss first. In the past, the student had my written comments and would generally ask questions about those comments. Now, however, the student has not received a critique ahead of time, so the student cannot merely repeat what he or she has read in my comments. Instead, the student needs to express his or her concerns without any prompt from me. Most often, the student is able to identify an area of concern and says something like, “I had trouble figuring out how to synthesize my rule in this section,” or, “I had trouble figuring out how to organize my analysis when I was writing about the second issue.” If a student is able to identify a specific issue, we might jump into the memo at a place where that problem occurred. If the student identifies more general concerns, on the other hand, I will say something like, “Okay, why don’t we keep those concerns in mind as we work through the Discussion section,” and we start from the beginning of that section.

Once we begin the critique, I read the paper out loud, line by line. The student and I work through the memo, cutting and pasting or color-coding text when there are organizational problems, adding comments in the margin, and making line edits where appropriate. When we finish the critique, I fill out a short rubric while the student is still sitting next to me. I start with a global comment where I identify the strengths and weaknesses of the paper, and then I check the boxes for the

<sup>4</sup> Students also seem grateful to see a few comments in the margins. Occasionally, a student has assumed that I did not read the paper before the conference if I made no marks on it.

various categories in the rubric.<sup>5</sup> At the end of the conference, I print the critiqued version of the draft and the rubric for the student.<sup>6</sup>

### Benefits of the Live Critiques

For me, there are a number of benefits to conducting live critiques. First, I am better prepared for the live critiques than I ever was when I finished the written critiques before the conference period. For one thing, I am no longer exhausted at the beginning of conference week after finishing written critiques of forty or more drafts. Instead, I come into the conference weeks fresh and looking forward to meeting with the students. I also no longer have to recall specifics about a paper that I had critiqued days or even weeks before the conference. Before I began doing live critiques, I often had no real memory of the papers that I was supposed to be discussing during the conferences, and it took me some time to remember why I had made some of the comments that I had made. Because I now read the papers for the first time the night before the conference, they are all “fresh” for me on the day of the conference.

The students also do not experience any “dead time” between when they turn in their drafts and when they meet with me for conferences. Under the earlier system, all papers were due two weeks before the first conference date. Students then took one of two routes. Most students simply stopped working on their drafts until after they had received my critique and met with me during their conferences. They figured that they were “done” until they received more direction. A small number of students continued to revise their drafts, which was good, but then my comments were often less helpful because by the time the students received them, they had done so much

<sup>5</sup> When I critique drafts, the rubric is far shorter than the rubric for the final assignment. In the draft, I am really looking only at analysis and large-scale organization, whereas for the final version I am also considering paragraph and sentence-level writing, grammar, punctuation, and citation.

<sup>6</sup> Because students often prefer working with the electronic copy, and in case they lose the hard copy, I also upload the rubrics and critiqued drafts to the course website at the end of each day.

revision that the critiqued drafts bore little resemblance to the current versions. For those students, the only real benefit my critique served was perhaps to confirm those problems that the student had already recognized and remedied. With the live critique format, the students continue working on their drafts until the evening before the conference, and they meet with me less than twenty-four hours after having submitted their drafts, so “dead time” no longer exists.

The live critiques have also improved my relationships with my students. If nothing else, the fact that I now spend a minimum of two hours with each of my students, as opposed to the forty minutes I spent before I began live critiques, has helped me get to know my students even better.

But it is more than simply the amount of time I spend with them that has made the difference. In the past, when students came in to see me, they had already read my critique of their papers. And even when I had made a number of positive comments (as I always try to do), the critical comments jumped out at them. As a result, students often arrived at their conferences already feeling somewhat defensive or defeated. Just as it is often difficult to communicate tone when writing an email, it is also difficult to communicate tone in a written comment. Before I did live critiques, I used to tell my students in class that I do not make sarcastic or nasty comments on their papers, and I asked them not to read any mean-spiritedness into my comments. Nonetheless, some students always seemed to interpret the comments in ways that I had neither anticipated nor intended. Now, I make just about every comment to the student that I would have made on that student’s paper, but the student can tell from the tone of the conversation that the comments are not made with any sort of ill will. In fact, I now often make comments that are more direct than I would have ever made before, yet students do not take offense because I am making those comments during a collaborative meeting, and they understand that every comment is meant to help them improve their writing.

In addition to being able to make more direct comments to my students in live critiques, I am

also often able to make less detailed comments and still be understood. If the student and I spend five minutes discussing how best to organize a discussion of a three-factor test, I can often make a short comment that sums up our discussion and ask the student, “Will that comment jog your memory?” The student almost always indicates that it will, and he or she has also usually been taking notes as we talked, so I am satisfied that I do not need to go into greater detail in my written comment.

I also believe that many benefits come from reading the students’ papers out loud. When I began doing live critiques, I had considered asking the students to read their papers out loud. I decided against doing so, mainly because I thought students might be even more nervous and less able to process my comments during the conference if they were asked to read the paper out loud. I decided that I would do the reading, at least for the first conferences, and it worked so well that I continue to read the papers out loud during every conference.

When I read a student’s paper out loud, I find that the student can usually identify problems with the writing that he or she might not otherwise have noted. I have read the first sentence of a paragraph, for example, only to have a student jump in and say something like, “Boy, that wasn’t a great thesis; I’m not sure what I meant by that.” Or I have read through an entire paragraph and paused at the end, and a student has remarked, “I think my thesis sentence might have been too narrow for the rest of that paragraph.” In those instances, we can go back to that lead sentence and

I have also found that I can help students identify some of their smaller-scale writing issues based on the way I read their papers. For example, I have often found myself reading a memo that contains a number of very long sentences. During the live critique, when I get to the beginning of one of those sentences, I take a deep breath and keep reading without a break until I get to the end of the sentence. The student almost always jumps in and says something about needing to control the sentence length.

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Importantly, I no longer have to guess at what a student was trying to communicate. Instead of reading and re-reading a confusing section or paragraph and doing my best to figure out what the student was trying to say, I can simply stop reading and ask the student what he or she was trying to accomplish. I do not spend time anymore drafting comments that may not be responsive to the students' writing. Instead, my comments are tailored to the precise point that the student intended to make.

Finally, being able to listen to the reader read through the analysis, watch the reader's reaction, and listen to the reader's comments about the writing at various points helps the students understand the reader's needs. When I finish reading a paragraph or sentence that confuses me, for example, my natural inclination is to pause. The students note the pause, and they generally do one of two things, depending on their skill set. My stronger students usually will also have concluded that the paragraph was confusing (or, at the very least, they will interpret my pause and know that I am confused), and they jump in with an explanation about the point that they had intended to make, leading to a collaborative discussion about how the student might make that point more effectively and why the reader may not have understood it as written. Students who are having more difficulty in the course might not weigh in after the pause; if I receive no reaction, I generally say something like, "As the reader, I'm a bit lost here. Let's look back at your thesis sentence. Can you see that given that sentence, the reader expected to read about x, but your paragraph really seems to be about y?" We can then either work on revising the thesis or talk about how to revise the paragraph so that it supports the thesis. Or I may stop after the thesis sentence and say something like, "After I read that sentence, I wondered what new information I was going to learn in this paragraph. The thesis seems to repeat a point you already made. Is this paragraph supposed to provide additional support for the thesis in the prior paragraph?" If the student answers in the affirmative, we talk about using a transition to show the reader that the paragraph provides additional support for

an earlier thesis rather than possibly confusing the reader by leading into the paragraph with another sentence very similar to the earlier one.

### Drawbacks of Live Critiques

Despite the many benefits of live critiques, there are drawbacks. Although I see the drawbacks as less significant than the benefits, you should be aware of potential drawbacks before deciding to use live critiques.

First, some students process more slowly and would likely benefit from receiving a written critique first and having some time to think about the comments before the conference. Second, some legal writing professors may find that they need some additional time to process the students' writing, ask appropriate questions, and provide appropriate direction. This may be especially true for new teachers, who do not yet have the experience to know what they are looking for in a memo and who may still be making the switch from practitioner/editor to teacher.

Third, I do not have the opportunity to read all of the students' writing before I begin the conferences. When I critiqued all of the papers before I began conferences, I knew what most of the students had been able to accomplish without my assistance and where the majority of students had struggled with the assignment. With live critiques, on the first day of conferences, I have read only the first four to six drafts. Accordingly, live critiquing is easier if you have taught the assignment before and are familiar with what parts of the assignment students are likely able to manage easily and what parts generally give students some trouble.

Fourth, I have had to cancel more classes to conduct live critiques. With twenty-minute conferences, I could cancel just two classes per conference period. Now that my conferences are sixty minutes long, however, I have had to cancel three or four classes per conference period. Though I am always reluctant to cancel class, I believe that spending two full hours with each student individually during the semester justifies canceling six to eight classes over the course of the semester. Moreover, I usually require the students to watch several

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webcasts during the conference weeks, and the librarian who works with my students often uses conference weeks to meet with my students to cover research training. Thus, even if I am not holding class during conference periods, the students are receiving other instruction during that time.

Fifth, there is a limit to how many pages you can cover in a live critique, even if your conference is an hour long. Usually I can cover a Question Presented and a six-to-eight page Discussion or Argument section in an hour-long conference, but not more. With longer assignments, you may have to limit the critique to just part of the draft. Doing so would provide another opportunity to increase the students' involvement in the writing and rewriting process. By having to choose the section, students are more active participants in the conference.

Finally, I suspect that it would be difficult to assign grades during a live critique. My students' drafts are ungraded, though I do indicate on the rubric whether the draft was very good, good, fair, or poor. I have no difficulty making that assessment even if I have read only the first few papers. Because I have to comply with a curve, however, and because I generally need to read many of the papers before I am comfortable assigning letter grades, I could not use live critiques for graded assignments.<sup>7</sup>

Reviewing drafts is time consuming. Live critiques do not make the review process painless or even shorter, but they can reallocate time in a way that is more student-focused and less draining on the professor. A true win-win solution.

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<sup>7</sup> For this reason, as much as I like the live critiques for reviewing drafts, I do not use live critiques when evaluating the final papers. For those papers, I provide written critiques.

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