Peer Editing: A Comprehensive Pedagogical Approach to Maximize Assessment Opportunities, Integrate Collaborative Learning, and Achieve Desired Outcomes

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[Peer editing] increases your students’ learning. No matter what course you teach, peer editing can work for you in those classes.¹

**INTRODUCTION**

There is a sea change developing in legal education, prompted, in large part, by the American Bar Association’s (“ABA”) review of current law school accreditation standards.² Most law school accreditation factors are now based on input measures, such as a law school’s facility, faculty size, and budget.³ Recently, the ABA Standards Review Committee concluded that the accreditation review “must move law schools toward the articulation and assessment of student learning goals and achievement levels.”⁴ Thus, the evaluation process likely will center on what law students actually take away from their educational experiences.

As the ABA shifts its focus from input measures to outcome assessment, law professors should begin to develop clear learning outcomes for their courses and carefully reflect on whether the teaching strategies employed in the course help them achieve the desired outcomes.⁵

⁵ For background on learning outcomes and assessment methods for law schools, see MICHAEL HUNTER SCHWARTZ, SOPHIE SPARROW & GERALD HESS, TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE
Professors may be called upon to use a variety of “valid and reliable” measures, both internal and external to the law school, to observe and evaluate student performance such as writing assignments, simulation exercises, and bar passage. As a result, some professors may need to use new teaching strategies and add more skills and writing exercises to their curriculum to monitor student development throughout the course.

But how can it all be accomplished and remain manageable for professors? Many professors may find it quite challenging to incorporate formative assessment measures with feedback into their course given large class sizes, high student-faculty ratios, the vast amount of content to cover, and limited resources, just to name a few. And, since the ABA’s report of a likely move to outcome measures, there has been limited practical discussion published on the systematic means to maximize professors’ efforts to expand formative student assessment opportunities despite these challenges.

This article proposes that professors strategically use collaborative peer editing as part of their assessment plan to both improve and gauge student learning. More specifically, professors should adopt this article’s proposed step-by-step process for structuring peer editing to make student learning outcomes, feedback, and formative assessment both workable and effective. Research on best practices in legal education identifies peer review projects, such as peer editing, as one of the internal tools that may be used by professors to evaluate student performance. Furthermore, peer editing allows professors to accomplish several objectives with one teaching strategy.

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6 See Gregory S. Munro, How Do We Know If We Are Achieving Our Goals? Strategies for Assessing the Outcome of Curricular Innovation, 1 J. ASS’N LEGAL WRITING DIRECTORS 229, 229 (2002). Notably, early drafts of proposed revisions to the ABA Standards for Approval of Law Schools specifically listed examples of valid and reliable assessment methods ranging from student performance in simulations to compliance with an honor code. See Draft of Standards 301-305: Student Learning Outcomes, Standards Review Committee of the Section of Legal Education and Admissions to the Bar, Am. Bar Ass’n (Oct. 9-10, 2009) (on file with author), available at http://www.abanet.org/legaled/committees/comstandards.html (follow “Meeting Date: October 9-10, 2009”; then follow “Standards 301-305: Student Learning Outcomes”). Later proposals eliminate this detail and suggest that law schools need not apply a variety of assessment methods in each individual course but should use a variety of methods over the course of a student’s education. See Draft of Standards 301-307: Student Learning Outcomes, Standards Review Committee of the Section of Legal Education and Admissions to the Bar, Am. Bar Ass’n (May 5, 2010), at 4 (on file with author), available at http://www.abanet.org/legaled/committees/comstandards.html (follow “Meeting Date: July 24-25, 2010”; then follow “Standards 301-307: Student Learning Outcomes”).

7 Greg Sergienko, New Modes of Assessment, 38 SAN DIEGO L. REV. 463, 465 (2001) (Formative assessment “takes place during the course and provides the students and instructors with feedback on how well students are learning.”).

8 See Munro, supra note 5, at 155-68 (discussing obstacles to assessment).


10 See Stuckey et al., supra note 9, at 254, 256 (identifying peer assessment as a form of formative assessment); see also Schwartz, Sparrow & Hess, supra note 5, at 148. An earlier draft of proposed revisions to the ABA Standards for Approval of Law Schools specifically listed peer assessment as a viable internal measure when properly applied and weighed among other activities. See Draft of Standards 301-305: Student Learning Outcomes, Standards Review Committee of the Section of Legal Education and Admissions to the Bar, Am. Bar Ass’n (Oct. 9-10, 2009), at 7 (on file with author), available at http://www.abanet.org/legaled/committees/comstandards.html (follow “Meeting Date: October 9-10, 2009”; then follow “Standards 301-305: Student Learning Outcomes”).

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strategy. Through peer editing, professors not only provide students with immediate feedback but also an opportunity to improve their learning and develop working relationships with their peers. Peer editing lets professors assess their students’ performance and enhances professors’ efforts to achieve the course goals.

Professors must be methodical in their approach to using peer editing in their curriculum. Many legal writing professors have administered peer editing exercises in their courses, but may not have routinely and explicitly drafted key outcomes and assessment criteria and considered other related factors in their design. These professors clearly believe that both professor and student benefit from introducing such collaborative techniques into the law school curriculum. However, the benefits that one reaps from such a collaborative undertaking largely depend on the professor’s planning and trouble-shooting abilities and the students’ willingness to participate actively in the process. Professors, therefore, must take a methodical approach to incorporating a peer editing assignment into a course, one that considers projected outcomes and assessment needs along with other factors, such as available time, class dynamics, student engagement, and required training. By taking the time to craft a comprehensive peer editing exercise, professors will see a return on their investment as students become more practice ready with improved teamwork, writing, and editing skills, and professors receive helpful assessment information.

Part I of this article introduces the process of peer editing and discusses the many benefits students derive from participating in such a collaborative learning experience and professors gain from conducting the exercise. Part II provides a comprehensive framework to organize a successful and effective peer editing assignment. In particular, this article proposes that professors systematically approach the assignment in stages: (1) planning, (2) the “pitch” and training, (3) implementation and (4) assessment. Part III calls on the larger law school community to incorporate such student-to-student feedback across the curriculum. By administering well-structured peer editing exercises, professors will not only engage in much needed student assessment but also provide students with immediate feedback through collaborative learning. Many of the examples mentioned in this article focus on peer editing exercises conducted in legal writing courses, but the benefits and techniques discussed here are equally applicable to exercises administered in doctrinal and clinical courses.

11 See, e.g., Susan M. Taylor, Students As (Re)visionaries; Or, Revision, Revision, Revision, 21 Touro L. Rev. 265, 283-86 (2005); Magone, supra note 1; Lissa Griffin, Teaching Upperclass Writing: Everything You Always Wanted to Know But Were Afraid to Ask, 34 Gonz. L. Rev. 45, 72-75 (1998) (using peer review in an upperclass writing course); Terry Seligmann, Testing the Waters, 15 The Second Draft (Newslr. of the Legal Writing Inst.) 12, 13 (June 2001) (noting how the professor first ventured “into peer collaborative exercises on written work with caution”). But see Karen J. Sneddon, Revising Revision in the Classroom, 15 Persp. 130 (Winter 2007) (deciding to forego traditional peer review in favor of having students revise the same writing sample created by the professor).

12 See, e.g., SCHWARTZ, SPARROW & HESS, supra note at 5, 30-31 (discussing the need to provide opportunities for students to work with others); HOWARD E. KATZ & KEVIN FRANCIS O’NEILL, STRATEGIES AND TECHNIQUES OF LAW SCHOOL TEACHING: A PRIMER FOR NEW (AND NOT SO NEW) PROFESSORS 38 (2009) (“Small group exercises have the beneficial side effect of modeling cooperative behavior[,]”).

13 See Sneddon, supra note 11, at 130 (“Peer review can be an invaluable tool for incorporating revision into the classroom. However, integrating peer review into the legal writing classroom can be tricky.”).

14 See Munro, supra note 6, at 236 (emphasizing the need for law faculty to adopt active and collaborative teaching methods in the classroom).
I. THE PEER EDITING PROCESS—ITS BENEFITS OUTWEIGH ANY CHALLENGES

An important mode of feedback is the reaction of peers.\(^{15}\)

Peer editing, also referred to as peer review,\(^{16}\) is a form of collaborative learning\(^{17}\) in which students review and critique each other’s work.\(^{18}\) At its core and in the context of writing exercises, collaborative learning recognizes writing as a social process rather than an individual endeavor.\(^{19}\) Thus, instead of simply assigning individual writing projects and returning them to the student marked with handwritten notes, professors who have adopted a more collaborative teaching strategy may use peer review of written drafts or small group projects to affect student learning outcomes.\(^{20}\)

Peer editing presents numerous advantages for law students.\(^{21}\) Students gain experience with cooperative and supportive peer relationships; improve their editing, analysis, and writing skills; and develop increased self-confidence, all important skills for being successful practicing lawyers. One of the most obvious benefits for students is the opportunity for them to work as part of a team, providing mutual support and giving help to one another to succeed.\(^{22}\) Students generally build a sense of community and trusting relationships and develop greater respect for others from participating in a peer editing exercise. This is particularly helpful for first-year law

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\(^{16}\) BARBARA E. FASSLER WALVOORD, *HELPING STUDENTS WRITE WELL: A GUIDE FOR TEACHERS IN ALL DISCIPLINES* 111-18 (1986) (also referring to the process as using “student peer groups” and recognizing the difference between a response group and task group in which the collective body is responsible for a single piece of written work); LEE-ANN KASTMAN BREUCH, *VIRTUAL PEER REVIEW: TEACHING AND LEARNING ABOUT WRITING IN ONLINE ENVIRONMENTS* 9-10 (2004) (noting that peer review is also referred to as peer response, peer criticism, and peer evaluation).

\(^{17}\) *WRITING ACROSS THE CURRICULUM AND THE ACADEMIC LIBRARY: A GUIDE FOR LIBRARIANS, INSTRUCTORS AND WRITING PROGRAM DIRECTORS* xvi-xvii, 6 (1995) [hereinafter *WRITING ACROSS THE CURRICULUM*].

\(^{18}\) NATIONAL WRITING PROJECT & CARL NAGIN, *BECAUSE WRITING MATTERS: IMPROVING STUDENT WRITING IN OUR SCHOOLS* 27 (2006) (recognizing that, with peer review, students solicit critical feedback from peers and learn “to serve as a critical friend and audience for another’s work, offering suggestions for revision”); BREUCH, *supra* note 16, at 9, 149; Kirsten K. Davis, *Designing and Using Peer Review in a First-Year Legal Research and Writing Course*, 9 J. LEGAL WRITING INST. 1, 1 (2003). By the phrase “peer editing” or peer review, I do not mean an alternative form of law school grading such as having students themselves serve as the initial graders of each other’s work. Rather, with the peer editing process, students will review, critique, and edit each other’s work; responsibility for grading the underlying assignment will remain with the professor. Furthermore, students will assume an editor’s role, going beyond mere proofreading. Compare BREUCH, *supra* note 16, at 149-50 (defining peer review as an exchange of written work between colleagues), with Paul T. Wangerin, “Alternative” Grading in Large Section Law School Classes, 6 U. FLA. J. L. & PUB. POL’Y 53, 65-72 (1993) (advocating for a peer review system in which students serve as the initial graders of coursework).

\(^{19}\) *WRITING ACROSS THE CURRICULUM, supra* note 17, at xvi-xvii.

\(^{20}\) *Id.*

\(^{21}\) See THOMAS L. SHAFFER & ROBERT S. REDMONT, *LAWYERS, LAW STUDENTS AND PEOPLE* 218 (1977) (providing excerpts from student surveys discussing the benefits of collaboration such as minimizing insecurities, developing friendships, and expanding perspectives).

\(^{22}\) See Linda L. Berger, *Applying New Rhetoric to Legal Discourse: The Ebb and Flow of Reader, Writer, Text and Context*, 49 J. LEGAL EDUC. 155, 180 (1999) (noting that peer writing groups “help students develop as readers and writers by letting them experience the collaboration of reader and writer to monitor, diagnose, and fix problems”).

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students who are novices to the study of law.\textsuperscript{23} By participating in peer review exercises, students gain invaluable insight into cooperative or collaborative learning strategies, which is both a welcome departure from the anxiety-producing and demanding law school experience\textsuperscript{24} and essential for practicing law.\textsuperscript{25}

Through peer editing exercises, students also receive constructive feedback on their written work\textsuperscript{26} and learn to be receptive to hearing and receiving such comments from a colleague,\textsuperscript{27} both valued skills for practicing law.\textsuperscript{28} In addition, students hone their abilities to carefully review and evaluate constructive criticism, resolve any conflicting suggestions, and carefully integrate specific feedback into their own papers.\textsuperscript{29} Furthermore, by reviewing a classmate’s assignment, students have a rare opportunity to read another student’s work product closely and, from this experience, can assess their own development in the course.

In addition, students open their minds to other possibilities when they see how different writers can approach and analyze the same problem or task.\textsuperscript{30} A student may take notice of a novel argument included in a peer’s memorandum or a classmate’s impressive use of persuasive writing techniques. Also, a student may see how a different precedent case could be used to provide further support for a rule of law. In a recent survey conducted about peer editing exercises used in Thurgood Marshall School of Law’s first-year legal writing course, one student

\footnotesize{\textsuperscript{23} SHAFFER \& REDMONT, supra note 21, at 212; Carol McCrehan Parker, Writing Throughout the Curriculum: Why Law Schools Need It and How to Achieve It, 76 Neb. L. Rev. 561, 587 (1997) (describing the benefits of peer review to students).}
\footnotesize{\textsuperscript{24} See SHAFFER \& REDMONT, supra note 21, at 212; KATZ \& O’NEILL, supra note 12, at 38 (“Small group exercises have the beneficial side effects of modeling cooperative behavior and helping students get to know each other.”); PHILLIP C. KISSAM, THE DISCIPLINE OF LAW SCHOOLS: THE MAKING OF MODERN LAWYERS 50-57 (2003) (discussing the competitive nature of law school, especially with law school examinations).}
\footnotesize{\textsuperscript{25} HESS \& FRIEDLAND, supra note 5, at 131 (“Yet, collaborative skills have been recognized as important to society and lawyering. Lawyers often work in firms, try cases in teams, and work with other attorneys to achieve mutual ends.”); Parker, supra note 23, at 587 (discussing the benefit of learning how to receive and give “constructive criticism when collaborating with colleagues, as they will be asked to do in practice”); Lucia Ann Silecchia, Of Painters, Sculptors, Quill Pens, and Microchips: Teaching Legal Writing in the Electronic Age, 75 Neb. L. Rev. 802, 831 (1996) (“Collaboration is more common in legal practice than students’ academic experience may suggest.”).}
\footnotesize{\textsuperscript{26} See Ann Picard, Using Peer Editing to Supplement Feedback, 15 THE SECOND DRAFT (Newsrl. of the Legal Writing Inst.) 14, 14 (June 2001) (explaining that her legal writing program uses several peer-editing exercises in an effort to “level the playing field among diverse students, some of whom may, for example, live with an experienced lawyer whose input in any writing assignments would give that student an unfair advantage over his or her classmates”).}
\footnotesize{\textsuperscript{27} See Jo Anne Durako et al., From Product to Process: Evolution of a Legal Writing Program, 48 U. Pitt. L. Rev. 719, 731 (Spring 1997) (discussing the benefit of introducing students to “real-world” criticism); George A. Marcoulides & Mark G. Simkin, The Consistency of Peer Review in Student Writing Projects, 70 J. of Educ. for Bus. 220-23 (1995) (commenting that peer review is itself “a learning process that exposes students to the complexities of qualitative judgments of other people’s work”); Paula Lustbader, Specific Ideas for Cooperative Learning and Small Groups, in GERALD HESS \& STEVEN I. FRIEDLAND, TECHNIQUES FOR TEACHING LAW 137 (1999) (“[Collaborative learning exercises] help increase tolerance of difference because, in working in a more intimate environment, students learn to appreciate different points of view, learning styles, and approaches to problem solving.”).}
\footnotesize{\textsuperscript{28} See Davis, supra note 18, at 4.}
\footnotesize{\textsuperscript{29} Id. at 3.}
\footnotesize{\textsuperscript{30} Abigail Salisbury, Skills Without Stigma: Using the JURIST Method to Teach Legal Research and Writing, 50 J. LEG. EDUC. 189 (Nov. 2009).}
remarked that “[p]eer review allowed [her] to consider other reasons” and arguments that she had not raised in her memorandum.\textsuperscript{31} Another student commented that the peer review exercise gave her “insight on what [she] did not include in [her] writing and how to improve in certain areas.”\textsuperscript{32} Further, in discussing the benefits of editing a peer’s rule proof,\textsuperscript{33} a student stated “[h]e was able to see how others formed their rule proof, which in turn helped [him] form a better[,] more complete rule proof.”\textsuperscript{34}

Even as students recognize certain differences between their own papers and their peers’ papers, students also come to realize they have their own unique and personal writing styles.\textsuperscript{35} For example, in the survey, a student specifically recognized that the peer review exercise “helped [him] realize the difference[s] in writing style.”\textsuperscript{36} Moreover, by offering feedback and making edits on their peers’ papers, students improve their ability to edit, revise, and proofread their own work.\textsuperscript{37} In the survey, one student stated that “[l]ooking at [her] peer’s paper improved [her] editing skills since it gave [her] a better understanding” as to how she should edit her own paper.\textsuperscript{38} Another student explained that the exercise made him “focus on what [he] needed to do in [his] own writing.”\textsuperscript{39} Peer editing helps students become better legal writers.

Also, peer review lets students improve their abilities to engage in critical thinking and legal analysis and become even more aware that legal professionals prepare documents for an actual audience, whether the audience is a colleague, opposing counsel, or a judge.\textsuperscript{40} During the exercise, “students begin to experience some of the reader’s frustrations when trying to comprehend a document that is unclear, conclusory, or riddled with mistakes.”\textsuperscript{41} Students learn to be cognizant of the reader’s needs and sensitive to the importance of clarity and precision in their writing. Lastly, students gain immeasurable confidence in their own legal analysis and writing skills simply by being asked by their professors to assume the teacher role in the exercise.

\textsuperscript{31} This informal survey was completed by a section of Thurgood Marshall School of Law’s Lawyering Process class, the first-year legal writing course, on February 16, 2010 (hereinafter “Thurgood Marshall Survey”). Students completed the survey anonymously. The Thurgood Marshall Survey solicited narrative comments from the students and included a question that asked for the student’s final thoughts about peer editing exercises and whether the student would like to see other professors incorporate peer editing in their courses or with other writing assignments. All survey forms are on file with the author.

\textsuperscript{32} Thurgood Marshall Survey Form (on file with author).

\textsuperscript{33} The rule proof is the explanation of the precedent case included in a memorandum or brief.

\textsuperscript{34} Thurgood Marshall Survey Form (on file with author).

\textsuperscript{35} Salisbury, supra note 30, at 189.

\textsuperscript{36} Thurgood Marshall Survey Form (on file with author).

\textsuperscript{37} SCHWARTZ, SPARROW & HESS, supra note 5, at 147-48 (noting that from reading their peers’ drafts, students can learn a lot about their own work and develop self-assessment skills); Salisbury, supra note 30, at 189 (“In the process of editing another person’s work, [students] learn how to better edit their own writing.”); Beverly Petersen Jennison, When Learning Styles are Different: Suggestions for Teaching Law Students with Attention Deficit Disorder, 18 PERSP. 97, 103, 103 n.16 (2010) (explaining the benefits of using peer review sessions to assist students suffering from a disability such as attention deficit disorder and dyslexia).

\textsuperscript{38} Thurgood Marshall Survey Form (on file with author).

\textsuperscript{39} Thurgood Marshall Survey Form (on file with author).

\textsuperscript{40} Jo Anne Durako et al., supra note 27, at 731 (addressing the advantages of improving students’ editing abilities and helping them become more sensitive to audience).

\textsuperscript{41} Kathleen Elliott Vinson, Interactive Class Editing, 14 THE SECOND DRAFT (Newsltr. of the Legal Writing Inst.) 9, 10 (Nov. 1999).
and assist their classmates.42 Simply put, “[s]tudents learn a lot from each other” and by working together.43

Using peer editing in a course also has numerous advantages for professors. Peer editing not only constitutes a viable internal assessment method but also has the added benefit of positioning professors to provide more student feedback. As several scholars have commented, “[g]iving students feedback is crucial to our students’ success in law school and in practice.”44 The recognition of the importance of student feedback is not a new phenomenon to law school education. Law school student engagement studies and student surveys have long emphasized the importance and benefits of providing students with feedback on their performance.45 And such student feedback must be timely to be effective.46 As a result, many scholars emphasize that, depending on the length and complexity of an assignment, feedback should be provided students within two weeks of completing an assignment.47

But how can professors provide this much needed, frequent student feedback in a timely manner given the large number of faculty responsibilities before them including, but not limited to, class preparation, teaching, problem and assignment creation, research, scholarship, and committee meetings?48 Assessment measures, including feedback, need not be always onerous.49 Typically, professors first think to use the more common and traditional form of student-teacher feedback, in which a student submits a writing assignment, receives detailed

42 SCHWARTZ, SPARROW & HESS, supra note 5, at 90; Vidya Singh-Gupta & Eileen Troutt-Ervin, Preparing Students for Teamwork Through Collaborative Writing and Peer Review Techniques, TEACHING ENGLISH IN THE TWO-YEAR COLLEGE 127, 128 (May 1996) (explaining that students “often feel empowered if given the opportunity to critique another person’s work”).
43 SCHWARTZ, SPARROW & HESS, supra note 5, at 30.
44 Id. at 148; Salisbury, supra note 30, at 189; SCHWARTZ, SPARROW & HESS, supra note 5, at 143-48; AM. BAR ASS’N, 2009-2010 ABA STANDARDS FOR APPROVAL OF LAW SCHOOL, Standard Interpretation 304-1, at 21-22 (discussing rigor requirement for legal writing programs including feedback from professor).
45 SCHWARTZ, SPARROW & HESS, supra note 5, at 34 (providing excerpts from student survey responses about the need for feedback); Law School Survey of Student Engagement, Student Engagement in Law School: Knowing our Students 15 (2007) (on file with author), available at www.lssse.iub.edu (charting prompt feedback received by students from professors).
46 As several scholars have confirmed, “students can learn if they can remember what they did, get the results, and can adjust accordingly.” SCHWARTZ, SPARROW & HESS, supra note 5, at 147.
47 See SCHWARTZ, SPARROW & HESS, supra note 5, at 147 (“Completing an assessment and getting feedback three weeks later has the opposite effect. . . . If students complete a longer or more complex assessment outside of class, feedback within a week or even a couple of weeks is ok.”); LeClercq, supra note 15, at 421 (explaining that both prompt and delayed feedback have valuable place in the law school curriculum and the appropriate timing depends on the nature and purpose of the assignment).
48 See 2010 National Survey Results, Ass’n of Legal Writing Directors/Legal Writing Inst., ix, 78-80, available at http://www.alwd.org/surveys/survey_results/2010_Survey_Results.pdf (hereinafter “2010 ALWD Survey”) (noting that, in addition to teaching their classes, professors have a host of other pressing responsibilities such as class preparation, problem creation, scholarship, committee meetings, and service commitments). In 2010, for example, legal writing professors spent an average of 34.98 hours preparing major research and writing assignments for their classes and 72.84 hours preparing for class instruction, just for the fall semester. 2010 ALWD Survey, supra, at ix. Although student feedback is vital to skill development, many professors may feel there is little to no time to provide frequent detailed feedback and formative assessment. See MUNRO, supra note 5, at 157.
49 See Munro, supra note 6, at 238 (sharing his experience that “faculty, when first presented with assessment alternatives, feel overwhelmed and think any change in assessment necessarily involves a substantially increased time demand”).

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written and oral comments from the professor and then attempts to incorporate that feedback into a revised work product. This recursive process can be both time-consuming and demanding for professors. However, using peer review in the classroom provides professors an opportunity to give students frequent feedback without being overwhelmed by numerous papers.

Also, administering peer editing exercises provides professors with an additional opportunity to create a positive and supportive learning environment for students and reinforce the related skills taught in the course. Through collaboration exercises, professors encourage students to assist one another and cooperate rather than compete. And professors can “accommodate multiple learning styles preferences” with small-group techniques like peer editing. Furthermore, by adopting peer editing, professors show students their confidence in the students’ abilities. When professors organize learning experiences that place students in the role of the teacher, such as asking students to give each other feedback, “students infer that the teacher respects their abilities.” Moreover, students naturally develop empathy for the grader when they assume the role of teacher and participate in the evaluation process.

Lastly, assigning peer editing exercises also helps professors train second-year and third-year students who eventually may serve as tutors, teaching assistants, or writing advisors (collectively, “tutors”) for a law school course and on the school’s law review. One of the main duties for law student tutors is to critique the work product and responses of other law students. For example, in Thurgood Marshall School of Law’s first-year legal writing program, students

50 Davis, supra note 18, at 2.
51 Salisbury, supra note 30, at 189; Marcoulides & Simkin, supra note 27, at 220-23 (“One of the most compelling reasons for using peer review of student writing is the large amounts of time that instructors can save by doing so.”); See Mary K. Healy, Using Student Writing Response Groups in the Classroom, in GERALD CAMP, TEACHING WRITING: ESSAYS FROM THE BAY AREA WRITING PROJECT 266 (1982). It is important to recognize that peer review is not a complete substitution for professor feedback. Peer review can be used alone for certain exercises when professors provide students with individual or group feedback on other related assignments. Peer review exercises should be used in combination with other feedback and assessment measures. See SCHWARTZ, SPARROW & HESS, supra note 5, at 148.
53 Robin A. Boyle & Rita Dunn, Teaching Law Students Through Individual Learning Styles, 62 ALBANY L. REV. 213, 242 (1998) (recognizing that, although small-group instruction may not be effective for all students, they “are especially appropriate for students who are peer-oriented, motivated, persistent, and responsible”); Griffin, supra note 11, at 74 (noting that peer review “provides an alternative method of learning for those with different learning styles”).
54 SCHWARTZ, SPARROW & HESS, supra note 5, at 90 (“[W]hen teachers create learning activities in which students develop their own insights and must manifest their developing expertise . . ., the teachers convey their belief that the students are capable.”).
55 Id.
56 DAN KIRBY & TOM LINER, INSIDE OUT: DEVELOPMENTAL STRATEGIES FOR TEACHING WRITING 185 (1981) (discussing grading students and evaluating their progress as one of the toughest jobs in teaching); Griffin, supra note 11, at 74 (“[T]he reviewer will experience first-hand the disorienting frustration of trying to follow a discussion that is not explicitly and clearly connected to the reader’s thesis, the loss of reliability caused by a messy product, and the lack of credibility that results from sloppy language.”).

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submit a case brief, rule proof of a precedent case,\textsuperscript{57} draft of a predictive memorandum, and discrete writing exercises to their writing tutor, a second-year student, for detailed feedback and direction. One of the major roles on law review is that of editor. Law students comb through a pile of submissions to ascertain which ones should be published and then read, critique, and edit the selected papers.\textsuperscript{58} By participating in well-structured peer editing exercises early in their law school careers, future law student tutors and law review editors will improve their editing, writing, and critiquing abilities well before assuming their positions.

Although the benefits of peer editing are many, there are some challenging tasks professors must consider when incorporating this collaborative teaching strategy into their courses. For example, professors must make sure students take the exercise seriously.\textsuperscript{59} Professors should provide clear and adequate directions and guidance about the scope and content of the review, must effectively train students on how to give constructive feedback,\textsuperscript{60} and need to overcome students’ inherent competitive nature and desire to receive the highest grade.\textsuperscript{61} In addition, professors must guard against student perception that weaker students will simply take the work product of stronger students.\textsuperscript{62}

Time constraints also can present obstacles. Some professors believe that collaborative exercises take too much of the class time at the expense of covering substantive course material.\textsuperscript{63} In addition, expert planning requires professors to carefully review course content to ensure there is sufficient time for students to complete the exercise\textsuperscript{64} and receive sufficient preparation for other assessment measures. As with any new endeavor, professors will have start-up costs associated with crafting an effective peer editing exercise. Planning takes time. And training students to complete a peer editing exercise and the exercise itself takes time. As professors become more proficient with using peer editing as a teaching strategy and begin to

\textsuperscript{57}At Thurgood Marshall School of Law, legal writing professors use the acronym CRRPAC (Conclusion, Rule, Rule Proof, Application and Conclusion) to teach students how to structure the discussion of each element or issue in a memorandum or brief. The “RP” or rule proof is the explanation of the precedent case.

\textsuperscript{58}See generally H. P. Southerland, \textit{English as a Second Language—Or Why Lawyers Can’t Write}, 18 ST. THOMAS L. REV. 53, 63 n.35 (2005) (remarking that the law review editing experience “most often resemble[s] the case of the blind leading the blind”).

\textsuperscript{59}See Marcoulides & Simkin, \textit{supra} note 27, at 220-23 (“Practical obstructions include such matters as large class sizes, limited grading assistance, a fear that such work detracts from higher priority course activities, and an absence of professional rewards for time spent grading papers.”); see Healy, \textit{supra} note 51, at 289 (discussing steps to guard against students ignoring the assigned group work).

\textsuperscript{60}See Jo Anne Durako, \textit{Peer Editing: It’s Worth the Effort}, 7 PERSP. 73, 73-74 (1999). One Thurgood Marshall Survey response inquired whether the class was “adequately prepared for the exercise.” However, based on the surveys, no other students appeared to share this same concern. Overall, the students appreciated the opportunity to further develop their writing and editing skills. Thurgood Marshall Survey Forms (on file with author).

\textsuperscript{61}See Davis, \textit{supra} note 18, at 3-4, 11.

\textsuperscript{62}Anne E. Enquist, \textit{Unlocking the Secrets of Highly Successful Legal Writing Students}, 82 ST. JOHN’S L. REV. 609, 657-59 (2008) (describing a peer editing activity in which students critiqued parts of a graded appellate brief and noting their concerns that the exchange “generally benefitted weaker students at the expense of stronger students”).

\textsuperscript{63}SCHWARTZ, SPARROW & HESS, \textit{supra} note 5, at 29.

\textsuperscript{64}In the Thurgood Marshall Survey, a few students commented that they did not have sufficient time to complete the exercise. One stated that she “would have liked a little more time to go in depth [with] revising[,]” Another asked for just “5 minutes more” when reviewing longer papers, such as memoranda. Also, one student remarked that he needed more time because he tends to be “overly detailed.” Still, even with these comments, the majority of students felt as though they had enough time for the assignment and one student even stated “there was more than enough time.” Thurgood Marshall Survey Forms (on file with author).
build on prior exercises and students acquire keen editing skills, time concerns are lessened. Moreover, whenever possible, professors should use a writing specialist on staff or student assistants to teach editing skills or assign practice editing exercises as homework.

Although not to be ignored, the challenges in adopting a peer editing exercise should not deter professors from using this teaching and assessment strategy. It is possible for the many benefits to outweigh these difficulties when professors take a methodical approach to designing, implementing, and evaluating the exercise, one that considers projected outcomes and assessment, together with class dynamics, student engagement, and required training.

II. HOW TO DESIGN AN EFFECTIVE PEER EDITING EXERCISE

Students appreciate being able to work with their classmates. When structured effectively, even the most introverted, small-group-work-resistant students realize the power of learning with and from their peers.65

To administer an effective and successful peer editing exercise, professors should adopt the following systematic plan of action to design, implement, and evaluate the exercise.66 The first phase is the planning stage, in which professors identify the desired outcomes for the peer review and outline the framework for the exercise. The next phase, the “pitch” and training, requires professors to think about the exercise from their students’ perspectives and introduce its guidelines and benefits in a manner that optimizes students’ participation. The third phase deals with the actual implementation of the exercise and procedures for the day of, or the duration of, the exercise. The last phase is assessment and, during this time, professors allow students to reflect and share the information received from the exercise. Professors also evaluate students’ performance and the degree to which course objectives were satisfied and identify any recommendations for future peer editing exercises.

This structured approach minimizes the obstacles to peer editing and enables professors to fulfill certain directives envisioned by the ABA’s call for reform. Professors will outline their teaching objectives to maximize student learning and create an opportunity for key assessment.

A. Planning

“The critical factor in determining the success or failure of the [peer review] method is what happens before students get into their groups to read each other’s papers. The groups by themselves are not a panacea.”67 Professors must thoroughly plan all aspects of the peer editing exercise to maximize the results and achieve stated desired outcomes. This requires professors to review and consider the learning goals for the course and the assignment and determine the timeline for the exercise. In addition, professors must decide how they will arrange peer teams

65 SCHWARTZ, SPARROW & HESS, supra note 5, at 31.
66 See generally Sergienko, supra note 7, at 479 (offering that finding appropriate ways to let peer-assessment be conveyed, and in turn making both self- and peer-assessment as effective as possible, is underdeveloped in the law school classroom).
and whether they will conduct the exercise anonymously. Furthermore, professors must identify
the criteria they will include in the peer editing checklist and any methods they will use to ensure
complete participation by students. Some of these factors are interrelated, as a professor’s
decision regarding one item could impact his position on another.

1. Learning Goals and Assignment Objectives

The first step in planning a peer editing exercise is for professors to review the stated
goals for the course and more specific learning objectives.\(^68\) Both the course goals and learning
tasks should embody the “knowledge, value and skills critical” to the subject being taught and to
the “students’ professional lives after graduation.”\(^69\) From these goals and objectives, professors
can determine the teaching strategies for the course and how peer editing logically fits into the
paradigm as both a learning tool and an assessment method.

The course goals are a starting point for any class design. As curriculum experts explain,
to design a course and eventually each individual unit or class, professors should adopt
“backwards planning” or “reverse engineering.”\(^70\) Professors should start with what they want
the end result to be in terms of their students’ competencies. More particularly, the course goals
should reflect what professors want their students to be able to do actually once they finish the
course rather than what professors plan to cover in the course or the material they hope to
introduce to the students.\(^71\) Notably, leading scholars on education theory suggest professors
limit themselves to three or four course goals.\(^72\) The details should be addressed in the list of
learning objectives. Learning objectives are the subsidiary goals or tasks professors believe their
students will be able to perform.\(^73\)

For example, how might the typical first semester of a legal writing course incorporate
peer editing to teach and assess students’ use of relevant authority, communication and editing
skills, and teamwork ability? Although a number of topics are covered throughout the first
semester of legal writing, these various subjects should stem from goals initially drafted by the
professor. Again, the course goals provide the framework for curriculum design and can be
drafted by completing this statement: By the end of this course semester, students will be able to
demonstrate the following knowledge, skills, and values.\(^74\)

\(^{68}\) In designing a course, leading experts encourage professors to take the time to develop and write out course goals.
“Although a few law professors have developed explicit, written statements of their teaching goals, we all teach as if
we do have such goals.” SCHWARTZ, SPARROW & HESS, supra note 5, at 38 (also noting there are a variety of terms
for a “goal” such as instructional goal, instructional objectives, outcomes, learning goals, etc.); cf. Munro, supra
note 6, at 232 (“It is not enough for the faculty . . . to have a vague outline of outcomes in their heads or for
individual faculty members to have detailed sets of outcomes to which they as teacher aspire. Outcomes should be
explicit and known to those who will strive to meet them.”)

\(^{69}\) SCHWARTZ, SPARROW & HESS, supra note 5, at 14.

\(^{70}\) Outcomes and Assessment Webinar, Stetson Univ. Sch. of Law (Sept. 9, 2009), available at
http://www.law.stetson.edu/ARC.

\(^{71}\) See id.

\(^{72}\) SCHWARTZ, SPARROW & HESS, supra note 5, at 39.

\(^{73}\) Id. at 40.

\(^{74}\) For additional information on how to draft course goals and objectives, see SCHWARTZ, SPARROW & HESS, supra
note 5, at 37-54 and Outcomes and Assessment Webinar, supra note 70.
Particularly for legal writing, students’ development of certain fundamental lawyering skills is key and these skills encompass a number of outcomes such as problem solving, legal analysis and reasoning, legal research, factual investigation, communication, and recognizing and resolving ethical dilemmas.\footnote{Munro, supra note 6, at 232-33 (discussing the fundamental lawyering skills provided in the MacCrate Report).} For example, professors could conclude that, at the end of the first semester of legal writing, students will be able to: (1) identify, research, analyze, evaluate, and solve legal problems accurately; (2) communicate and explain their legal analysis and predictions effectively in writing with clients, colleagues, and supervisors in the appropriate format; (3) employ strategies for working cooperatively and collaboratively with others and meeting professional deadlines; and (4) demonstrate a keen understanding of the mandate for professional and competent representation. These four competencies would serve as the professors’ course goals.

Next, professors can outline more detailed learning objectives or tasks that serve as subsidiary goals for the course.\footnote{SCHWARTZ, SPARROW & HESS, supra note 5, at 40.} Using the example provided above, the list of learning objectives could include a number of proficiencies. For instance, students will be able to: (1) identify the legal issues presented by the facts; (2) derive the rules from relevant authority; (3) use the relevant authority to explain the rules and related policy; (4) identify the holding, rules, reasoning, and key facts in relevant authority accurately; (5) use relevant authority to make arguments employing rule-based and analogical reasoning; (6) predict the likely outcome given the facts and relevant authority; (7) communicate the likely outcome and analysis in writing by drafting and editing a legal memorandum effectively; (8) evaluate a peer’s writing critically and provide constructive feedback for improvement; and (9) receive input and critique from a colleague and incorporate needed suggestions. This is just a sampling of tasks; a rather lengthy list of learning objectives could flow from the four course goals provided above.

After writing both course goals and learning objectives, professors can turn their attention to assessment methods, teaching strategy, and each individual unit or class session that will comprise the course, in that specific “backwards planning” order from outcomes to instruction. For example, consider the students’ use of relevant authority and their abilities to explain the rules and related policies and lay a foundation for the arguments using rule-based and analogical reasoning. To assess whether students can demonstrate a proper use of relevant authority, professors may eventually require students to prepare a multiple-issue predictive memorandum using case authority. To achieve these competencies, professors can employ a variety of classroom instructional activities. Professors may require students to brief relevant cases, complete a case and rule synthesis chart, prepare an argument chart comparing the facts to the precedent case, and draft a case rule proof or explanation. At this point and by mapping out the curriculum, professors can easily determine where a peer editing exercise could add value to the list of instructional activities and assessment measures.

For instance, in my Lawyering Process course, peer editing exercises are specifically included under the list of instructional activities and assessment measures related to teaching students how to use authority properly to explain rules and support arguments. In particular, as part of a larger predictive memorandum assignment involving a claim for negligent infliction of
emotional distress, students prepare a rule proof of one specific case, Wilks v. Hom,77 focusing on just one element.78 Students typically have the weekend to complete the assignment and then bring their completed written Wilks rule proofs to class for a peer editing exercise.

In designing this particular peer editing exercise, I strive to achieve the stated learning outcomes79 by first articulating specific class or assignment objectives.80 I ask, what do I want students to be able to do after this class session in which students will complete the peer editing exercise?81 I then determine students will be able to: identify the main components of a rule proof of the Wilks case; identify the holding, rules, reasoning, and keys facts in the Wilks case for the awareness element; recognize the effective organization of case information; critique and edit a written piece effectively for grammar, syntax, and punctuation; critique and edit a piece effectively for content, clarity, and logical organization; evaluate a colleague’s written work critically; assess his own work product critically; and work collaboratively with colleagues on the assignment. These class objectives are generally reflected in the peer editing checklist I provide students to complete the critique.82 The exercise (the critique and debrief sessions) takes approximately thirty minutes of class time. Professors may choose to address all of or just some of these objectives for a predictive rule proof peer editing exercise.83

Notably, this peer editing exercise also serves as an assessment method for other learning objectives. Professors will not only provide students with a collaborative and engaging learning opportunity but also, at the same time, gauge students’ development. Professors can examine their students’ abilities to edit written work and provide constructive feedback to classmates and their students’ comfort level with teamwork and receiving input and suggestions from a peer.

By devoting time to reviewing the course goals and subsidiary learning objectives and outlining related instructional activities and class assignment objectives, professors can more easily establish the remaining framework for any peer editing exercise and maximize its effectiveness on student learning and assessment. Some of the learning objectives, assessment methods, and instructional activities discussed in this section are provided in a course planning chart in Appendix A.84

78 Under California law, a plaintiff must prove the following elements to establish a claim for negligent infliction of emotional distress: close relationship to the victim, presence at the scene of the event, awareness that the event was causing injury to the victim, and damages. Id.
79 See NATIONAL WRITING PROJECT & NAGIN, supra note 18, at 76 (“Whatever assessment instruments are used for writing, they must be explicitly connected and appropriate to curricular aims, standards, instructional needs . . . .”).
80 See SCHWARTZ, SPARROW & HESS, supra note 5, at 68-71 (instructing professors to use action verbs to identify objectives that serve as the foundation for each class).
81 Id.
82 The peer editing checklist is discussed in detail later in Part I of this article. The checklist for the predictive rule proof exercise is included in Appendix B. This checklist can be revised to address only a select few of the objectives.
83 Id. at 68 (proposing that one to three class objectives are generally appropriate for a one-hour class session and also including examples of lesson objectives that exceed this number).
84 The template used to organize the information in chart form was introduced by Linda Anderson during a webinar session. See Outcomes and Assessment Webinar, supra note 70. The content included in the completed chart (Appendix A) was prepared to finalize a peer editing session conducted in a Lawyering Process class at Thurgood Marshall School of Law.
2. Timeline

Having outlined the core objectives, professors now must ask when they will assign the peer editing exercise\textsuperscript{85} and how much time they have to devote to the exercise\textsuperscript{86} and then aim to design the assignment parameters accordingly.

Many experienced professors advise that peer review assignments are better suited for mid- to late semester after students have developed some comfort level with the skill set and their classmates,\textsuperscript{87} have received sufficient training, and have practiced working collaboratively, as teammates rather than competitors.\textsuperscript{88} For my Lawyering Process course, I tend to agree and typically assign substantive peer editing exercises after students have prepared a short single-issue predictive memorandum (around the seventh week of the course). Students’ complete at least two peer editing assignments during the fall semester. One exercise asks them to review their partners’ predictive case rule proofs; the other exercise requires them to critique a section of their partners’ multi-issue predictive memoranda.\textsuperscript{89} By this time, students have already received detailed feedback from me on their short single-issue predictive memorandum assignments, had many opportunities to practice the concepts and skills in class, and are generally accustomed to teamwork.\textsuperscript{90}

The ideal time period for peer review will differ for each course and student body. And quite possibly, as more law schools and professors embrace cooperative and collaborative learning in the classroom, students may feel less insecure about sharing their work with their classmates early on or at the start of the semester. But until this happens, to pinpoint the best time for peer review, professors will need to gauge their students’ abilities and wait until they “have reached the point of readiness for this unique opportunity to hear from another reader who has struggled with the same material and task.”\textsuperscript{91}

After professors decide the best time to assign a peer editing exercise, they must determine how much time in the course they have to commit to the entire exercise. One scholar

\textsuperscript{85} See Judy Rosenbaum & Cliff Zimmerman, \textit{Fostering Teamwork through Cooperative and Collaborative Assignments}, 15 \textit{THE SECOND DRAFT} (Newslt. of the Legal Writing Inst.) 7, 8 (June 2001) (discussing timing issues).

\textsuperscript{86} Durako, supra note 60, at 73 (“The professor must budget time for creating the peer editing exercise, preparing the instructions, explaining the assignment and reviewing the results of the peer edit. Similarly, students also need time . . . to complete the peer edits.”); Paula Lus tbader, \textit{Some Tips on Using Collaborative Exercises}, Inst. for L. Teaching and Learning, http://lawteaching.org/lawteacher/1994spring/sometips/php (recognizing the considerable time consumed by peer review but extolling its benefits); Libby A. White, \textit{Peering Down the Edit}, 16 PERSP. 160, 160 (Spr. 2008) (“Compounding this difficulty is finding the time for the students to perform the peer edit within the short time frame of a strict curriculum.”).

\textsuperscript{87} Rosenbaum & Zimmerman, supra note 85, at 8 (recognizing that their peer review session could be improved by “assigning the work later to better fit students’ learning patterns and confidence levels”).

\textsuperscript{88} Seligmann, supra note 11, at 13 (explaining that she administers peer review exercises later in the semester when students feel more comfortable sharing their work).

\textsuperscript{89} During the spring semester, I continue to use peer review on persuasive rule proof exercises and certain other short writing assignments.

\textsuperscript{90} Rosenbaum & Zimmerman, supra note 85, at 8 (listing the many cooperative exercises their students completed early in the year).

\textsuperscript{91} Seligmann, supra note 11, at 12.
wrote that the biggest stumbling block for peer review is successful time management.\footnote{White, \textit{supra} note 86, at 164.} Will the exercise be conducted during class time? How many class sessions are available? Will the exercise require one class period or two fifty-minute sessions? Can students work on the exercise over a period of time and outside of class? Can the exercise be revised so that it neatly fits the timeline?

When there is very little class time for peer review, the professor may decide to limit the assignment to a small section of the memorandum, such as the statement of facts or the discussion section for one element, or instruct students to focus on one category for the review, such as the use of analogical reasoning, inference statements, grammar rules, or citation format. Also, to counteract time management problems, some professors conduct peer editing exercises outside of class time and require students to schedule follow-up meeting times with their peer teams and/or the professor.\footnote{White, \textit{supra} note 86, at 162, 164.} When exercises are arranged outside of class, professors must ensure that some supervision or accountability measures are in place. For example, professors can require their teaching assistants to supervise the peer edit during mandatory sessions that take place outside of the regularly scheduled class time.\footnote{See \textit{id.} at 162 (explaining that she gave students one 50-minute session to edit a four-page memorandum but later found out more time was needed to complete the edit, which yielded student frustration and mixed results for the exercise).}

Whenever possible, professors should try to carve out class time for peer editing exercises, although it can be quite challenging to do so. By conducting the exercise during class, professors can personally monitor the review and immediately answer any questions their students may have. Although students often continue the conversation after class has concluded, the core issues and questions about the assignment are addressed in class. Furthermore, some students have difficulty scheduling lengthy meetings outside of class time given family or work obligations and other school responsibilities. Spending class time on a well-planned peer editing exercise saves professors valuable critiquing time in the long run and allows them to assess their students’ performance immediately.

Professors must carefully consider the amount of time they will need to complete a peer editing exercise fully (including the evaluation and critique and any debriefing or assessment period) and try not to underestimate the amount of time a peer edit can take. For example, if a professor requires students to critique an entire five-page memorandum (double spaced), professors should expect that students will likely need a couple of class sessions to complete the edit. Careful planning and time management are of paramount importance to guard against student frustration over having insufficient time for the exercise or inconsistent results.\footnote{See \textit{id.} at 159, 165-67 (2007) (outlining a peer editing exercise on an appellate brief conducted outside of class that takes one week for the entire review process, including the critique and meetings with the partner to discuss their comments).} Achieving successful time management will take some trial and error and adjustment as professors get more accustomed to working with peer review in their course.
3. Partners or Groups?

The next step in embarking on a peer editing assignment is for professors to decide how they want to organize the actual peer editing teams. More specifically, professors need to determine how many students should work together as a team to complete the peer review and how those teams should be selected. Will students work with a single partner or would professors prefer to assign editing groups? Will students select their partners or group members or will professors make the arrangements? Will members be chosen randomly or with a purpose in mind? The answers to these questions will depend largely on the professors’ objectives for the assignment and the amount of time students have to complete the critique. For example, if students are expected to review and edit more than one classmate’s paper, the peer editing exercise likely will cover more than one or two class sessions and may even require work outside of class. If, however, professors do not have enough class time or do not want to continue the exercise as homework, they should consider limiting the size of the peer teams to two students or shortening the editing assignment.

Professors may adopt a number of different approaches in grouping peers. For example, professors may create editing groups of three students so students have the chance to review and critique more than one paper and receive feedback from more than one peer. Or professors may decide that a team of four people is the ideal size for a peer group. With four people, students receive even more variety of feedback and perspectives. Groups larger than four students tend to be rather difficult to manage and monitor for peer editing exercises. At Thurgood Marshall School of Law, professors have students work with a single partner, mainly to ensure they complete the peer editing exercise within class time. By working with one partner, students are able to complete most exercises in one or two class sessions.

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96 Barron, supra note 67, at 26 (“If a group gets too large, some students may be left out of the discussion[…] On the other hand, if a group is too small, students do not get sufficiently diversified responses on their papers, thus limiting the value of peer response.”).

97 See BREUCH, supra note 16, at 149 (discussing peer review partners).

98 See Davis, supra note 18, at 6 (explaining the advantages of assigning students to a three-person editing group); White, supra note 86, at 160 (commenting that, for the first open memorandum, she requires her students to evaluate and edit the writing of two of their peers).

99 See Jean Jensen, Sequences of Instruction, 9-12, in GERALD CAMP, TEACHING WRITING: ESSAYS FROM THE BAY AREA WRITING PROJECT 31 (1982) (recognizing that at times the instructors in the project select the peer teams but most often they allows students to group themselves, finding self-selected groups work more efficiently).

100 Davis, supra note 18, at 6; Parker, supra note 23, at 587 n.103 (stating that, to guard against potential problems, professors “organize the exercise in groups of three to five students so students can review and hear reviews of several papers”).

101 Barron, supra note 67, at 26 (noting that, for a composition assignment, an efficient peer group of four people can provide useful feedback on four papers in a fifty or sixty-minute class session); Taylor, supra note 11, at 285 (noting that she has successfully used small groups of about four students for peer reviews); Jane Muller-Peterson, A Collaborative Approach to Teaching Legal Analysis, 15 THE SECOND DRAFT (Newsltr. of the Legal Writing Inst.) 1, 4 (June 2001) (describing her peer review session with a four-person discussion group); White, supra note 86, at 161 (commenting that she had students realize their memos needed much work when they were critiqued by three people with comments that consistently identified the same concern, which brought home to the students that she was not out to get them and they should work harder).

102 See Seligmann, supra note 11, at 12 (explaining that she has students exchange their paper with a classmate, a partner, for in class peer reviews); see also BREUCH, supra note 16, at 149-50 (“Peer review can be conducted in paired students groups. […] Generally peer review in pairs can be completed in one class period.”); Cunningham &
If professors want to use peer partners but are somewhat concerned about the limited nature of the feedback, \(^{103}\) professors can repeat the exercise with a revised draft of the same assignment but with different peer partners. \(^{104}\) That way, students learn to embrace writing as a process of revising and also receive a variety of feedback on the same assignment. Often, students receive additional feedback informally from another classmate or as a part of the curriculum through their assigned teaching assistant.

In addition to determining the number of students on each team, professors must also determine the membership or makeup of the peer response group. Here, professors need to decide whether they will assign each peer team or allow students to choose their group members. \(^{105}\) Some scholars recommend professors select the peer groups rather than allow students to define their teams. Student selection “often leads to homogeneity and not the novelty of working with people with a variety of backgrounds.” \(^{106}\) However, depending on the editing task at hand, professors may decide that grouping students based on their similar abilities is more effective when some students have mastered the particular topic or skill set while other students are still struggling with the material. \(^{107}\) This homogeneous grouping allows stronger students to focus on advanced topics or techniques. And, professors can devote more time to those teams that need more guidance or assistance with fundamental skills.

If professors do assume the task of arranging peer groups, they may randomly assign the teams, actively work to balance the group in a particular manner, or even decide to keep team assignments constant throughout the course. \(^{108}\) For my peer editing exercises, I both select the peer teams and strategically assign partners so that “all of the best or all of the poorest writers do not end up together.” \(^{109}\) I specifically partner students based on their legal analysis and writing

\(^{103}\) See Barron, supra note 67, at 30 (positing that relying on one person for a peer response limits the value of the technique).

\(^{104}\) In a couple of Thurgood Marshall Survey responses, students mentioned that their particular partners may not have been sufficiently “knowledgeable” and “prepared” to provide them with adequate feedback. This presents a strong argument for changing peer partners with each exercise. Thurgood Marshall Survey Forms (on file with author). By working with a new partner on each assignment, students will receive wide-ranging feedback. Plus, additional editing exercises assigned as homework or sessions supervised by teaching assistants would assist weaker students to be better prepared for future peer review assignments.

\(^{105}\) Hess & Friedland, supra note 5, at 134 (discussing how to create collaborative groups).

\(^{106}\) Id.; cf. Singh-Gupta & Troutt-Ervin, supra note 42, at 127, 129 (explaining the changing face of the modern workplace in business and industry and advocating that professors purposely mix student groups to be heterogeneous, not permitting friends to work together, to encourage sensitivity to different cultures, backgrounds and perspectives). But see Barron, supra note 67, at 28 (“Since rapport contributes to the effectiveness of a group, I allow students the option of setting up their own peer groups[. ]”); Picard, supra note 26, at 14 (describing a peer review exercise in which she allows students to exchange their papers with a classmate of their choice).

\(^{107}\) Lustbader, supra note 27, at 138.

\(^{108}\) See Lustbader, supra note 86 (“Students can be grouped randomly, based on similar ability, or based on mixing strong students with weak students.”); Walvoord, supra note 16, at 111 (“Groups whose members read one another’s drafts may best be kept constant, since the building of trust is crucial to good draft response.”).

\(^{109}\) Barron, supra note 67, at 28. For collaborative group work that does not involve peer writing or editing, such as role-playing exercises, I have encouraged students to select a partner on the other side of the classroom. Typically, this arrangement still results in heterogeneous group make-up.
strengths and weaknesses to date. For example, I may match a strong performing student with a student who is still struggling to master the skill or concept at issue in the current assignment. Then, on the next assignment, I change the peer teams to provide students with varied feedback. In addition, I try to avoid partnering friends or study group members (to the extent that I am aware of such a relationship).

I also pay particular attention to the students’ personality traits and other characteristics in arranging peer groups. A student with a rather strong personality may not work well with an extremely shy or quiet student. In addition, I may consider a student’s race or gender when forming my peer groups. I recognize that many professors do not consider race, ethnicity, or gender when determining peer group membership—opting instead for neutral assignments. I, on the other hand, prefer to consider both race and gender when arranging groups, especially when conducting a peer review exercise in a class where diversity is lacking. I have first-hand experience working in an educational environment where I was the only African American student or one of a handful of students of color in a class. I wholeheartedly believe that a diverse classroom and school enhances all students’ learning and know that I benefitted from exchanging ideas with students who may have had different perspectives and experiences.

Therefore, while teaching at UCLA School of Law, I tried to minimize the clustering of certain student population groups in peer teams and strove to implement a varied and stimulating educational experience where students would feel able to contribute based on their unique cultural background or life experiences. Also, scholars emphasize that “[h]eterogeneous groups are more likely to result in increased tolerance for diversity.” At Thurgood Marshall School of Law, the task of assigning peer groups is somewhat easier given the school’s extensive diversity. I just work to make sure the peer review teams are purposefully balanced, in terms of ethnicity or race, gender, and ability, and change the team assignments over the course of the semester with each new peer editing exercise.

There are a number of ways in which professors may organize peer editing teams and several issues to consider such as assignment objectives, timing, students’ skill set, traits, and background. Moreover, the method for assigning teams used by professors for one peer exercise may not work well for another review. Professors should simply strive to have a principled reason for each decision they make and work toward maximizing students’ learning and their collaborative experience.

4. Anonymity

Once professors decide how to arrange the peer edit teams, they must determine whether the review will be conducted anonymously. There is some disagreement as to whether peer edits

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110 See also Elizabeth Fajans, *Learning from Experience: Adding a Practicum to a Doctrinal Course*, 12 J. Legal Writing Inst. 215, 220-21 (2006) (discussing the difficulty of pairing students effectively given that societal factors such as race, gender, sexual orientation, and socioeconomic status “occasionally impede student interactions, as do varying abilities”).


112 Id. at 241 (noting that avoiding the isolation of students from under-represented groups is “especially important if the groups are to be kept together over a long period”).

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should be blind so students do not know the author of the critiqued work.\textsuperscript{113} Some scholars believe anonymity yields better and more honest feedback from students on their classmates’ papers.\textsuperscript{114} Other experts feel that anonymous reviews compromise students’ abilities to exchange ideas and become accustomed to both giving and receiving constructive criticism.\textsuperscript{115}

As with the other steps for planning a peer edit, there are many factors to consider in deciding whether a blind review would best serve student needs.

When I first started using peer editing in my legal writing classes, I structured the assignment so that no one knew the author’s name. My initial thoughts were to shield students from any possible embarrassment and arrange the session so students felt entirely free to comment on their classmates’ work. I yielded to those student concerns, especially on assignments during the first part of the semester. In fact, one student from the peer editing survey conducted at Thurgood Marshall School of Law even inquired whether an anonymous review would result in a “more honest” critique from students.\textsuperscript{116} I have since concluded that a blind review not only hinders students’ growth and maturity in terms of being able to exchange their opinions openly and provide constructive feedback but also undermines their ability to engage in meaningful post-critique discussion, a debriefing session.

The debriefing session after the peer review is an important continuation of the learning and assessment process. During this time, students may ask their classmates follow-up questions or seek clarification on certain points. They may even raise interesting ideas or arguments to the entire class. It is often during this time when a student achieves that “ah-hah” moment. The debriefing period is very enlightening for students and sometimes they even request additional time to meet, whether in or outside of class.\textsuperscript{117}

Further, experience has shown that “writers are more likely to do a better job when they know their editors will know who they are[].”\textsuperscript{118} And the lack of anonymity gives students a realistic experience in how they will receive critiques from supervising attorneys or judges in law practice.\textsuperscript{119} While recognizing that other writing professors have had positive results by making their peer editing exercises anonymous, I believe maintaining anonymity likely requires professors to abandon any debriefing session between peer partners or among group members, which is a key component to structuring a comprehensive peer editing assignment. To minimize students’ concerns about sharing their work or critiquing their peers’ papers, professors must

\textsuperscript{113} See White, supra note 86, at 160, 163-64 (addressing the varying opinions regarding anonymous reviews).
\textsuperscript{114} See Jo Anne Durako et al., supra note 27, at 743 (discussing how the legal writing department at Villanova University School of Law changed its peer editing exercise to be anonymous and in turn, increased the effectiveness of the teaching innovation); Durako, supra note 60, at 75 (“noting that the change to anonymous work allowed more candid responses); White, supra note 86, at 160 (explaining that she and her colleagues use a anonymous review for their peer editing exercises with the first open memorandum).
\textsuperscript{115} Parker, supra note 23, at 587 n.103 (suggesting that professors “at least at first organize face-to-face, rather than anonymous, reviews[.]”).
\textsuperscript{116} Thurgood Marshall Survey Form (on file with author).
\textsuperscript{117} The debriefing session is discussed in more detail in Part II.C of this article.
\textsuperscript{118} White, supra note 86, at 160; Kirby & Liner, supra note 55, at 197 (When students “write pieces they know will be read and graded by their peers, they seem to take more care and work with real purpose on the assignment.”).
\textsuperscript{119} White, supra note 86, at 164 (“Lack of anonymity also reflects the practice of commenting on documents post-law school.”).
work diligently to educate the class about the benefits of peer review and lead the course with collaborative exercises that build a sense of teamwork and community.\(^\text{120}\)

I would caution professors against leading with an anonymous review and then revealing the students’ names after the critique is finished. If professors decide to reveal the names of the authors and editors eventually so that students can discuss the critique, students come to suspect future exercises will not remain anonymous. Consequently, these professors still may have concerns about students holding back their candor or providing nonspecific comments.

Professors must carefully consider their objectives for the exercise and how each one will be achieved. Then professors should adopt an approach that best suits their students’ needs and helps them to maximize assessment opportunities.

5. Peer Editing Checklist

To ensure that students remain on task and fulfill the objectives outlined for the exercise, professors should prepare a checklist for students to follow and complete as they review their peers’ paper. Essentially, a peer editing checklist can reflect the professor’s grading rubric for the assignment, list the concepts or material the professor expects to see in the students’ work product,\(^\text{121}\) or identify specific criteria students should use to critique their partners’ work.\(^\text{122}\) The criteria included in the checklist will largely depend on the stage of the students’ work product, whether an initial draft or a revised version, and the skills covered in class and to be assessed at that time.\(^\text{123}\) Detailed and clear criteria effectively guide students through the peer review process\(^\text{124}\) and provide them with insight on how the professor will evaluate the current and future related assignments.\(^\text{125}\)

Notably, the checklist should not only provide guidelines for the peer review but also set the tone for the exercise in terms of the reviewer’s role and approach. The instructions could specifically define the students’ role in reviewing the assignment, whether as a supervising

\(^{120}\) See Walvoord, supra note 16, at 112 (“When groups are to respond to drafts, give them a chance to meet together in less threatening ways first.”).

\(^{121}\) Sophie Sparrow, Taking Small Steps Toward More Assessments, XVI THE LAW TEACHER (Newsltr. of the Inst. for L. Teaching and Learning) 1, 2 (Fall 2009); White, supra note 86, at 162 (advocating the use of a checklist that lists the specific requirements for each section in order to reduce the problem of incorrect comments on peer edits); Vincent Kovar, Complete the Learning Cycle with Peer Editing (Mar. 3, 2010), http://www.thewritingteacher.org/writing-blog-home/2010/3/3/complete-the-learning-cycle-with-peer-editing.html (explaining that instructors should create a peer edit rubric that targets the objectives for the assignment, includes details and examples of both good and poor writing, and lists common errors).

\(^{122}\) Taylor, supra note 11, at 285; see also LeClercq, supra note 15, at 425 (“Whenever you ask students to comment on their peers’ writing or thinking, it is important to offer a clear set of criteria to apply.”).

\(^{123}\) See, e.g., Taylor, supra note 11, at 285 (noting that for first drafts one could focus on the students’ use of authority and case analysis whereas for final drafts, one could focus on persuasiveness or sentence and paragraph structure).

\(^{124}\) Walvoord, supra note 16, at 112-13 (recognizing that by structuring the group’s task more carefully, many instructors have improved their exercises and would not think of teaching without the power of group response).

\(^{125}\) Muller-Peterson, supra note 101, at 4 (highlighting that the criteria the professor used in evaluating legal analysis became increasing familiar to her students through the peer editing checklist); Taylor, supra note 11, at 285 (commenting that by using checklists for group peer review exercises the criteria the professor uses becomes readily familiar to the students).
partner in a law firm, member of the same litigation team, or judge.\textsuperscript{126} Also, the checklist could reinforce the need for students to provide their peers with constructive feedback in a supportive manner designed to promote optimal learning and exchange of ideas. For example, professors could add specific lines or spaces in the checklist for students to provide at least one positive comment (in addition to other observations). Students can provide these positive remarks at the end of the critique.\textsuperscript{127}

In addition, peer editing checklists may address a variety of writing areas. To assess argument structure, the guidelines may require students to identify whether the paper provides related inferences for factual support. In critiquing writing style, peer guidelines could instruct students to examine the effectiveness of topic sentences or paragraph structure or direct them to circle or underline problem sentences or grammar errors. Furthermore, checklists could direct students to mark citation errors and note the appropriate rule(s) in the Bluebook or ALWD Citation Manual.\textsuperscript{128}

For example, to review a case brief submitted during the first few weeks of class, the checklist could inquire whether students identified key facts or derived the relevant rule from the case. To review a rule proof or case explanation included in a trial motion brief assigned toward the end of the semester, the criteria may be quite detailed and contain more sophisticated guidelines. The checklist could instruct students to identify whether the appropriate case authority was used. It could ask if the case is mandatory or persuasive authority and whether the case has significant factual similarities with the client’s situation. Also, the checklist could inquire, for analogous authority, whether the rule proof or case explanation is written in a persuasive manner that highlights similar facts and favorable reasoning. Furthermore, the guidelines could ask if the writer appropriately discussed policy considerations.

There are many ways to structure a peer editing checklist. Careful identification of specific assessment criteria is the key to successful involvement of students as peer editors.\textsuperscript{129} Sample checklists for peer review exercises conducted in a legal writing course are provided in Appendices B, C and D.

6. Optional or Mandatory? Graded or Ungraded?

To ensure full and active participation by all students and to hold students accountable, professors should consider adding certain incentives to the assignment. For example, professors

\textsuperscript{126}LeClercq, \textit{supra} note 15, at 425 (explaining that, in setting the tone for peer responses, the professor could ask the students to review their classmates’ paper as if they were another lawyer working on the same team toward the same goal).

\textsuperscript{127}See Appendix B for an example.

\textsuperscript{128}See, e.g., Taylor, \textit{supra} note 11, at 285 (providing examples of criteria to be included in peer review checklists).

\textsuperscript{129}\textsc{Kirby} & \textsc{Liner}, \textit{supra} note 55, at 197 (explaining the importance of having explicit criteria when involving students in the evaluating and grading process); \textit{Writing-Across-the-Curriculum}, \textit{supra} note 17, at 117 (noting that professors must create relevant learning tasks); \textsc{Madeleine Schachter}, \textsc{The Law Professor’s Handbook: A Practical Guide for Teaching Law} 210 (2004) (“The visceral task of having to complete a prepared form tacitly suggests that the student is expected to delimit strengths and weaknesses, rather than to engage in only a cursory review and merely offer a conclusory overall comment.”).
should decide whether the peer editing exercise will be optional or mandatory or even graded. Professors could provide an actual letter grade for the assignment or devote participation points to the exercise. Also, to encourage students’ attentiveness and seriousness, professors could collect a copy of the completed checklists or ask students to evaluate their partners’ participation levels or contributions to the exercise. In addition, during the debriefing session (discussed later in this article), professors could call on students to answer specific questions, share their teams’ discussions, or comment on the collaborative experience.

Moreover, to prevent student frustrations or perceptions that the peer editing exercise simply allows weaker students to copy the work of stronger students, professors could make sure the student’s grade on the assignment that is the subject of review is completely independent of the peer editing exercise. For my Lawyering Process course, students bring two copies of their work product to the peer editing class. At the start of class, students submit one copy for a grade. The students then exchange the second copy with a partner to complete the peer editing exercise. This structure eliminates the appearance of “penaliz[ing] students who are working hard and maintaining or exceeding an appropriate work schedule while rewarding and enabling procrastinators.” In this way, students have a vested interest in doing their best work on both the underlying assignment and with the peer editing exercise. Professors may use any of these steps to increase student involvement, engagement, and confidence in the exercise.

B. The “Pitch” and Training

The right “pitch” by the professor and training for students makes all the difference in the exercise’s success. The ideal pitch explains the exercise and allays law students’ anxieties and competitive natures that can otherwise detract from students’ willingness to share work with classmates. To minimize any resistance, professors must be methodical in deciding how they will introduce the peer editing exercise. Also, professors must provide their students with sufficient training so students have confidence in their ability to complete the assignment.

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130 Picard, supra note 26, at 14 (recognizing that participation rates were low when the exercise was optional but has been favorably received by students as a required assignment).
131 Durako, supra note 60, at 76 (encouraging professors to give some form of credit for peer review, even if it is a check plus, so students sense that they value the skill).
132 Lustbader, supra note 27, at 139 (discussing steps on how to build accountability in collaborative learning).
133 Enquist, supra note 62, at 659.
134 See Sergienko, supra note 7, at 483 (“Even in ungraded [peer] work, the . . . incentive to provide effective criticism exists if success on the exercise has significance to students.”).
135 See SHAFFER & REDMONT, supra note 21, at 212 (“But there is something which compels competitive strategies, even when collaboration works better. To put that most pragmatically, cooperation in studying law is a winning strategy, but, despite this fact, students often choose to compete.”); HESS & FRIEDLAND, supra note 5, at 131 (“The culture of law school is a competitive one[,]”); Davis, supra note 18, at 4 (recognizing the need to design a peer review exercise that avoids the risk of students’ fear that sharing their work with or giving constructive feedback to classmates might give their classmates an unfair advantage in grading); Seligmann, supra note 11, at 13 (noting that, when she pre-announced a voluntary peer collaborative exercise for an appellate brief in preparation for oral arguments, some class members stayed away).
136 Barron, supra note 67, at 24 (“Prior to working in response groups, students must understand the purpose.”).
1. The Pitch

How should professors broach the subject of peer review? Should they simply include the exercise on the course syllabus? Should they require students to glean the topic from the assigned reading? Should they surprise the class as if the assignment were a pop quiz? Rather than taking any of these passive or shock approaches, professors should be proactive and maximize the opportunity to increase student enthusiasm for the exercise. Professor should customize their “pitch” to the class.137

By providing students with a detailed explanation of the peer editing process and its purpose138 and benefits, even the shyest students will come to appreciate the opportunity to work collaboratively with their classmates and appreciate the many advantages of learning from their peers.139 If at all possible, professors should explain the exercise at the same time they distribute the assignment that will be the subject of the peer edit, especially if the review involves a more substantive work product, such as a memorandum. It is best to let students know in advance that their work will be reviewed by a classmate.140 Advance notice gives students sufficient time to process the exercise and the professor’s expectations for their work. Particularly, students will learn about the specific criteria included in the checklist and come to internalize these guidelines as they work on the assignment. Moreover, students will have an opportunity to submit a fully polished work product—one worthy, in the students’ eyes, of peer review. Although professors ideally want students to do their best work at all times, the reality is students sometimes need a little push to perform.

As part of the introduction, professors, of course, should explain what peer editing entails and how it benefits students. Professors also should emphasize the related learning and class objectives and show students how the exercise fits within the larger course curriculum. In addition, professors should address any fears or anxieties students may have about sharing their work by reminding them they are already working on the skills needed to complete the assignment (and will continue to do so). With respect to collaboration, professors should stress the teamwork aspect of the exercise. The goals are to be supportive and help each other improve their problem-solving, legal analysis, writing or editing skills. Peer editing is not a competition.

When I introduce peer editing in a class for the first time, I find it helpful to show students indirectly how non-threatening, helpful, and even enjoyable teamwork can be. In particular, I build on this discussion by turning to a class exercise that requires students to write their answers on the board for comment. This activity can work with a number of subjects, such

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137 Legal writing professors often describe the process of introducing a new exercise to the class to garner student enthusiasm and participation as the “sell” or the “pitch.” See, e.g., Durako, supra note 60, at 75 (discussing the author’s effort to refine her “sales pitch” over the years to explain explicitly how the peer editing process helps the reader).
138 Barron, supra note 67, at 24 (commenting that evaluating the paper’s worth or conducting an error hunt are not goals of a good responder, who should instead treat the paper as a work in progress and assume the role of a sympathetic reader).
139 SCHWARTZ, SPARROW & HESS, supra note 5, at 31.
140 Cf. Craig Hoffman, Involving Students in the Commenting Process, 15 THE SECOND DRAFT (News.ltr. of the Legal Writing Inst.) 7, 7 (June 2001) (describing a self-evaluation exercise in which students did not know they would be exchanging papers but going forward realized their work may be seen by another student).
as citations, rules, arguments, or grammar. For example, one year, the peer editing introduction presented a nice segue to the lesson for the day—arguments for a predictive writing assignment. Volunteers placed their arguments on the board and the class identified strengths in their classmates’ statements, offered suggestions on how to improve the example, and even asked the volunteers probing questions to get a better understanding of their positions. Most legal writing professors use similar interactive teaching strategies in their course. At the end of this particular class, I was easily able to show students their examples of teamwork and collaboration and how the peer editing exercise would be a natural extension of the work completed by them that day.

Lastly, it is very important for professors to emphasize the intangible benefits students will receive by reviewing and critiquing a peer’s work product. Students will become better writers regardless of the strength of their partners’ critiques of their work. This statement is particularly useful to counter any frustrations over the perceived or actual lack of helpful feedback. In the Thurgood Marshall School of Law survey, one student suggested that “peer review only works when your partner is knowledgeable and prepared.” Such a comment recognizes only one aspect of the exercise—receiving feedback. Peer editing provides so much more. In another survey response, a student commented that he had hoped for a better critique from his partner but also realized the benefit to his editing skills. The student agreed that the exercise helped him improve his editing skills and gave him insight into his own writing. As professors “pitch” peer editing to their class, they should “be clear that the editors’ efforts actually help the editors themselves.”

Deciding to incorporate peer editing into a course requires a professor to do more than merely place the assignment on a course syllabus or briefly mention it at the start of class. A professor should take advantage of the opportunity to “sell” the exercise and its benefits to students so they will not only embrace the assignment and be engaged in the exercise but also submit their best work products.

2. Training

Before they are ready to edit their peers’ papers, students need to be comfortable working together and must learn how to edit written work properly and provide constructive feedback.

a. Teamwork

Given the general competitive nature of law school, students must first become accustomed to teamwork. One scholar noted that her law school engages students in an in-class

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141 See Lustbader, supra note 27, at 139 (explaining how both strong and weaker students benefits from collaborative group work).
142 Thurgood Marshall Student Survey Form (on file with author). Such situations serve as support for changing peer editing teams with each exercise or even enlarging the group to provide for varied feedback.
143 Thurgood Marshall Student Survey Form (on file with author).
144 Durako, supra note 60, at 75.
145 Picard, supra note 26, at 14; see Robert Garmston, Can Collaboration be Taught?, 18 J. OF STAFF DEV. 44 (Fall 1997) (noting that effective collaboration requires students to refine their communication skills, develop strategies for problem-solving and resolving differences, and establish capacities for self assertion, metacognition and integration).
collaboration exercise in almost every legal research and writing session. Many professors may not have time to devote almost every class to a collaborative project but may be able to incorporate a cooperative assignment once a week or every other week. The earlier professors can introduce their students to teamwork and the idea that their classmates can actually help them learn the stronger the foundation will be for any peer editing exercise.

There are several ways to introduce students to teamwork. Professors may use cooperative activities, such as group research projects or law firm assignments. With research tasks, professors can require students to work as a team to create a class presentation about a particular resource. For example, at Thurgood Marshall School of Law, student groups are assigned a specific resource and asked to demonstrate their research strategy using a client hypothetical. One student group prepared a video drama about a client who was arrested and sought an attorney’s assistance. Through the creative presentation, students showed not only effective client counseling skills but also how an attorney would rely on relevant administrative regulations to present arguments on the client’s behalf. They improved both their classmates’ knowledge about regulations and their own collaboration skills.

With law firm teams, as early as the start of the semester, professors can create small groups of two to three students to complete various tasks through the semester. Law firm teams can work on citation exercises together or even prepare specific parts of a memorandum, like a facts statement. Using these same groups, professors can introduce audience response systems (clickers) exercises to encourage teamwork. The professor would allow law firm members to discuss the question before choosing an answer on the device. From these exercises, students learn to listen to their peers and to express themselves better.

There are a variety of steps a professor can take to encourage teamwork and the sharing of ideas among law students. As one scholar remarked, “[t]he continual use of . . . collaborative in-class exercises helps create an interactive and cooperative learning atmosphere.” When planning to use peer editing, professors should embark on teaching students this process early.

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146 Melissa Shafer, *In-Class Exercises that Foster Student Collaboration*, 15 THE SECOND DRAFT (Newsltr. of the Legal Writing Inst.) 13, 13 (June 2001).
147 Durako, *supra* note 60, at 75.
148 Picard, *supra* note 26, at 14 (explaining project where student groups were asked to evaluate a particular website for its usefulness).
149 MUNRO, *supra* note 5, at 149 (describing a program at the University of Montana in which first-year students organized in law firms meet twice weekly to practice various lawyering skills and resolve ethical dilemmas under the direction of a student teacher assistant).
150 Katherine Vukadin, a legal writing professor at Thurgood Marshall School of Law, successfully uses law firm groups in her classes and offered these particular group exercises as examples. The law firms receive points from participating and volunteering to answer questions and share their work with the class. At the end of the semester, the team with the most points receives a prize.
151 See Pamela Rogers Melton, *Click to Refresh: Audience Response Systems in the Legal Research Classroom*, 17 PERSP. 175, 176 (Spring 2009).
152 *Id*.
b. Editing

Students must learn how to edit properly\textsuperscript{154} and, to counteract bad habits, professors must take the time to train students to be effective and good editors.\textsuperscript{155} This training begins as soon as students practice legal writing and embark on the first substantive legal writing assignment. Students learn writing and editing skills as they attend class, participate in the discussions and receive and review their professors’ feedback. However, even more directed training can be accomplished through practice editing sessions.\textsuperscript{156}

Professors can conduct in-class mock peer editing session where they use their own draft work product and revise the draft using the students’ comments.\textsuperscript{157} Also, professors can prepare sample student papers for the class to edit as a group or individually. Or professors can use actual student submissions, preferably from prior class years, to conduct practice peer review sessions.\textsuperscript{158} With any of these documents, professors can instruct students to spend approximately fifteen to twenty minutes editing a short paragraph (whether for legal analysis, structure, or grammar) and then take some time to share suggested revisions with the class. Professors then can incorporate students’ edits into the document as the discussion progresses or even use GoogleDocs, an online word processing and editing system, to ensure full participation by the class.\textsuperscript{159} This exercise may result in several workable examples that show students the wide range of possible correct versions.

In addition, professors can require students to work in teams to identify weaknesses in a poorly-written paper. For example, professors can use a “bad brief” as the class example, containing logical fallacies and weak arguments, incorrect facts, and grammar and citation errors.\textsuperscript{160} After reviewing the “bad brief,” student teams can share their notes with the entire class. Also, professors can arrange a similar in-class editing session that combines both individual and group work and professor feedback.\textsuperscript{161} The professor can distribute a page of double-spaced text for students to edit.\textsuperscript{162} Students then can revise the work individually and break into small groups to share their revisions and comments.\textsuperscript{163} After the group discussion, the professor can project the original text onto a screen and each group can make suggestions on

\begin{itemize}
  \item Vinson, supra note 41.
  \item White, supra note 86, at 163.
  \item See Barron, supra note 67, at 24 (“[S]tudents need to study what peer-response groups do and then practice using peer-response techniques.”).
  \item Barron, supra note 67, at 26.
  \item Berger, supra note 22, at 179 (explaining an exercise in which students “respond to good and bad samples of prior students’ earlier work”).
  \item Vinson, supra note at 41 (describing an exercise in which students edit the discussion section of an office memorandum); Ariana Levinson, A Potpourri of Technology, 23 THE SECOND DRAFT (Newsltr. of the Legal Writing Inst.) 21 (Spring 2009). GoogleDocs is an online word processor and presentation editor that enables professors and students to create, store and share documents instantly, and collaborate online in real time. Professors can decide who will access and edit documents and can individually access student participation and content. GoogleDocs helps promote group work and peer editing skills.
  \item Shafer, supra note 146, at 14.
  \item Cliff Zimmerman, In-Class Editing Sessions, 13 THE SECOND DRAFT (Newsltr. of the Legal Writing Inst.) 7, 7 (May 1999).
  \item Id.
  \item Id.
\end{itemize}
how to improve the writing while the professor notes the changes on the document. As needed, the professor may provide feedback on the suggested revisions, namely the relative strengths and weaknesses of the edits.

For long documents, such as briefs or memoranda, professors should make sure students have an opportunity to respond to early drafts rather than polished work. “A polished paper severely limits the opportunities students have for suggesting revision options, sending the message to students that they cannot provide useful advice about how to improve a paper.” And professors may want to use a paper that has both strengths and weaknesses, rather than provide the students with a terrible work product that is riddled with nothing but errors and could be challenging for students to read, much less critique.

Professors also can use self-editing exercises and short editing drills to improve students’ editing and writing abilities. Such exercises can take a variety of forms. For instance, professors could require students to revise the fact section of a persuasive brief the students had written at some other point in their law school education. Also, professors could assign sentences or short paragraphs for editing exercises (as opposed to an entire paper) that require students to identify the writing problems and propose revisions. The Lawyer’s Guide to Writing Well has a collection of sentences from actual legal documents, such as lawyers’ letters and memoranda, judges’ opinions, student work, and newspaper articles that professors can assign for editing exercises. The book also provides suggested revisions to each sentence. By editing their own work and completing a number and variety of editing drills, students receive invaluable training for peer editing exercises.

Admittedly, training students to edit properly may take some time. Professors, however, need not conduct all practice editing sessions during class. Professors can assign practice exercises for homework and then post sample answers on a course webpage. Also, professors can instruct students to complete the homework assignments in groups, furthering the development of teamwork skills. Professors can pace the practice exercises appropriately throughout the course, leading up to the peer editing assignment. Furthermore, professors can use teaching assistants or writing specialists, if available, to supervise editing sessions. Professors also can schedule tutoring sessions outside of class time to cover editing techniques. When working with limited time and a vast amount of material to cover, professors must be creative in identifying efficient means to train students.

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164 Id.
165 Id.
166 Barron, supra note 67, at 26.
167 See Ruth Anne Robbins, Varying the Traditional Methods of Peer Editing, 15 THE SECOND DRAFT (Newsltr. of the Legal Writing Inst.) 15, 16 (June 2001) (explaining that for editing exercises in her advanced writing class, she does not use really “terrible briefs” or “good ones”).
168 See id.
170 Id. at 241-48.
171 Cf. Durako, supra note 60, at 74 (noting that training should not take much time, especially given that students increasingly come to law school having done peer editing before in undergraduate or graduate school)

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In addition to editing exercises, professors can assign helpful reading materials to students. For example, *Scholarly Writing for Law Students* provides useful information on evaluating and editing the work of others. The book addresses the particulars of the peer editing process and how to critique a work for clarity and audience by considering the paper’s organization, substance, and other rhetorical aspects. The section concludes with a discussion about catching mechanical errors (grammar, punctuation, and citation) and awkward expressions and performing a line edit on the paper. *The Lawyer’s Guide to Writing Well* provides a checklist for editors and encourages them to work more efficiently by reviewing documents in several discrete steps, such as for structure and length and then for clarity and continuity.

By incorporating a variety of discrete editing sessions or homework exercises and assigning helpful readings, professors will effectively train students to edit peer documents and ensure students are ready to assume the role of editor.

c. Feedback

Lastly, students must learn how to provide helpful and constructive feedback, not negative unproductive comments, vague sound bites, or exclusively positive remarks. More particularly, professors should encourage students to be specific in their feedback so that the writer has a concrete idea about how to improve the paper, whether the issue is content, organization, grammar, or punctuation. Vague comments like “sounds good,” “seems okay,” “awkward,” or “what?” do not provide the writer enough information to revise his written work substantively.

There are several ways professors can train students on how to offer useful comments. Professors can teach students to phrase their suggestions using ‘I’ statements and then to follow up with a specific question that helps the writer clearly express his intentions. For instance, the phrase “I am having difficulty understanding the main idea for this paragraph. Can you tell me what topic you were trying to address in this section?” avoids overly negative language and

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172 There are several legal writing textbooks and handbooks that include sections on editing and proofreading. See, e.g., *IAN GALLACHER, A FORM AND STYLE MANUAL FOR LAWYERS* 183-93 (2005); *DEBORAH E. BOUCHOUX, ASPEN HANDBOOK FOR LEGAL WRITERS* 205-12 (2005) (including proofreading for other writers); *BRYAN A. GARNER, THE REDBOOK: A MANUAL ON LEGAL STYLE* 319-22 (2006); *CHRISTINE COUGHLIN, JOAN MALMUD & SANDY PATRICK, A LAWYER WRITES: A PRACTICAL GUIDE TO LEGAL ANALYSIS* 243-67 (2002); *LAUREL CURRIE OATES & ANNE ENQUIST, THE LEGAL WRITING HANDBOOK: ANALYSIS, RESEARCH AND WRITING* (2010).

173 ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS* 153-71 (2005). Although the thrust of the book is to educate students about scholarly writing for law reviews, the editing advice, concepts, and tone would assist any professor in explaining the peer editor’s role. Notably, the authors compare editing to working as a midwife. *Id.* at 153, 159-63. As an editor, the student’s job is to assist the author in delivering the best piece possible. *Id.* at 153-54 (“Editors are not writers, not even ghostwriters. They do not make or alter meaning. They do not impose their style upon others.”).

174 *Id.* at 161-63.

175 *Id.* at 163.

176 *GOLDSTEIN & LIEBERMAN, supra* 169, at 229-35.

177 *BREUCH, supra* note 16, at 150-51 (noting that reviewers need to be prepared to specific positive comments that help the author improve his writing).

178 *Id.* at 150-51.

179 *Id.* at 151.
provides the author with usable feedback. Also, professors can introduce their students to the benefits of positive criticism by having the class experiment with providing only positive comments on papers for one full week. From this exercise, students realize the areas in which they performed well and how to build on those strengths.

As done with technical editing techniques, professors can provide students with helpful articles on providing feedback as a peer reviewer. Several books and a few selections on internet writing sites discuss the substance of peer feedback. Professors can assign these articles as required reading or even as a starting point for class lecture on peer review. In addition to readings, professors can provide students with different examples of exemplary peer edits or walk students through a sample peer review, both methods from which students can learn keen editing skills and become familiar with helpful language.

Also, as professors teach students how to provide constructive criticism, they should set reasonable expectations for student feedback. Some students look for peers to mark up their papers extensively, almost to the same extent as their professors. Professors can guard against such unrealistic expectations by completing in-class editing exercises individually and as a group and providing documents marked with sample comments.

Lastly, professors need to remind students they are responsible for their final work products. The onus is on students to review their peers’ evaluations carefully and decide which suggestions to adopt, which ones to question and when to seek guidance from the professor. With proper instruction and training, students can review papers more efficiently and provide consistent comments.

C. Implementation

Even though collaborative group work like peer editing focuses on student activity, “collaborative learning does not imply any diminishment of effort on the part of the

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180 Id. at 153.
182 Id.
183 See BREUCH, supra note 16, at 149-55 (outlining sample peer review and technology instructions that provide helpful information for students about to embark on a peer editing exercise); FAJANS & FALK, supra note 173, at 166-70 (describing the types of feedback and providing annotated examples of an editor’s comments). Professors also may choose to adopt teaching strategies employed in primary education such as the ReadThinkWrite model. The ReadThinkWrite model is a three-step peer-editing process that teaches the techniques of revising expository writing where students compliment, make suggestions, and then correct the paragraph. See WALVOORD, supra note 16, at 113 (proving sample student guide for discussion of draft papers).
185 Barron, supra note 67, at 25 (describing one training method where the professor provides the class with particularly good examples of peer-response work done by students during previous years); Durako, supra note 60, at 76 (“Give students a model of an excellent peer edit[,]”).
186 Marcoulides & Simkin, supra note 27, at 220-23; White, supra note 86, at 164 (acknowledging that providing training to students simply through handouts and feedback limited the quality of peer edits for some students).
Although there is no traditional lecture on the exercise day, professors have a number of tasks to complete to make sure the assignment runs smoothly, teams remain focused and engaged, and learning outcomes are reached.

At the start of class, professors should remind students how the exercise will be structured and distribute the checklist or critique form to the class. In-class peer editing exercises have two phases. First, after brief assignment reminders, students read, review and critique their peers’ work and complete the checklist. This is the critiquing period. Second, students participate in a debriefing session with their partners or groups and then another session with the entire class. This is the assessment phase. If professors arrange a take-home peer editing exercise, they also should provide students with detailed guidelines about how much time to spend on each phase.

1. Critiquing Period

After explaining the exercise’s structure, professors should address the checklist. Since students ideally would have received the evaluation guidelines with the underlying writing assignment, professors need only briefly cover the criteria as a reminder and to set the tone for the review. Professors can highlight key parts of the checklist and emphasize the need for students to provide constructive criticism and positive feedback. For example, professors can recall earlier class editing demonstrations and urge students to be specific and avoid using vague comments that do not provide the writer with enough information to improve his paper.

As students actively work on their peers’ critiques, professors may choose to limit group discussion or allow students to discuss their papers freely. Instituting a general rule of silence during the critiquing period encourages students to read quietly, digest their peers’ papers, and thoroughly evaluate the writing. Students tend to focus more and better on the task at hand without constant interruptions. Also, students often want to ask their partners or group members, “What did you mean here?” or “What does this sentence mean exactly?” “Were you trying to say A, B, and C?” If something is unclear about the writing, the editor needs to state the question, confusion, or deficiency on the critique form or paper. The writer should receive such clear and specific feedback. If a piece is well written then the average reader should be able to

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187 WRITING-ACROSS-THE-CURRICULUM, supra note 17, at 117.
188 See id. at 117 (providing that professors must create and provide peer review teams with relevant learning tasks or guidelines for evaluating student work). See Appendices B, C and D for sample peer editing critique sheets or checklists. Appendix B is a checklist for a predictive rule proof or case explanation exercise. Appendix C is a peer editing critique sheet that guides a student’s review of the argument section of a predictive memorandum. Appendix D is a peer review questionnaire I use for a short exercise in which students evaluate the organization, content, and persuasiveness of a rule proof or case explanation included in a brief. Depending on the assignment, professors can cover all of the learning objectives addressed in these sample checklists or limit the exercise to just a few goals or topics.
189 Given the professor ideally addressed these topics when he first introduced the peer editing assignment, he should need to spend only approximately ten minutes outlining the phases and reviewing the checklist.
190 See generally BREUCH, supra note 16, at 151 (advocates a peer review session in which there is an opportunity for active dialogue throughout the exercise); Seligmann, supra note 11, at 12 (describing a peer review exercise where students begin talking to each other about their thoughts on the memos while they are reading and critiquing their partners’ work).
pick it up, read it, and fully understand and follow the document. Good writing requires clarity. Any questions may be reserved for the debriefing session in the second phase.

While students evaluate their peers’ papers, professors should walk around the classroom monitoring the exercise and students’ level of engagement. Circulate, spending a few minutes with each group and listening attentively to the discussion, but remain largely an observer as students evaluate the papers, generally interrupting only when a student has a question about an editing comment or a concept. For example, students may need assistance with providing clear strategies or suggestions on how to improve the paper. For some questions, professors need not give students the “answer” but could provide guidance or thought-provoking ideas about how students can think through the problem on their own and arrive at the best solution. More specific direction may be required to help those students who may be still struggling. Furthermore, if a student raises a general question for which the response would benefit the entire class, professors should seize the opportunity to make a teaching point and encourage collaborative learning. If professors conduct an editing exercise outside of class, they should be available to answer questions by email or even hold special or extra office hours during the critiquing period.

Regardless of whether the exercise is held in class or for homework, professors should assume the proper level of involvement with peer teams and be available to answer students’ questions during this first phase. By being fully engaged in the peer editing process, professors communicate their commitment to the assignment and to collaborative student learning.

2. Assessment Phase

Assessment should have an “instructional purpose” in addition to “an evaluative or administrative one.” Peer editing embodies this characteristic, as it is a formative assessment

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191 See Writing-Across-the-Curriculum, supra note 17, at 117 (stating that peer review groups must be carefully monitored by the professor); Seligmann, supra note 11, at 13 (explaining that she circulates in the room listening quietly and encouraging conversation).
192 See Taylor, supra note 11, at 285 (advocating that professors should circulate around the room, listening to student groups and interrupting them when a problem arises); Walvoord, supra note 16, at 116-17 (encouraging professors to use their presence in the group to guide the students’ interaction).
193 Hess & Friedland, supra note 5, at 148; Barron, supra note 67, at 29 (“T]he use of response groups does not preclude teacher input, but it does change the nature of the input.”).
194 Muller-Peterson, supra note 101, at 4 (noting that when she detected areas of general concern she interrupted the session and spoke to the entire group). Furthermore, during an in-class exercise and as they observe group work, professors should gauge how far students have completed the assigned tasks and determine whether a few more minutes are needed to complete the exercise. I typically make an announcement to the class when five minutes remain and then one minute remains for the critiquing period. Again, monitoring peer teams and their engagement levels guards against any distracting behavior, as professors can conclude the exercise if students finish early.
195 White, supra note 86, at 162 (recognizing the potential downside of having a “newbie editor” say the wrong thing); Lustbader, supra note 86 (advocating that the instructor “be actively involved with the groups” and “help group members who are having difficulty with the assignment”).
196 Lustbader, supra note 27, at 139.
197 National Writing Project & Nagin, supra note 18, at 76.
If professors include an engaging and meaningful debriefing session at the close of the exercise, peer editing can be used to improve student learning, provide students with immediate feedback, and assess student performance and the exercise. A professor monitoring the session will receive some evidence as to whether he accomplished the goals for the exercise. Did students learn to work together? Did students learn to give constructive feedback? Do they have a better understanding of memorandum structure? Do they see the benefit of explaining the law before one applies it to the facts? Did they improve their inferential reasoning? Can students identify significant factual similarities and differences between precedent and client facts? Did students improve their editing skills? The debriefing session is essential to obtaining material assessment information.

Ideally, the debriefing session includes two parts: a discussion with peer partners or team members and then a session with the entire class. Professors should begin the student session by giving peer team members ample time to review the completed checklist and their marked documents. Then, each student would ask specific questions about the feedback. An engaging dialogue should be created between the writer and the peer group. Professors should make sure each group member has an opportunity to share his thoughts. Professors also should circulate around the room, spending a few minutes with each group, and monitor the discussion. As students interact with each other, professors should observe students’ teamwork skills and ability to listen to their peers and provide points of clarification. To further assess students’ collaborative strengths, professors should require students to incorporate the editor’s comments into their papers and submit the original draft, feedback, and revised document to the professor for review.

The length of the student session will depend on each exercise. For the predictive rule proof exercises I have assigned, I typically reserve about ten to fifteen minutes for the student exchange. If professors instruct students to review and critique the argument section of a larger memorandum, professors may decide to devote at least twenty to thirty minutes for the student session. Depending on the course and assignment rules, professors also can encourage students to continue the discussion outside of class time. In the past, some team members have formed study groups from participating in these sessions.

After the student session concludes, professors should begin the larger class discussion. To start, professors can pose one of the questions a student raised during the critiquing phase or ask what they learned from the exercise. For example, professors could ask, what did students find to be difficult or challenging? Did students notice any creative use of language or style? Did students encounter any tough grammar questions? What did students learn about editing? How will students revise their papers? Such open-ended questions are helpful to begin a worthwhile discussion.

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198 Munro, supra note 6, at 229, 237; C.R. SYNDER, THE PSYCHOLOGY OF HOPE: YOU CAN GET THERE FROM HERE 29 (1994) (“Assessment is fundamental to understanding and especially in regards to your level of hope.”); MUNRO, supra note 5, at 156 (Assessment “provides the feedback for students that is integral to teaching and learning.”).

199 Barron, supra note 67, at 24.

200 To ensure fairness, some legal writing programs have a strict rule prohibiting students from working together on substantive writing assignments. We have a similar rule at Thurgood Marshall School of Law but make an exception for peer editing exercises.

201 See LeClercq, supra note 15, at 419.
The debriefing session with the entire class also has benefits beyond assessment. The session provides another way to hold students accountable for full participation in the exercise, especially if professors randomly call on students to answer questions. In addition, by holding the session, professors have an opportunity to summarize and emphasize major teaching points, reclaim some control over the content being discussed, and provide key information and examples for students to evaluate their learning and development.

Professors may decide to distribute a sample answer at the end of the debriefing period. A sample answer, however, may not be feasible if the peer exercise is conducted on the draft of a graded writing assignment. A sample answer provides students not only much needed feedback but also an opportunity to further develop their self-assessment skills. In addition, after reviewing the sample answer, professors’ follow-up meetings with students about the assignment typically will be limited to more sophisticated and focused questions. If providing students with a sample answer is not possible, professors can structure the assignment so that students receive their peers’ feedback in addition to a critique from their professor. As one scholar noted, this arrangement “makes collaboration between students possible while avoiding the risk of the ‘blind leading the blind.’”

At the close of the debriefing session, professors should evaluate the overall effectiveness of the actual peer editing exercise. The debriefing session provides invaluable insight on this matter. Are there any suggestions for improvement? Would any revisions help achieve the stated learning outcomes? In reflecting on how to approach future peer editing sessions, professors must be willing “to tolerate some partial failures even though they may have worked extensively with individuals trying to improve their performance.”

I have made a few changes to my peer editing exercises based on debriefing discussions and assessment of students’ performance. For example, I have increased the amount of time for certain critiquing periods and incorporated some additional short in-class editing projects for better training. I also have considered requiring students to submit a copy of their completed checklists for review and class participation points. I even have decided against certain changes to maintain a comprehensive approach to student learning and assessment. Namely, I still identify both the writer and editor so students can participate in a meaningful debriefing session with their partner or team members. For my in-class exercises, the intangible benefits received

202 Lustbader, supra note 27, at 139.
203 Id.
204 See Sparrow, supra note 120, at 2 (“Reviewing their classmates’ work, applying a checklist, and reviewing a sample answer provides students with immediate feedback on how well they are performing in the course.”).
205 Id. (noting that the multi-faceted approach of using peer review, a checklist and a sample answer decreases the number of students meetings and reduces meeting duration given that students already had the benefit of reviewing key feedback and content); Marcoulides & Simkin, supra note 27, at 220-23 (reminding that “even after relying heavily upon peer review processes, instructors are still free to meet with, or provide additional feedback to, students with problem papers”); WALVOORD, supra note 16, at 114 (encouraging instructors to be available for conference with students after the exercise to allay any students’ anxiety about the feedback).
206 See Picard, supra note 26, at 14 (describing peer review exercise).
207 Id.
208 Barron, supra note 67, at 34 (“The important point to keep in mind is not to junk the technique because it does not work well with all students.”).
from the one-on-one debriefing session outweigh the administrative requirements to accomplish an anonymous review (such as tracking the papers and student participation).

The peer editing debriefing session not only benefits students but also gives professors an opportunity to evaluate the effectiveness and efficiency of the assignment and note any possible improvements for future exercises.

III. PEER EDITING ACROSS THE CURRICULUM

Collaborative skills have been recognized as important to society and to lawyering. Lawyers often work in firms, try cases in teams, and work with other attorneys to achieve mutual ends. . . . Significantly, there is a growing belief that cooperation is a valued competitive skill, not, as many have believed, the antithesis of competition.209

The benefits of incorporating peer editing in law school courses are undoubtedly many.210 Peer editing helps students develop and practice skills such as analysis and cooperation, which will prepare them for their careers as lawyers.211 These benefits should not be limited to a first-year legal writing course or upper-level skills courses but should be experienced by students throughout their law school careers. By introducing peer editing in doctrinal courses (in addition to writing and other skills courses), students will learn to work together and professors can strengthen and refine students’ collaborative skills over time.

But how can doctrinal professors incorporate peer editing in their courses? First, professors must give students more opportunities to write, create, perform, and actively participate in their educations. Second, professors should use peer editing as part of their feedback and assessment plans. Notably, there already has been a call for doctrinal professors and law schools to integrate more skills training in their courses212 and give students varied

209 HESS & FRIENDLAND, supra note 5, at 131.
210 Muller-Peterson, supra note 101, at 4 (outlining the advantages of using peer editing beyond saving professors critiquing time); Magone, supra note 1, at 245; Davis, supra note 18, at 2; Picard, supra note 26, at 14.
211 Taylor, supra note 11, at 287; see Scott Westfahl, Response: Time to Collaborate on Lawyer Development, 59 J. LEGAL EDUC. 645, 651 (May 2010) (calling for law schools to integrate into the curriculum “professional skills and behaviors that distinguish all excellent lawyers in the real world,” such as teamwork, networking and relationship building); Susan Bryant, Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession, 17 VT. L. REV. 459, 461 (1992) (“Law school is the optimal time and place for exposing students to collaboration. . . . Courses that stress collaboration can encourage students to discover new, more relevant approaches to modern lawyering.”)
212 See Leah M. Christensen, The Power of Skills: An Empirical Study of Lawyering Skills Grades as the Strongest Predictor of Law School Success (Or in Other Words, It’s Time for Legal Education to Get Serious About Integrating Skills Training Throughout the Law School Curriculum if We Care About How Our Students Learn), 83 ST. JOHN’S L. REV. 795, 826 (2009) (envisioning “a law school curriculum that values and incorporates professional skills with doctrine and a curriculum that stresses competence over performance”); see Daniel Thies, Rethinking Legal Education in Hard Times: The Recession, Practical Legal Education, and the New Job Market, 59 J. LEGAL EDUC. 598, 499 (May 2010) (“[T]he recession is causing legal employers to put a premium on job candidates with practical skills—those on whom they will not have to spend time and money before they are ready to practice.”).
Scholars constantly emphasize the importance of writing throughout law school to remedy students’ poor analysis and writing skills. “Committing words to the page is very different from ‘knowing it in your head’ or being able to talk through an answer, which tends to be significantly less precise.”

Law schools must take direct steps to improve the writing ability of law students, which in turn will enhance their facility in using and manipulating language as required by the practice of law. “There is no excuse for the non-writing style in which legal education now goes on.”

And doctrinal professors have a number of options to incorporate more writing in their courses. Professors should design a number of different exercises for students to demonstrate what they have learned. For example, professors could require students to prepare a written brief for at least one of cases from each day’s assigned reading. Or professors could lead the class with a short review of the previous day’s instruction by requiring students to complete an analytical writing exercise. For this exercise, the professor would write a hypothetical on the board or assume the role of a client, explaining the key facts. Students then would prepare a short paragraph, in either IRAC or CRAC format, explaining how the law applied to the client’s situation and providing the viable arguments. To add some variety, in another exercise, professors could instruct students to synthesize a line of cases or to support or challenge some approach that appears to represent the majority view. Professors could assign any of these short writing exercises once or twice a semester or periodically throughout a year-long course. In addition, professors could assign other longer drafting exercises or papers using the substantive law learned to date, such as a client letter or contract. The goal is to create an

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213 See Southerland, supra note 58, at 76 (“Writing is hard work and good writing takes practice.”); Pamela Lysaght & Cristina D. Lockwood, Writing-Across-the-Law-School Curriculum: Theoretical Justifications, Curricular Implications, 2 J. ASS’N OF LEGAL WRITING DIRECTORS, 73, 102 (Fall 2004) (pointing out that, in doctrinal classes, “students should draft documents unique to that subject area. Legislation, jury instructions, divorce settlement agreements, condominium documents, deeds, and administrative regulations are just a few of numerous possible examples.”); Parker, supra note 23, at 565 (“[E]very law school course can teach students ways to use writing to help them analyze legal authorities and organize analysis, [and] can expose students to various kinds of professional documents . . . .”).

214 Sparrow, supra note 120, at 2.

215 Southerland, supra note 58, at 69-70.

216 Id. at 76; Lysaght & Lockwood, supra note 213, at 73 (“[T]he burden of teaching ‘good legal writing’ . . . must be shared within the wider law school community.”).

217 Parker, supra note 23, at 574-79 (explaining a variety of writing-to-learn activities that could be adopted in any law school course); Gerald F. Hess, Seven Principles for Good Practice in Legal Education, Principle 3: Good Practice Encourages Active Learning, 49 J. LEGAL EDUC. 201, 409 (Sept. 1999) (listing sample writing in and out of class exercises, such as term papers, journals, book review, and response papers).

218 Munro, supra note 5, at 143.

219 Southerland, supra note 58, at 71; see William M. Sullivan, ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW 109 (2007) (discussing how to use a case briefing assignment to help students make their thinking visible in writing).

220 Any particular legal writing paradigm would work for this exercise. IRAC is the acronym for issue, rule, application and conclusion. CRAC is the acronym for conclusion, rule, application, and conclusion.

221 Munro, supra note 5, at 143, 151.

222 See generally Michelle S. Simon, Teaching Writing Through Substance: The Integration of Legal Writing with All Deliberate Speed, 42 DEPAUL L. REV. 619 (1992-1993) (discussing a criminal law course at Pace Law School that fully integrates the substantive law, legislative process, and legal analysis and writing).
active and dynamic learning environment that encourages students to put their ideas into words and on paper.

Now, with increased opportunities for students to write, doctrinal professors will need to assess their students’ performance both efficiently and effectively to give students a chance to improve and apply their learned skill sets to future assignments. Of course, to be an effective formative assessment tool, professors must provide students prompt feedback. The longer it takes professors to provide feedback, the less effective the feedback is for student learning. And to complicate matters further, doctrinal professors tend to have a large number of students in each class, likely due, in part, to the fact that these courses traditionally relied more heavily on lecture and Socratic dialogue rather than collaborative learning and writing exercises.

Thus, to accomplish assessment goals and provide students with much-needed feedback, doctrinal professors can use peer editing as one of the many tools at their disposal. Professors can use peer editing for immediate feedback and still have the option of reviewing each assignment shortly thereafter and providing students with an individual critique or group feedback with a common problems sheet. For example, with the short analytical writing exercises, professors can prepare a peer editing checklist in advance that lists the expected arguments and guides students through the appropriate format (IRAC or CRAC). After they finish writing, students would exchange their papers with partners and critique their peers’ assignments using the checklist criteria. Professors would conclude the session by providing students with a few minutes to discuss the feedback with their partners. For some exercises, professors can collect the completed checklists or a handful of writing assignments to gauge student learning. Professors also can decide to provide students with individual critiques or the entire class with a model answer. Professors even can use the same or similar client hypothetical each year, especially if students are required to write the assignment during class.

As law professors, we have assumed the sometimes-daunting task of preparing students for more than just a job but for a successful career in law, one that demands a mastery of legal analysis and clear and succinct writing in a myriad of formats. Scholars have indicated that

224 See MUNRO, supra note 5, at 156. For a general discussion about one professor’s experiences with incorporating multiple assessments into a large-section civil procedure course, see Andrea A. Curcio, Moving in the Direction of Best Practices and the Carnegie Report: Reflections on Using Multiple Assessments in a Large-Section Doctrinal Course, 19 WIDENER L.J. 159 (2009). Notably, Professor Curcio listed the time commitment as a significant downside to her multiple-assessment experiment. Id. at 174.
225 MUNRO, supra note 5, at 151.
226 Id. at 151.
227 See Southerland, supra note 58, at 63, 66, 71 (explaining that, with such large enrollments, “no one teaching courses of this size could realistically be expected to assign frequent writing exercises and provide helpful and meaningful critiques” on all assignments for every student and thus encouraging faculty to review a sampling of exercises for individual feedback). At Thurgood Marshall School of Law, the average class size for a first-year doctrinal course is fifty-five. At UCLA School of Law, the class size for core first-year courses generally ranges from sixty-four to seventy-seven total students.
228 See id. at 66.
229 See LeClercq, supra note 15, at 425; Curcio, supra note 224, at 175 (noting that, to improve her multiple-assessment model in her doctrinal class, she would add detailed grading rubrics, more opportunities for class discussion of assignments, and a peer editing assignment).
students’ writing performance improves when they write frequently and across subject areas. And experts have identified collaborative learning strategies as a key component to writing-across-the-curriculum programs. Furthermore, even without an established collaborative learning program in place, students continue their educations outside of the classroom and away from their professors using informal study and writing groups. A recent national survey of law students reported that outside of class “nearly one in three students chose to frequently collaborate with their peers to complete assignments.” Given the need for improved writing performance and this existing dynamic among some law students, it would benefit professors to teach students how to work with each other effectively and, at the same time, hone their legal analysis, writing and editing skills while learning from one another. While still recognizing that each law student must meet the challenges of law school on his or her own merits, incorporating peer editing in the law school curriculum promotes an academic culture that is supportive of students’ efforts. And the ability to work with peers in a collaborative setting significantly improves student learning.

If students constantly practice writing and editing in this collaborative manner in most law school classes, these practice skills will become second nature for the students and peer editing will become an expected and welcomed part of the law school curriculum.

CONCLUSION

The recently proposed ABA standards signal that law schools and faculty will need to become well versed in assessing the progress and development of their students in both a formative and summative manner. Most law faculty are experienced with using a year-end examination to test student competencies but many need more direction on how to properly track, develop, and improve students’ performance throughout a course in a formative manner. The notion of additional formative assessment requirements has met some resistance given the perceived increased workload and time commitment for faculty. For example, experienced professors may question whether multiple assessment exercises are feasible given large class sizes and high student-faculty ratios, especially for core first-year courses. Some initial conversations among law faculty and administrators have begun as to how such assessment may be accomplished on an institutional level and in the classroom. However, a more explicit and

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230 NATIONAL WRITING PROJECT & NAGIN, supra note 18, at 73 (“Continue using peer editing throughout law school to refine students’ editing skills.”).
231 WRITING-ACROSS-THE-CURRICULUM, supra note 17, at xvi.
233 See Steven D. Jamar, Using the Multistate Performance Test in an LRW Course, 8 PERSP. 118, 121 n.17 (Spring 2000) (addressing that his program’s use of cooperative learning techniques has “significantly improve[d] the pace and quality of learning for most students.”).
234 MUNRO, supra note 5, at 33 (“There is no system of assessment but, instead, nearly universal reliance on a final examination system whose real purpose is not to evaluate student competence but to sort and rank students by assigning grades.”).
235 See id. at 157 (addressing time concerns for increased assessment measures).
236 See id. at 36 (“Formative evaluation processes, in which students perform tasks, are evaluated, are provided feedback, and learn at the same time, are rare in law school, possibly because of large class sizes.”).
237 For example, in September 2009, the University of Denver, Sturm College of Law hosted a conference that addressed better methods of student, teaching, and institutional assessment. See Legal Education at the Crossroads,
detailed dialogue is needed regarding the variety of methods that may be used and how to implement those activities in the classroom practically.\textsuperscript{238}

Using peer editing, in combination with a broad array of teaching strategies,\textsuperscript{239} is an excellent means of incorporating additional assessment measures and opportunities for student feedback in law school courses. Peer editing is particularly useful in legal writing courses. As one scholar noted, “teaching writing is such a complex task that we need a wide array of tools, techniques, and approaches to accomplish our goals.”\textsuperscript{240} And as the ABA’s assessment mandate grows, doctrinal faculty also should experiment with incorporating peer editing in their courses to increase student feedback in a workable manner.

By devoting time to structure a comprehensive and effective peer editing exercise, professors will be rewarded as students improve their writing skills, increase their confidence levels, develop strong peer relationships, and perceive the writing process as a positive and useful experience.\textsuperscript{241} One of my more introverted first-year students remarked how much she enjoyed the peer editing class exercises and really appreciated the opportunity to read her classmate’s work. This student shared that she not only learned her classmate was a very good writer but also realized exactly what she could have done better in her own paper. I have found this experience with peer editing to be a common one among law students and one of the main reasons I believe peer editing should be incorporated more often, but effectively, in law school classrooms.\textsuperscript{242}

With proper planning and by first explaining the goals and benefits of the exercise, the administration of a peer review assignment will run more smoothly and achieve professors’ desired outcomes. In addition, as professors debrief the session with students, professors will be able to assess the exercise’s effectiveness and make note of any ideas for future exercises.

Professors wishing to use peer editing as a means of improving student learning and including formative assessment can adapt the following chronology to incorporate this teaching strategy in any law school course:

1. Review course goals and identify subsidiary learning and class objectives for the peer editing exercise.

\textsuperscript{238}See Munro, supra note 5, at 111 (“Law teachers have little knowledge of the broad range of assessment methods available, strengths and weaknesses of those methods, and their applicability for legal education.”).

\textsuperscript{239}See LeClercq, supra note 15, at 425 (noting the need for faculty to also provide students with feedback since “students worry that peer responses are as uninformed as their own and not really trustworthy”).

\textsuperscript{240}Durako, supra note 60, at 77.

\textsuperscript{241}Barron, supra note 67, at 34.

\textsuperscript{242}Taylor, supra note 11, at 282 (commenting that many students find the peer review exercise to be “one of the most valuable learning experiences of the semester and one that takes them far beyond what” the professor can teach them about their writing).
2. Determine key parameters for the assignment, such as the timeline, team members, and whether to incorporate a blind review.

3. Create a detailed checklist that guides students through the exercise and provides them with specific criteria for the review.

4. Introduce the peer editing exercise with the related assignment. Be sure to “sell” peer editing to students by explaining the process and emphasizing its benefits.

5. Train students to review and critique their peers’ papers effectively and provide useful feedback. Use practice editing exercises in class or as homework and sample edited documents as teaching tools.

6. Include a debriefing session at the close of the exercise to assess student learning and performance and whether learning objectives were achieved. Also, use the debriefing session to evaluate the effectiveness of the peer editing assignment and note any recommendations for future exercises.

Law faculty should seize the opportunity to answer the ABA’s call for increased assessment opportunities by systematically incorporating well-structured peer editing exercises in their curriculum. These exercises will have the benefit of providing immediate student feedback, promoting collaborative learning, and satisfying defined learning objectives.243 Such peer editing activities may be easily incorporated into the coursework along with discrete writing exercises.244 As one educator so aptly stated, “Remember, teachers should be coaches, not crutches. Doing all the revision for your students isn’t helping them learn, it’s depriving them of half the process. Use peer editing. Send your students home tired and send yourself home sane.”245 By introducing peer editing in all law school classes, even in small doses, students will not only become better writers but also come to view the educational process as a team effort and naturally see their law school colleagues as a writing community.246

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243 See Law School Survey of Student Engagement, Student Engagement in Law School: Knowing our Students 8 (2007) (on file with author), available at www.lssse.iub.edu (noting that, despite research showing students benefit from collaborative learning during class, few students reported they frequently engage in such activities).

244 See Christensen, supra note 212, at 821 (“For legal education, this means that doctrinal classes as well as skills classes should incorporate cooperative learning exercises to enhance student learning.”).

245 Kovar, supra note 120.

246 See Tracy Bach, Collaboration in Legal Writing—and Beyond, 15 THE SECOND DRAFT (Newsltr. of the Legal Writing Inst.) 9, 9 (June 2001) (“Clearly some disciplines have come to realize the limits of the individual and the potential of cooperation.”).
# Appendix A

## Lawyering Process Course Design

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<tr>
<th>Learning Goals</th>
<th>Assessment Methods</th>
<th>Instructional Activities</th>
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<tr>
<td>5. Work collaboratively to evaluate writing and provide constructive feedback for</td>
<td>1. Peer editing exercise</td>
<td>1. Complete group research project 2. Arrange students in law firm teams to</td>
</tr>
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Appendix B

**PREDICTIVE RULE PROOF
PEER EDITING EXERCISE**

Remember, the first rule of peer editing is to BE CONSTRUCTIVE. You are helping to improve someone else’s work. Consider the tone of your commentary and make specific but practical suggestions.

As you review your partner’s rule proof, keep the following in mind:

**Structural or organizational comments:**
- If the writer has not used proper rule proof organization, note the problem in the margin and on the checklist. Use the format guidelines that we discussed in class.
- If the court’s reasoning is hard to follow, comment on it.
- If the rule proof could be more concise and clear, suggest how the author might achieve this end.
- Include an endnote pointing out the strengths of the rule proof. Don’t just focus on the weaknesses.

**Stylistic changes:**
- Only make stylistic changes if the author made a grammatical mistake, if a passage is awkward or if the writing is really unclear.
- Revise phrases that are wordy, convoluted or otherwise awkward or unclear.
- Identify grammatical errors.
- Check sentence structure.
- Check spelling and punctuation.

As mentioned above, be constructive. Try to make suggestions and corrections in a positive way. Also, be specific. Give the author specific ideas on how to improve his or her writing.
Predictive Rule Proof Exercise—Peer Critique Sheet

Please read your partner’s Wilks rule proof for the awareness element. Remember, the rule proof should: (1) prove that the author’s formulation of the test is correct and (2) lay a proper foundation for the argument section.

1. Does the topic sentence (leading sentence) properly orient the reader to the subject of this paragraph?
   a. Circle: Yes or No
   b. If no, please revise the topic sentence so it clearly orients the reader and introduces the subject.

2. Did the author include the court’s holding on the awareness element?
   a. Circle: Yes or No
   b. If yes, please write “HO” in the margins of the paper next to the court’s holding. If no, please make a notation as to where the court’s holding should be added.

3. What key facts do you think should be included in the rule proof? Write them below.

4. Are the facts provided above relevant to the awareness element? Circle: Yes or No

5. Are all of the facts listed in #3 included in the author’s rule proof?
   a. Circle: Yes or No
   b. If no, what facts are missing from the rule proof? Write them below.
   c. For each fact listed above in #5(b), why do you think the fact needs to be included in the rule proof? In other words, how is the fact relevant or key to the rule proof? For example, does it show a factual similarity or difference between the case and Harrison’s situation?

6. Does the author sufficiently explain the court’s reasoning?
   a. Circle: Yes or No
b. If yes, please write “RE” in the margins next to the court’s reasoning. If no, please make a notation as to where the court’s reasoning should be added.

c. How would you improve the statement of the court’s reasoning in this rule proof? Please note any suggested edits on the rule proof.

7. Review the organization of the rule proof and your margin notes. Is the rule proof organized so there is a logical flow of the information? For example, do key facts appear in different places throughout the rule proof or together before the court’s reasoning? Please note any suggested edits on the rule proof.

8. Re-read the rule proof for proper grammar and punctuation. Please mark any suggested revisions on the document.

9. Tell the author what you think he or she did well by completing one of the following sentences:

   • Your strongest section in this rule proof is (and why):

   • I liked the way you:

Please return the rule proof and this critique sheet to your partner.
Appendix C

DISCUSSION SECTION
PEER EDITING EXERCISE

The first rule of peer editing is to BE CONSTRUCTIVE. Remember, you are helping to improve someone else’s work. Consider the tone of your commentary and make specific but practical suggestions.

In general, as peer editors, you should check the draft for large-scale organization, logic and reasoning, CRAC/CRRPAC structure, mistakes in grammar, punctuation and spelling, and citation errors.

As you review the author’s draft, keep the following in mind:

**Structural or organizational comments:**
- If the overall organization of the memo is flawed, suggest an alternative structure.
- If the writer has not used a CRAC or CRRPAC structure in each section, note the problem in the margin and on the checklist. Use the memo format guidelines that we discussed in class.
- If the reasoning is hard to follow, comment on it.
- If the memo could be more concise and clear, suggest how the author might achieve this end.
- Include an endnote pointing out the strengths of the memo. Don't just focus on the weaknesses.

**Stylistic changes:**
- Only make stylistic changes if the author made a grammatical mistake, if a passage is awkward or if the writing is really unclear.
- Revise phrases that are wordy, convoluted or otherwise awkward or unclear.
- Make sure authority is provided when needed.
- Identify grammatical errors.
- Check sentence structure.
- Check spelling and punctuation.

As mentioned above, be constructive. Try to make suggestions and corrections in a positive way. Also, be specific. Give the author specific ideas on how to improve his or her writing.
## PEER EDITING CHECKLIST

<table>
<thead>
<tr>
<th>Areas of Review</th>
<th>Criteria</th>
<th>Comments/Suggestions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Conclusion</td>
<td>Clarity</td>
<td></td>
</tr>
<tr>
<td>Overall Rule</td>
<td>Accuracy</td>
<td></td>
</tr>
<tr>
<td>Element #1 (Close Relationship)</td>
<td>Accurate test</td>
<td>Relevant fact(s)</td>
</tr>
<tr>
<td>Element #2 (Presence)</td>
<td>Accuracy</td>
<td>Clarity</td>
</tr>
<tr>
<td>• Test</td>
<td>Case selection</td>
<td>Relevant v. irrelevant facts</td>
</tr>
<tr>
<td>• Rule Proof</td>
<td>Leading analogy/distinction</td>
<td>Identify key relevant facts</td>
</tr>
<tr>
<td>• Application</td>
<td>Accuracy</td>
<td>Clarity</td>
</tr>
<tr>
<td>Element #3 (Awareness)</td>
<td>Accuracy</td>
<td>Clarity</td>
</tr>
<tr>
<td>• Test</td>
<td>Case selection</td>
<td>Relevant v. Irrelevant facts</td>
</tr>
</tbody>
</table>
Tell the author what you think he or she did well by completing one of the following sentences:

- Your strongest section is (and why):
- I liked the way you:

<table>
<thead>
<tr>
<th>Application</th>
<th>Leading analogy/distinction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Identify key relevant facts</td>
</tr>
<tr>
<td></td>
<td>Specific factual support</td>
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<td></td>
<td>Clear inferences</td>
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<td></td>
<td>Link to test</td>
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<tr>
<td></td>
<td>Clarity</td>
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<td></td>
<td>Arrangement of ideas</td>
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</tbody>
</table>

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<thead>
<tr>
<th>Mechanics</th>
<th>Spelling</th>
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<tr>
<td></td>
<td>Grammar</td>
</tr>
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<td></td>
<td>Punctuation</td>
</tr>
</tbody>
</table>


Appendix D

Persuasive Rule Proof Exercise—Peer Critique Sheet

Please read your colleague’s Johnson rule proof for the holding out to the public element. Remember, the rule proof should: (1) prove that the author’s formulation of the test is correct and (2) set up the analysis.

1. Based on your initial reading of the rule proof, on a scale of 1-5 (1 low and 5 high), how persuasive is the rule proof? Does the rule proof favor Prentiss’s, our client’s, position?

   Neutral /Unfavorable  1  2  3  4  5  Persuasive

2. Please briefly explain your answer.

   Re-read the rule proof. Remember, Prentiss would analogize to Johnson for the holding out to the public element.

   3. Underline or circle the language in the rule proof that favors Prentiss’s position.

   4. Did you identify any helpful language for Prentiss’s position? Yes or no.

      ____________

   5. How would you improve the persuasiveness of this rule proof? Please note any suggested edits on the rule proof.

   Please return the rule proof and this critique sheet to your colleague.