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The Fruits of Hope: Student Evaluations

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The Fruits of Hope: Student Evaluations

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I. INTRODUCTION

The validity and reliability of student evaluations of college and law school teachers have received significant attention among scholars for a long time. This scholarship has included, in recent years, articles about law school teaching evaluations. Among legal

writing teachers, a relatively new group of faculty,¹ there has been a widely-held belief that when students evaluate legal writing teachers, the result is poorer or lower scores on evaluations than those received by the teachers of doctrinal or casebook courses.

The purpose of our presentation at “The First ‘Colonial Frontier’ Legal Writing Conference” was not to delve deeply into the larger and sometimes controversial issues of student evaluations, but to demonstrate that legal writing teachers and courses are not doomed to receive poor evaluations from their students. Our position is that the conventional wisdom held by so many in our field is wrong. We believe that legal writing teachers and courses can receive exemplary evaluations from students. We also believe that thoughtful choices about curricular designs and wise decisions about pedagogical techniques can almost ensure high evaluation ratings from students. Furthermore, these curricular elements and teaching methods result in better student performance and greater teacher enjoyment. All of these elements and methods reflect implementation of Martin and Rand’s five principles of engendering hope among students: “(A) help law students formulate appropriate goals; (B) increase law students’ autonomy; (C) model the learning process; (D) help law students understand grading as feedback rather than as pure evaluation; and (E) model and encourage agentic thinking.”²

The authors agree with Martin and Rand’s conclusions that employing these five principles results in improved teaching, greater

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1. See Jan M. Levine & Kathryn M. Stanchi, *Women, Writing & Wages: Breaking the Last Taboo*, 7 WM. & MARY J. WOMEN & L. 551, 565-569 (2001).

2. Allison D. Martin & Kevin L. Rand, *The Future’s So Bright, I Gotta Wear Shades: Law School Through the Lens of Hope*, 48 DUQ. L. REV. 203, 205 (2010).

faculty enthusiasm, and (as we will demonstrate) higher course evaluation ratings from students.³

This article will summarize briefly the leading relevant scholarly articles—largely those about course evaluations in legal writing programs—and will do so in chronological order of publication.⁴ We will then summarize what we believe are the top five “evaluative hostility” factors noted in the scholarship that have been linked to low course evaluations in legal research and writing (LRW) courses. We explain the curricular techniques and pedagogical methods employed in our courses and program. The article will then explain the structure and results of course evaluations obtained in the spring of 2009 from all twelve sections of the Duquesne Legal Writing Program, and summarize a large number of the student comments on those evaluations.

3. Martin and Rand quote a 2008 e-mail communication from one of this article’s authors, the Director of Duquesne’s program:

Indeed, based on his twenty-five years of experience in reviewing legal writing professors across the country, Professor Jan Levine has observed, “Not only does hope predict student performance, but it also leads inexorably to similar effects on teacher performance and curricular success. If the curriculum employed in the writing program engenders hope among the students, the program is viewed more positively by students.” Moreover, “[i]f the curriculum and teacher together create that positive mindset among students, the students are far happier, perform better, and hold the program and teacher in high esteem.” Conversely, he cautioned that “[i]f teachers and the program kill hope in their students, the students’ evaluations of the faculty, and the students’ work product, are weaker, leading in turn to faculty cynicism, disaffection, and disinterest; such a downward spiral for all participants is a tragedy.” This synergistic relationship between legal educators and law students exists in all classes, not just legal writing. Displaying enthusiasm in teaching is a good way to maintain a hopeful learning environment.

Id. at 230 (citations omitted).

4. Richard Abel, *Evaluating Evaluations: How Should Law Schools Judge Teaching?*, 40 J. LEGAL EDUC. 407 (1990); Arthur Best, *Student Evaluations of Law Teaching Work Well: Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree*, 38 SW. U. L. REV. 1 (2008); Judith D. Fischer, *The Use and Effects of Student Ratings in Legal Writing Courses: A Plea for Holistic Evaluation of Teaching*, 10 J. LEG. WRITING INST. 111 (2004); Melissa Marlow-Shafer, *Student Evaluation of Teacher Performance and the “Legal Writing Pathology:” Diagnosis Confirmed*, 5 N.Y. CITY L. REV. 115 (2002); Deborah J. Merritt, *Bias, the Brain, and Student Evaluations of Teaching*, 82 ST. JOHN’S L. REV. 235 (2008); and David D. Walter, *Student Evaluations—A Tool for Advancing Law Teacher Professionalism and Respect for Students*, 6 J. LEG. WRITING INST. 177 (2000).

II. SUMMARY OF THE KEY SCHOLARSHIP ON LAW STUDENT EVALUATIONS OF LEGAL WRITING PROGRAMS

A. *David D. Walter*, Student Evaluations—A Tool for Advancing Law Teacher Professionalism and Respect for Students

In 2000, David D. Walter, Assistant Professor of Legal Writing and Analysis at Mercer University School of Law, published an article promoting the use of student evaluations as a tool for advancing law professor professionalism and respect for students. While the Walter article was not aimed exclusively at legal writing professors, it did draw its underlying empirical support from “several years’ evaluations for several legal writing teachers.”⁵ The Walter article was particularly influential in the scholarship on student evaluations and, given its focus on evaluations administered in a legal writing context, it also identified many of the factors that later scholars would isolate and explore in greater depth in the specific context of legal writing.⁶

The basic premise of the Walter article was a powerful one, built on common sense:

The relationship between student evaluations and professionalism and respect is interdependent and circular. [Law professors] can use [student] evaluations as a tool to improve professionalism and respect; improved professionalism and respect should then earn [the law professor] improved evaluations. Thus, professional excellence should produce excellent teaching evaluations.⁷

While acknowledging that many law professors view student evaluations with distrust and suspicion,⁸ Professor Walter posited that student evaluations, when used properly and approached with the right attitude, can improve both teaching and teacher

5. Walter, *supra* note 4, at 191.

6. See, e.g., Marlow-Schaffer, *supra* note 4, at 116 n.6.

7. Walter, *supra* note 4, at 178.

8. Professor Walter identified four reasons typically cited by law professors in resisting use of student evaluations:

First, some teachers fear that their evaluations will be compared to other faculty members and that administrators, other teachers, or students will view them as less competent. Second, some teachers believe that reviewing student evaluations will not improve their teaching. Third, some teachers believe that teaching is “too complex” to evaluate. And finally, some teachers argue that students lack the qualifications to assess their teaching.

Id. at 179-80 (citations omitted).

competence.⁹ And while he also acknowledged that debates over the reliability and validity of using student evaluations for particular decisions (such as tenure and course assignments) will continue, Professor Walter urged that law professors focus on analyzing student evaluations and the valuable information that can be gleaned from them.¹⁰

After analyzing several years' worth of student evaluations (which included both quantitative data and qualitative comments¹¹) and culling them for recurring "student concerns," Professor Walter identified two major categories of particular concern among law students: professor "professionalism" and "respect for students."¹² Within these two categories, he further identified eight specific concerns with professionalism ((1) clarity; (2) pedagogical knowledge; (3) substantive knowledge; (4) preparation and organization; (5) punctuality; (6) fairness; (7) availability outside of class; and (8) delivery and attire), and two specific concerns with respect for students (overall class atmosphere, including both the teacher's demeanor and classroom control, and the expression of empathy and caring).¹³ Professor Walter then annotated each area of concern with qualitative student comments that both documented the problems as perceived by students and, when appropriate, suggested how a professor could earn praise in that same category. For example, under the category labeled "clarity," these two comments (among others) were used to highlight the contrast among professors:

- Wonderfully detailed—took us step-by-step thru first memo and gave us every opportunity to discuss questions with him.
- The comments were hard to decipher as to how to make improvements.¹⁴

9. *Id.* at 179-181.

10. *Id.* at 183.

11. Professor Walter explained that student evaluation forms typically seek quantitative data generated by "specific questions" tied to "four or more answers" and qualitative comments generated by questions that seek a student's observations or comment on a particular topic in a space provided for a narrative response. *Id.* at 183-84.

12. Walter, *supra* note 4, at 191-92, 210.

13. *Id.* at 191, 211.

14. *Id.* at 193.

The Walter article, despite its broad applicability, identified many of the areas of concern that tend to surface more frequently in student evaluation of legal writing professors than doctrinal professors. On a positive note, Professor Walter identified “substantive knowledge” and “preparation and organization” as perceived areas of strength for legal writing professors, with students providing such comments as: “The teacher is ‘very professional, knowledgeable, and has an obvious interest in teaching the subject matter,’” “[a]lways prepared,” and “[a]ll of his lectures were very organized and helpful.”¹⁵ On the other hand, Professor Walter noted that “frequent comments from legal writing students about clarity serve to pinpoint this topic as a pervasive problem area,” particularly in the context of “class sessions, assignments, memo problems, feedback, and grading.”¹⁶ Negative student comments in this category included, “[p]rofessor hides the ball,” “[q]uestions were answered too evasively,” “it seemed unclear what was an A paper,” and “[t]he teacher gave ‘conflicting feedback.’”¹⁷ Pedagogical knowledge—specifically, the choices made by legal writing professors in the context of course material and design, and the development of writing assignment vehicles—was identified as another area of major concern to students. Negative student comments in this category included “[m]emos ‘were harder than expected,’” and “[it] would have been a better learning experience if the topic had been less complicated.”¹⁸ Finally, Professor Walter highlighted student comments tied to punctuality (specifically the timing of feedback) and grading, both of which raise particular concern for legal writing professors.¹⁹

In the broad category of “respect for students,” Professor Walter noted that law professors have an obligation to treat students with respect, and that professors should respect and like their students as “unique individuals who are ‘very much worth knowing.’”²⁰ Be-

15. *Id.* at 202, 203. Specifically, Professor Walter noted: “For a legal writing teacher, substantive knowledge includes knowledge about legal writing as well as knowledge about legal analysis, legal research, oral advocacy, and the doctrinal area of law raised by a particular memo assignment. . . . Student comments about the knowledge of legal writing teachers are usually quite positive.” *Id.* at 202. He also noted: “As with substantive knowledge, students’ evaluations of their legal writing teachers’ preparations and organization are usually quite good.” *Id.* at 203.

16. *Id.* at 192.

17. Walter, *supra* note 4, at 193-194.

18. *Id.* at 198.

19. *Id.* at 204-06. Concerns with grading appeared under the broader category of “fairness.” *Id.* at 205-06.

20. *Id.* at 210 (quoting Kent D. Syverud, *Taking Students Seriously: A Guide for New Law Teachers*, 43 J. LEGAL EDUC. 247, 258 (1993)). This section of the Walter article has

cause good legal writing programs typically require professors to spend many hours working closely with students in smaller class sizes and one-on-one conference settings, this category is of particular concern. And while many of the student comments highlighted in this section were positive, some were particularly destructive, such as “[f]eedback was depressing, knowing that no matter how good you did, it was going to get butchered.”²¹ Interspersed throughout this section, Professor Walter offered common sense advice for improving student evaluations in the category of respect for students, including:

- “Demeanor in the classroom is of key importance because it also sets the tenor [for] relationships with . . . students outside of the classroom in such settings as office conferences.”²²
- “[L]earn the students’ names and faces as soon as possible and to use their names.”²³
- “[C]ontrol the classroom, in a respectful fashion, to create the best learning environment possible . . . [and] make it clear that . . . the classroom [is] an important place for teaching and learning.”²⁴
- “[D]emonstrate empathy by taking great care not to destroy the students’ self esteem, either through direct comments or through cynicism in general. Legal writing teachers give considerable negative, but constructive, criticism. . . . [I]nclude positive comments, too.”²⁵

Echoing the wisdom of Professor Richard Abel, Professor Walter predicted that students who are treated respectfully by professors “will usually respond with similar sentiments” and “better evaluations.”²⁶

In a section devoted to establishing the proper “viewpoint” for understanding student evaluations, Professor Walter urged that

the most direct tie to Martin and Rand’s five principles of engendering hope among students.

21. *Id.* at 215.

22. Walter, *supra* note 4, at 212 (citation omitted).

23. *Id.* at 212 (citation omitted).

24. *Id.* at 213-214 (citation omitted).

25. *Id.* at 216.

26. *Id.* at 217. *See also* Abel, *supra* note 4, at 424-25.

evaluations be analyzed by considering: (1) the qualitative data and the qualitative comments; (2) the professor's own personal "benchmark"; and (3) the impact of course characteristics, student characteristics, and the personal characteristics of the professor.²⁷ In explaining the third consideration, Professor Walter highlighted many of the characteristics of legal writing instruction that many scholars after him have analyzed in greater depth. He noted, *inter alia*, that "[l]egal writing evaluations frequently contain comments indicating that students aptly distinguish between the course and the teacher," singling out the course for criticism, but the professor for praise.²⁸ He also noted how expectations about grading and the timing of grades in legal writing courses tend to impact student evaluations, explaining:

Some writers have noted a relationship between students' *expectations* about grades and their evaluations. Although "no significant correlation between student rating and grade point average" exists, studies have found "significant positive correlations with the student's expected grade and the degree of congruence between the expected and actual grades. Students who did as well as or better than they expected rated the instructor higher than those who did worse." Thus, students who "have received fairly low grades on earlier assignments, grades below what they were used to getting in undergraduate school, and often, in their minds, disproportionately low compared to the amount of work they perceive that they did in preparing the documents" may "tend to resent the course or the teacher or both."

The teachers of courses that offer grades during the semester—before students complete their evaluation forms—are at risk of lower evaluations from students disappointed with their grades.²⁹

Finally, Professor Walter noted that personal characteristics, such as academic rank and gender, as opposed to the professor's

27. Walter, *supra* note 4, at 183.

28. *Id.* at 187. Exemplary student comments included: "Boring material—made it ok" and "[a]s good as could be expected considering subject matter." *Id.*

29. *Id.* at 188-89 (citations omitted) (citing Abel, *supra* note 4, at 418-19, 420 n.47; William Roth, *Student Evaluation of Law Teaching*, 17 AKRON L. REV. 609, 611-12; and Paul T. Wangerin, *The Evaluation of Teaching in Law Schools*, 11 J. PROF. LEG. EDUC. 87, 108, 112 (1993)).

ability, may influence student evaluations.³⁰ Professor Walter's suggestion that course content could affect the evaluation of legal writing professors was subsequently cited in the introduction to the next article we summarize, by Melissa Marlow-Shafer.

B. Melissa Marlow-Shafer, Student Evaluation of Teacher Performance and the "Legal Writing Pathology": Diagnosis Confirmed

In her article published in 2002, Marlow-Shafer, Assistant Clinical Professor of Law at Southern Illinois University School of the Law, posited that legal writing suffers from a particular "pathology"—one that, in turn, causes the professors who teach it to receive poorer evaluations than their doctrinal colleagues.³¹ Armed with anecdotal evidence from informal conversations with legal writing instructors, responses to postings on the legal writing director listserv (DIRCON), and the low student evaluations received by the professors in her law school's legal writing program,³² Marlow-Shafer set out to assess whether "student attitudes toward the subject matter of legal writing truly influence student evaluation results" or, in other words, whether there is "a general dislike for the subject matter of legal writing which affects students' ability to effectively evaluate the teaching methods of writing teachers."³³ To test her hypothesis that "due to course content alone, legal writing professors receive lower student evaluations than doctrinal law professors," Marlow-Shafer conducted "a national survey via e-mail of legal writing directors"³⁴ and concluded that "the belief that legal writing faculty receive lower student evaluations based on course content is not imagined."³⁵

30. *Id.* at 190.

31. Marlow-Shafer, *supra* note 4, at 115-116. Marlow-Shafer specifically attributed the term "legal writing pathology" to her colleague, Professor Penelope Pether, who first introduced the term and the concept at a faculty forum on legal writing. *Id.* at 115 n.1.

32. *Id.* at 115-116, and nn.3-5.

33. *Id.* at 116.

34. *Id.* at 120. The survey questionnaire, which contained eight questions (several with subparts) was posted on the DIRCON listserv (the listserv for the Association of Legal Writing Directors) in April of 2001. *Id.* at 124. Of the 240 plus members of the Association of Legal Writing Directors at the time, twenty-four legal writing directors responded to the survey, 87% of whom were identified as teaching both a doctrinal and a legal writing course. *Id.* at 125. In her article, Marlow-Shafer also noted the variables that had, at that time, been documented as affecting student evaluation of teacher performance (including gender, the timing of grades, and class size), *id.* at 121-24, and the gap in the social science literature in terms of the effect of course content. Marlow-Shafer, *supra* note 4, at 120-21.

35. *Id.* at 127.

In assessing the results of her survey, Marlow-Shafer first explained how the impact of gender and class size appeared to factor out of the equation and then asked whether lower student evaluations for legal writing professors are “a direct result of evaluative hostility” or whether there are other factors particular to legal writing courses that contribute to the lower evaluations.³⁶ She concluded, based on the scores and qualitative comments submitted in response to her survey, that (1) the stressful, demanding nature of legal writing courses (in which anxious students are forced to work on time consuming projects which are then subject to constructive criticism),³⁷ (2) the perception of legal writing courses as “different” (because they force students to combine research, writing, and analysis to construct a tangible product),³⁸ (3) the already documented effect of the receipt of legal writing grades (i.e., early and often before grades are received in doctrinal courses),³⁹ and (4) the impact of “status” and the disparate treatment of legal writing faculty, all played a role in lower student evaluations.⁴⁰ Drawing on these conclusions, and to counter the

36. Marlow-Shafer, *supra* note 4, at 128.

37. *Id.* at 128. See also *id.* at 128 (quoting Suzanne E. Rowe, *Legal Research, Legal Writing, and Legal Analysis: Putting Law School Into Practice*, 29 STETSON L. REV. 1193, 1208-10 (2000)). Marlow-Shafer reproduced portions of the comments received on this topic, including: “[S]tudents do not feel warm and fuzzy when they have to work so hard doing things that are inherently difficult, no matter who is guiding them through the process,” and “[m]uch is pure venting and lack of understanding that there is no one way to write, that writing is hard, and that even if 1Ls got good grades on other kinds of writing, they may not get good grades on legal writing.” *Id.* at 129.

38. *Id.* at 129-130. Marlow-Shafer reproduced portions of the comments received on this topic, including: “LRW is a course whose work is totally unlike the work of the other classes (substantive courses, mostly). [A]lso because LRW requires constant hard work, where other classes only have one exam at the end of the term”; “Legal writing teachers require active learning, as opposed to the largely passive learning of the other first-year classes. In other words, we require lots of hard work. Further, we give feedback during the semester, some of which is negative; in the other classes, the students get no feedback”; and “I wish our dean and other faculty understood how personal writing is for most students and how offended many are when you critique their writing. This is often what shows up on negative evaluations. Other professors don’t have this problem.” *Id.*

39. *Id.* at 128, 130-31 (Marlow-Shafer quotes, *inter alia*, Peter Bayer, *A Plea for Rationality and Decency: The Disparate Treatment of Legal Writing Faculties as a Violation of Both Equal Protection and Professional Ethics*, 39 DUQ. L. REV. 329, 364 (2001)). Marlow-Shafer reproduced portions of the comments received on this topic, including: “We’re the first teachers to tell the 1Ls that they won’t be at the top of their law school class, and they hold it against us without seeing that their other grades later on confirm exactly what we said about their written work.” *Id.* at 131.

40. *Id.* at 132-33 (quoting Marina Angel, *The Glass Ceiling for Women in Legal Education: Contract Positions and the Death of Tenure*, 50 J. LEGAL EDUC. 1, 2 (2000); Christine Haight Farley, *Confronting Expectations: Women in the Legal Academy*, 8 YALE J.L. & FEMINISM 333, 354-355 (1996); Bayer, *supra* note 39, at 363). Marlow-Shafer reproduced portions of the comments received on this topic, including: “Writing faculty are viewed as

bias that she found to be “inherent in student evaluation of legal writing faculty,” Marlow-Shafer offered ten recommendations for change by the law schools, including tailoring the evaluation form to measure what legal research and writing courses teach, timing evaluations to occur after students receive grades in all of their courses, and changing the perception of legal writing within the academy.⁴¹

In the final analysis, Marlow-Shafer concluded that “[l]egal writing professionals truly [do] suffer from some type of disease within the legal academy” and that “[l]ower student evaluations, due at least in part to course content, are yet another symptom of this ‘pathology.’”⁴² While uncertain as to how all of the “symptoms of the disease” (including gender, the timing of evaluations, lower pay, status and course content) interrelated and impacted one another, she urged academics and administrators to “do something to stop the spread of the disease that legal writing professionals have come to know as the ‘legal writing pathology.’”⁴³

C. *Judith D. Fischer, The Use and Effects of Student Ratings in Legal Writing Courses: A Plea for Holistic Evaluation of Teaching*

In 2004, Professor Judith D. Fischer suggested that “[f]olklore in the field of legal writing holds that student ratings of the course are influenced by factors other than the quality of the teaching—factors like the difficulty of the course, the students’ reluctance to have their writing criticized, and their receipt of critiques and grades before they complete the forms.”⁴⁴ In an exploration of gender as a biasing factor that could lead to lower ratings for legal writing courses, she wrote:

Whatever the cause, empirical studies have produced evidence of a bias against women law professors. . . . Moreover, students may apply different standards to women professors than to men, expecting personal contact and nurturing from women and judging them more harshly than men on that

having less status and are easier to attack as an outlet for the great amount of stress and anger that many 1Ls have,” and “[l]egal writing professors are more accessible and less ‘god-like’. This I believe makes us more vulnerable to negative student comments.” *Id.*

41. Marlow-Shafer, *supra* note 4, at 133-138.

42. *Id.* at 139.

43. *Id.*

44. Fischer, *supra* note 4, at 113 (citations omitted).

score. Female professors may also find themselves in a “double bind,” expected to walk a fine line between appearing weak or being too assertive, while fearing that however they act, their demeanor will never be quite right. These biases may be particularly influential in the aggregate ratings of legal writing teachers because a large majority of them are women.⁴⁵

Professor Fischer also identified several additional reasons which could lead to lower ratings in legal writing courses,⁴⁶ such as the grades in the legal writing course being lower than student expectations,⁴⁷ the “expressiveness, warmth, and extroversion” of the teachers,⁴⁸ and the biases and motives of the students.⁴⁹ She also suggested several negative effects of student ratings upon the courses and the students themselves, such as grade inflation,⁵⁰ decreased intellectual rigor of the course,⁵¹ and cultivation of the worst aspects of a “consumer mentality” among students.⁵² She concluded that legal writing teachers “may be especially vulnerable to student attitudes fostered by the ratings,” because of the typical legal writing course’s “rigorous, constructive criticism” and the “lower status of some writing teachers.”⁵³

Professor Fischer then described the results of a 2002 survey she distributed to members of the Association of Legal Writing Directors (ALWD) by e-mail through DIRCON.⁵⁴ “The questionnaire asked ALWD members how student rating forms are actually used in their legal writing courses and inquired about their observations and opinions about the ratings’ effects.”⁵⁵ The top four explanations chosen by those who saw teachers receive lower ratings than expected after classroom observations were: students

45. *Id.* at 128-29 (citations omitted).

46. *Id.* at 132 (“[I]nstructors’ lower ratings for legal writing courses may be partially attributable to features of the course rather than to poor teaching.”).

47. *Id.* at 124-25.

48. *Id.* at 126-27.

49. Fischer, *supra* note 4, at 130-31.

50. *Id.* at 133-34.

51. *Id.* at 134-35.

52. *Id.* at 136-37.

53. *Id.* at 137 (“I face many students who are unprepared for rigorous, constructive criticism, and who seek a great deal of handholding.” (quoting Helen A. Anderson, *Generation X Goes to Law School: Are We Too Nice to Our Students?*, 10 PERSP. 73, 73 (2002))).

54. Fischer, *supra* note 4, at 138-39.

55. *Id.* at 139 (noting that Association of Legal Writing Director members are typically familiar with the teaching of many individuals within their programs, by virtue of their supervisory role within the program).

reacted negatively to having their writing critiqued (38%), students reacted negatively when a teacher did not provide sample answers but expected them to do their own analysis (38%), students reacted negatively to vigorous grading (37%), and students were resentful of the amount of work in the course (35%).⁵⁶ The top three explanations chosen by those who saw teachers receive higher ratings than expected based on classroom observation were: a teacher was popular with the students for reasons independent of his or her teaching performance (31%), a teacher was an easy grader (31%), and a teacher avoided challenging the students (29%).⁵⁷

Professor Fischer noted that:

When [the respondents] identified reasons for different ratings than they expected based on classroom observations, only a few said they thought the classroom observer had overestimated or underestimated the teacher's competence. Instead, they identified reasons that relate mostly to course grading and standards.

Thirty-seven percent of the respondents reported seeing grades negatively affect ratings, a bias that has been repeatedly identified in the literature. This effect may be particularly strong in legal writing courses because of the critiques and grades the students receive before completing student rating forms.⁵⁸

In her conclusion and proposals for the future, Professor Fischer suggested a "holistic approach" to evaluations.⁵⁹ Among those proposals were using midterm evaluations, which typically prompt higher evaluation scores,⁶⁰ and to use "questions aimed at specific behaviors."⁶¹

56. *Id.* at 145.

57. *Id.* at 146.

58. *Id.* at 152 (citations omitted).

59. Fischer, *supra* note 4, at 156.

60. *Id.* at 157.

61. *Id.* at 157-58 ("An additional suggestion by several researchers is to use only questions aimed at specific behaviors, like whether the professor arrives on time. . . . Notably, 77% of the respondents to this study who said student ratings helped them improve their teaching identified feedback about specific behaviors, rather than general comments, as helpful." (citations omitted)).

D. *Deborah J. Merritt, Bias, the Brain, and Student Evaluations of Teaching*

The link between the current system of evaluating teaching and how accurately the student responses in the evaluations reflect a teacher's effectiveness in the classroom has been explored by Deborah Merritt. Like Professor Fischer, Professor Merritt suggested that the current method of evaluating teachers is flawed. Although not specifically focused on legal writing courses and teachers, Professor Merritt's article addressed most of the psychological and educational scholarship about student evaluations. She believed, as we do, that students are fully capable of evaluating their teachers' effectiveness, but she questioned whether the current methods employed to evaluate teachers actually evaluate a teacher's effectiveness in the classroom, or if they merely reflect the students' biases toward people of certain colors, gender, or ethnic background.⁶²

She cited a number of studies that establish that nonverbal behaviors, such as a teacher's tone of voice, use of humor, and facial expressions, actually have more of an impact on student evaluations than the substance of the course.⁶³ She argued the current format of teacher evaluations is flawed because it does not allow time for students to reflect on what they learned in the course and, as a result, the students evaluate the teacher's nonverbal behaviors, that are largely influenced by the teacher's "race, gender, and other immutable characteristics."⁶⁴ As a result, the teacher is not being evaluated based on his or her substantive knowledge or whether the students are actually learning anything in the course.⁶⁵ In fact, Professor Merritt argued that there "is little, if any, positive association between the ratings students give faculty and the amount they learn."⁶⁶

The premise for her argument that the current system of evaluating teaching performance is flawed was based on psychological research that supports that, depending on the situation, people make either instinctive, immediate decisions that are more based

62. Merritt, *supra* note 4, at 237, 239, 275.

63. *Id.* at 241-53 ("Nonverbal behaviors appear to matter much more than anything else in student ratings.")

64. *Id.* at 239-40. Professor Merritt stated that law students are not immune from making decisions based on these nonverbal behaviors. *Id.* at 252.

65. *Id.* at 253-54 ("The current system of student evaluations . . . rewards and penalizes faculty according to relatively trivial indicia, rather than what they accomplish in the classroom.")

66. *Id.* at 270.

on instinct (i.e., nonverbal behaviors), or they make decisions that are more thought out and provide an opportunity for reflection.⁶⁷ Common student evaluations that ask students to determine whether the teaching was good or bad, and are given to students to complete in ten minutes, draw on the more immediate, instinctive decision-making process, so the students do not engage in any purposeful deliberation about what they learned in the class, but instead rate the teacher based on the teacher's nonverbal behaviors.⁶⁸

Thus, Professor Merritt argued that student evaluations should provide the students the opportunity to reflect on the teacher's effectiveness.⁶⁹ She argued that the best way to do this is to conduct small group discussions that include a group of students and a facilitator meeting to discuss the teacher and the course.⁷⁰ She claimed that students welcome and prefer this type of evaluation to the typical evaluation form.⁷¹

E. Arthur Best, Student Evaluations of Law Teaching Work

Well: Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree

In 2008, Professor Arthur Best analyzed current law school practices related to student evaluations of teaching.⁷² Professor Best opined that the "views from scholars whose primary work is outside the fields of psychology and the study of teaching and learning differ strongly from most of the findings of researchers" in fields such as law.⁷³ Professor Best explained that education scholars conclude generally that student evaluations of teaching provide useful information that is typically valid and reliable.⁷⁴ In contrast, he noted that law professors who have written on teaching evaluations are skeptical about the value of student evalua-

67. Merritt, *supra* note 4, at 275-76.

68. *Id.* at 276-79.

69. *Id.* at 281.

70. *Id.* at 281-82.

71. *Id.* at 283.

72. Best, *supra* note 4, at 1.

73. *Id.* at 10.

74. *Id.* at 3. Professor Best explained that education researchers agree that student evaluations of teaching effectiveness are generally valid and useful. *See id.* Best quoted from a 1987 article by Herbert Marsh, who wrote that student evaluations of teaching "are clearly multidimensional, quite reliable, reasonably valid, relatively uncontaminated by many variables often seen as sources of potential bias." *Id.* at 3 (quoting Herbert W. Marsh, *Students' Evaluations of University Teaching: Research Findings, Methodological Issues, and Directions for Future Research*, 11 INT'L J. EDUC. RES. 253, 369 (1987)).

tions of teaching.⁷⁵ In summarizing law professors' articles on student evaluations of teaching, Professor Best concluded there is "an overriding sense of dissatisfaction with the process and a good deal of skepticism about whether it is worthwhile at all."⁷⁶

Professor Best posited that by paying careful attention to the context in which student evaluation of teaching data are used, the discrepancy between the views can be resolved.⁷⁷ Specifically, he concluded that the proper use of student evaluations of teaching depends on the particular purpose the data is intended to serve. He explained that student evaluations are generally used in four contexts: "1) assignment of professors to courses, 2) course selection by students, 3) self-improvement by professors, and 4) promotion and tenure decisions by faculty and administrators."⁷⁸ While Professor Best argued that student evaluations are well-suited for determining assignment of professors to courses and course election by students, he noted that the frequency and form of student evaluation should be improved for professors' self-improvement.⁷⁹

For promotion and tenure, he explained that administrators should respect the findings of education researchers that student evaluations are typically valid and reliable, but should not disregard faculty skepticism of the effectiveness of teaching evaluations. Cognizant of this, Professor Best argued that data from student evaluations should be used to identify "outliers."⁸⁰ Because of

75. Best explained that overall, articles by law professors regarding student evaluations generally focus on the "shortcomings of [the] process." *Id.* at 8. However, Best noted that a handful of "law professors have taken positions that are consistent with those of mainstream education scholars." *Id.* at 7. For example, Best quoted from an article by Benjamin Barton, who wrote:

Law students have sat through a minimum of sixteen years of organized instruction before they rate their first law school class, and it defies common sense to say that they have learned so little about discerning good teaching from bad that they cannot accurately rank a professor's teaching effectiveness on a five point scale.

Id. (quoting Benjamin Barton, *Is There a Correlation Between Law Professor Publication Counts, Law Review Citation Counts, and Teaching Evaluations? An Empirical Study*, 5 J. EMPIRICAL LEGAL STUD. 619, 626 (2008)).

76. *Id.* at 10.

77. Best, *supra* note 4, at 11.

78. *Id.*

79. *Id.* at 12-13. Specifically, for improved teaching, Best noted that current forms should be more specific and frequent. Best suggested that Professors can correct these problems on an individual basis, by using additional evaluation methods. *Id.*

80. *Id.* at 13. Best further noted:

Students' evaluations should naturally be just one of many components of a full evaluation of an instructor's performance. But against the background of significant (though controverted) scholarly conclusions that student evaluation of teaching are reliable and valid, using them for the purposes of gross rather than fine distinctions seems legitimate.

Id. at 14 (citations omitted).

the potential for student biases as well as the typical user's "lack of statistical sophistication," Professor Best argued it is improper to rely on small numerical differences among scores as a basis for decisions as important as promotion and tenure.⁸¹

Professor Best provided an empirical examination of student evaluations of teaching forms currently in use.⁸² He noted that the forms vary widely in terms of the topics they cover and the styles they use to elicit responses.⁸³ Professor Best analyzed thirty-nine forms from a variety of law schools, and provided guidance for law schools as to the topics of questions, number of questions, whether to use compound questions, whether to use open-ended and scaled questions, and the benefits of objective versus subjective questions.⁸⁴ He noted that a school's "current form may produce useful data, but thoughtful consideration of its attributes could lead to changes that would gather information on additional topics or would protect against the risk of overweighing numerical results."⁸⁵ With regard to objective versus subjective questions, for example, Professor Best stated:

In the context of controversy about student evaluations, it is somewhat surprising that many schools fail to use the process to accomplish what would likely be the most readily accepted function, the collection of observations that do not involve judgment but might provide worthwhile information about basic aspects of teaching such as being punctual, providing a syllabus, or offering clear statements of students' obligations.⁸⁶

81. *Id.* at 14. Best explained that improper bias does not likely have "large effects on overall evaluations." *Id.* He explained that studies on gender bias have shown only "small effects." *Id.* With regard to racial biases, studies have not shown any effects, but Best noted that the number of studies on this topic is limited. *Id.* To protect against overuse of statistical variances, Best suggested schools should consider using more open-ended questions instead of adhering to only numerical-based questions:

Using some open-ended questions increases the likelihood that the student evaluation of teaching data will not be used in a mechanistic way. The temptation to compare instructors by looking at small differences in their average scores is likely to be tempered when those scores are seen in the context of narrative descriptions of strengths and weaknesses.

Best, *supra* note 4, at 29.

82. *See* Best, *supra* note 4, at 20-33.

83. *Id.* at 21.

84. *See id.* at 20-33.

85. *Id.* at 21-22.

86. *Id.* at 30.

Professor Best argued that schools would benefit from reviewing forms being used at other institutions.⁸⁷

He also established that almost all evaluation forms incorporate the notion that “learning is a passive activity in which professors provide and students receive knowledge.”⁸⁸ He suggested that schools should move away from this message.⁸⁹ Professor Best noted that questions should be revised “so that they could collect the data they seek with a mix of two kinds of questionnaire items: some that continue the focus on professors and some that are free from the current typical implicit message that students are passive consumers of the work of professors.”⁹⁰

In short, Professor Best concluded that student evaluations of teaching are more useful than the law professor skeptics believe. He suggested, however, that schools should modernize their evaluation forms and be thoughtful in the ways in which they use the data.⁹¹

III. TOP FIVE “EVALUATIVE HOSTILITY” FACTORS & DUQUESNE’S RESPONSES

Our review of the scholarship and our own experience led us to derive five common “evaluative hostility” factors which are believed to lead to lower student ratings of legal writing programs and teachers as compared to those for other law school courses and teachers. These factors are: (1) “hiding the ball,”⁹² (2) critiquing of students,⁹³ (3) grading of student work product,⁹⁴ (4) the lack of respect accorded by students to legal writing faculty,⁹⁵ and

87. See Best, *supra* note 4, at 21.

88. *Id.* at 2; see also *id.* at 16 (“[T]he forms studied for this Article overwhelmingly convey the idea that learning is a passive activity and that teaching consists of a one-way delivery process, with information and skills directed to students by the professor. Rarely represented is an alternative view of the teaching-learning process, that it is a collaborative enterprise with work to be done by both instructors and students.”).

89. *Id.* at 19 (“Almost all of the questionnaire items law schools use focus on the professor’s conduct and ignore the student’s own necessary engagement in the process of learning. Good students probably understand that being deeply engaged with a course contributes to their learning, but it seems unfortunate that almost all of the questions in the forms convey the implicit idea that a student is a passive audience member.”).

90. *Id.* at 20. For example, Best suggested that certain questions should be rewritten “so that they lead students to focus on ‘I . . .’ statements rather than on ‘The professor . . .’ statements might help orient students to the importance of their own contributions to their learning.” *Id.*

91. *Id.* at 34.

92. See *infra* Part III.A.

93. See *infra* Part III.B.

94. See *infra* Part III.C.

95. See *infra* Part III.D.

(5) use of an evaluation form that is not designed for a legal writing course.⁹⁶ Although these five factors are not unique in their appearance within the context of legal writing courses and teachers, they probably do not appear in combination in any other law school context.

As noted earlier, scholars and teachers of legal writing have offered some prescriptions for dealing with these five factors, but no one has offered a systematic response to these factors that relies upon Martin and Rand's five principles of engendering hope among students.⁹⁷ We believe that such an approach, as used in our program, yields significant improvements in student satisfaction, high evaluative ratings of the courses and faculty, higher-quality work product from the students, and greater job satisfaction among the faculty. To paraphrase and adapt a line from Shakespeare, we believe that the fault for low ratings of student evaluations in legal writing courses lies not in our students, but in ourselves—in our design of our courses, in our teaching techniques, and in our evaluation instruments and timing.⁹⁸

At the time of the writing of this article, Duquesne's current legal writing program was two-and-a-half-years old. The compiled evaluations reported at the end were prepared by students after the second year of the program, in the spring of 2009. The new program began in the fall of 2007, with the arrival of the new director, who had a track record of leading writing programs through a period of transition and professionalization. During the first year of the new program, the director implemented a curriculum that had led to success at two other law schools,⁹⁹ and the faculty teaching in the program were all adjuncts, teaching day and

96. See *infra* Part III.E.

97. These five principles are: "(A) help law students formulate appropriate goals; (B) increase law students' autonomy; (C) model the learning process; (D) help law students understand grading as feedback rather than as pure evaluation; and (E) model and encourage agentic thinking." Martin & Rand, *supra* note 2, at 205.

98. WILLIAM SHAKESPEARE, JULIUS CAESAR act 1, sc. 2 ("Why, man, he doth bestride the narrow world like a Colossus, and we petty men walk under his huge legs and peep about to find ourselves dishonorable graves. Men at some time are masters of their fates: the fault, dear Brutus, is not in our stars, but in ourselves, that we are underlings.")

99. In addition to running writing programs at three other law schools, and teaching as an adjunct in a fourth, the director has evaluated eight other legal writing programs and many writing teachers. Beyond reading student evaluations as part of an overall external evaluation of a writing program, he has read many submitted along with job applications, and as part of external reviews for promotion and awards of tenure job security. He has calculated that he has read approximately 25,000 student evaluations of legal writing professors over the past quarter-century.

evening sections of varying size.¹⁰⁰ After a national search that year, the school hired three full-time legal writing teachers for the second year of the program, retaining adjuncts for the evening division and some of the day division.¹⁰¹

For the second year of the program, the one for which the evaluations are reported, the experience level of the teachers varied greatly. The director had taught legal writing for over twenty-five years. Two day division adjuncts had taught for approximately a dozen years each, at Duquesne, and one was teaching legal writing for the first time. Each of the full-time legal writing professors had taught legal writing previously; one had taught at Duquesne a year before the new program's implementation and was in her third year of teaching, one had taught in the program as an adjunct the year before and was in her second year of teaching, and one had taught for two years as an adjunct in another school. In the evening division, three professors were in their second year of teaching, and two were new.

The Duquesne legal writing program consists of a single year-long course that receives three credit hours; the classes meet for two hours per week. Students receive a mid-year grade at the end of the fall semester, and a second grade at the end of the spring semester; the two grades are averaged and reported officially as one grade for the entire year.¹⁰² The program integrates legal research, legal writing, and legal analysis on all assignments.¹⁰³ The fall semester requires students to research and write three

100. Prior to that new program's implementation, the only teachers in the program were adjuncts, and the total student load per teacher ranged from approximately twenty-five to fifty students (taught in one or two sections). With the new director and additional funding, more adjuncts were hired, and class sizes were reduced per teacher, with day division sections consisting of approximately twenty-five students and evening division sections of approximately ten students, each taught by one teacher.

101. Evening sections in the second year of the program were limited to approximately ten students per teacher. Day division sections were limited to approximately thirty students per full-time teacher, with the director and several adjuncts (who were otherwise employed at the law school or working part-time outside of the law school) each teaching a half-section of approximately fifteen students.

102. This grading pattern is consistent with all but one of the students' other first-year courses.

103. See ERIC EASTON ET AL., SOURCEBOOK ON LEGAL WRITING PROGRAMS 14-17 (Eric Easton et al. eds., 2d ed. 2006) [hereinafter ABA SOURCEBOOK II]; Mary Beth Beazley, *Better Writing, Better Thinking: Using Legal Writing Pedagogy in the "Casebook" Classroom (Without Grading Papers)*, 10 J. LEGAL WRITING INST. 23, 43 (2004) ("[T]here is increasing recognition that a Legal Writing course is a particularly good place for students to learn the process of analytical thought at the heart of 'thinking like a lawyer.'"); Kristin B. Gerdy, *Continuing Development: A Snapshot of Legal Research and Writing Programs Through the Lens of the 2002 LWI and ALWD Survey*, 9 J. LEG. WRITING INST. 227, 239 (2003).

predictive office memoranda of varying lengths,¹⁰⁴ although there are several intermediate work product submissions before a memo is considered final. In the fall semester, the students may only use print sources for research, but they use Westlaw or LexisNexis to retrieve materials and update their sources. In the spring, their Westlaw and LexisNexis passwords are unlocked. There are two required conferences in the fall semester, after the critique of the first memorandum and after a critique of a partial draft of the final memorandum. The spring semester calls for preparation of an appellate brief and oral argument; the brief is based upon the scenario used for the final fall semester memorandum.¹⁰⁵ There is one required conference in the spring semester, based on a partial draft of the Argument section of the brief. Oral arguments are judged by legal writing faculty and alumni, but the program is not styled as a competition.¹⁰⁶

There are five assignment sequences used by the writing professors, with the responsibility for assignment design shared by the director, the three full-time writing professors, and one experienced adjunct. Although there is a common set of course materials and syllabi,¹⁰⁷ each professor has complete freedom to develop his or her own teaching materials, lesson plans, and supplemental assignments or exercises.

A. *“Hiding the Ball”*

In order to address concerns about our legal writing courses “hiding the ball,” the response was to introduce as much transparency as possible in the course materials, assignments, and pedagogy. At Duquesne, we tell students we are “bouncing the ball off their heads.” The course materials and lesson plans tell students exactly what is expected for the full year and for each assignment; our theory is that a teacher cannot give away too much. Many of the teachers explain in class exactly why certain things are being

104. The first memo is approximately six pages in length, the second is approximately twelve pages in length, and the final is approximately sixteen pages in length.

105. The appellate brief is approximately twenty-five pages long, excluding appendices.

106. Each argument consists of two individual opposing counsel, judged by a panel of three or four faculty or alumni. Students who perform exceptionally may receive a grade boost and a transcript notation for their oral argument performance, and there are alumni-funded cash awards and transcript notations for the best brief in each of twelve sections.

107. The director and full-time faculty draft a common syllabus and set of course materials setting forth program-wide rules and typical time frames for assignments, but each teacher is free to add to those materials. Each teacher puts his or her name on the shared materials.

done, and frequently explain the recursive loop underlying modern writing pedagogy,¹⁰⁸ so the students can put the exercises and discussion into a pedagogical context that leads to success.¹⁰⁹ The curriculum is centered around the research and writing assignments, not around any textbook. Lesson plans are structured to use the assignments themselves as the focus of classroom discussion; we try to avoid using examples from textbooks, but we require students to read the texts and we use class time to help them apply the content of the texts within the context of the assignments.

As legal writing teachers gain experience, they tend to free themselves from the shackles of a textbook and spend more and more class time on the assignments they have created.¹¹⁰ Students focus far more energy and thought on the assignments that will be reviewed by the professor, and class time takes advantage of that normal focus by bringing the assignment to the forefront. At Duquesne, we reuse assignments instead of creating new assignments every year, and we use past student work product in class to illustrate the strengths and weaknesses of the authors of those documents before the current students draft questions presented, prepare outlines, and draft memos and briefs.

Because we show samples of the actual documents in class, the students can critique past efforts and realize the audience's reac-

108. See ABA SOURCEBOOK II, *supra* note 103, at 19-20 (explaining the use of the recursive model in writing assignments); *id.* at 26 (explaining the use of the recursive model in research assignments).

109. At orientation, the director explains this to students using a metaphor that compares the course pedagogy to how one would teach a young child to learn how to ride a bicycle. After having a child sit on the seat and put hands on the handlebars, an adult will hold onto the handlebars and seatpost to guide the child around a parking lot or other empty flat area, eventually having the child put feet on pedals. Then, over time, the adult will loosen the grip on the handlebars, and then the seatpost, until the child briefly rides alone. After the inevitable fall and scraped knees, accompanied by tears, the adult helps the child back on the bicycle. After the child is able to ride unaided, eventually a wide range of other lessons is possible, including such topics as maintaining the bicycle, the physics involved in riding a bicycle, the materials used in making bicycles, and bicycle racing. Providing those lessons before the child learns how to ride would not lead to learning how to ride, but afterwards, they can be appreciated and mastered, if the interest and will is present.

110. The authors of many legal research and writing textbooks use their own past writing assignments as the basis for the examples and exercises within the books, because novices frequently lack any such supplemental materials or examples, but experienced teachers often substitute their own assignment-specific materials for those textbook examples or exercises. See, e.g., MARY BETH BEAZLEY, A PRACTICAL GUIDE TO APPELLATE ADVOCACY: TEACHER'S MANUAL 1 (2d ed. 2006) ("This teacher's manual will also recommend exercises based on the case the students are working on. . . . [Y]ou may wish to do both a textbook-based exercise and a case-based exercise [or] do only one type of exercise . . .").

tion to well-written or poorly-written documents. The students are thereby generating their own rubrics, mirroring the professor's expectations and assessment of work product before they have created their own. This "feed-forward" is a better teaching tool than the traditional "feedback" method of critique. By the teacher's use of past materials and creation of forward-looking advice, the students have an excellent idea of what is expected of them. This process teaches students how to make writing and analytical decisions by emphasizing the options available to the writer, and how the student could choose among them.¹¹¹

The written critique and conference can then focus on the student's problem with implementation of advice and guidance, rather than on a failure of a student to guess about the teacher's expectations.¹¹² No one should ever read a student comment stating, "I wish my teacher had told me what she wanted before I wrote my paper."¹¹³ In stark contrast, the students know exactly what will earn a high grade—or a low grade.

This transparency serves to advance several of Martin and Rand's principles. Students are better able to formulate appropriate goals if the faculty make the course pedagogy transparent and provide more concrete and relevant examples of expectations, and provide them in advance of the students' attempts to meet—and perhaps exceed—those expectations. This type of directive teaching can be very fruitful, and is employed in other teaching contexts where the subject is more "art" than science.¹¹⁴ The autonomy of students and their ability to model agentic thinking is also improved by curricular and pedagogical transparency, and by fac-

111. See Jane K. Gionfriddo, *The "Reasonable Zone of Right Answers": Analytical Feedback on Student Writing*, 40 GONZ. L. REV. 427 (2004-2005).

112. See Anne Enquist, *Critiquing and Evaluating Law Students' Writing: Advice from Thirty-Five Experts*, 22 SEATTLE U. L. REV. 1119 (1999) [hereinafter *Critiquing and Evaluating Law Students' Writing*]; Anne Enquist, *Critiquing Law Students' Writing: What the Students Say Is Effective*, 2 J. LEG. WRITING INST. 145 (1996) [hereinafter *Critiquing Law Students' Writing*]; STEPHEN V. ARMSTRONG & TIMOTHY P. TERRELL, *THINKING LIKE A WRITER: A LAWYER'S GUIDE TO EFFECTIVE WRITING AND EDITING* (2d ed. 2006).

113. One of the authors, the director of the program, has seen this type of statement in far too many student evaluations when he has evaluated writing programs at other law schools. In his experience, this is one of the three most common symptoms of a poorly-designed or implemented curriculum; the second is a teacher's failure to return fully-critiqued work product in a timely manner, and the third is a teacher's failure to hold adequate individual conferences with students or conduct them in a professional manner.

114. For a discussion of the law professor as a directive teacher, see Richard K. Neumann, Jr., *Donald Schön, The Reflective Practitioner, and the Comparative Failures of Legal Education*, 6 CLINICAL L. REV. 401, 414-415 (2000) ("Professional thinking is best learned in a 'reflective practicum,' where students learn by doing while interacting with teachers who view themselves as coaches.").

ulty treating class as an opportunity for guiding and channeling student effort towards a clear and announced goal. Of course, transparency also helps students understand and model the learning process, particularly if past student efforts at meeting the teacher's expectations form a large part of what is addressed during class meetings.

B. Critiques

Effective critiques, and the employment of a draft-critique-conference-revision cycle, are two of the fundamental tools of modern writing pedagogy,¹¹⁵ but students who have not received detailed critiques in the past are often overwhelmed or discouraged by the amount and depth of written critique offered by a good legal writing professor.¹¹⁶ At Duquesne, as in other good writing programs, the teachers strive to balance detailed criticism with positive feedback.¹¹⁷ Our model is to act more like a coach than an assessor. We explain to students that we expect them to make mistakes, and that such is normal; but we want them to learn from errors and not continue to make them again and again as the year progresses. Internally, we call this the "pedagogy of error."

The provision of advance samples of past student work product helps students deal with the inevitable criticism of their own work, and our small classes and frequent conferences further reduce the likelihood of adverse reactions to the extent of our critiques. Furthermore, we chose student teaching assistants who can serve as mentors to our students, and who can share their own past mistakes with the new 1Ls, categorizing the errors as common and easily overcome.

115. See ABA SOURCEBOOK II, *supra* note 103, at 54-59; Association of Legal Writing Directors and Legal Writing Institute, 2009 Survey Results, http://www.alwd.org/surveys/survey_results/2009_Survey_Results.pdf (Question 82 details the workload of full-time legal writing faculty members, including the numbers of pages read per term—averaging 1497 to 1528), and the total number of hours spent in conferences—averaging 42.88 to 48.44 hours per term); Mary Kate Kearney & Mary Beth Beazley, *Teaching Students How to "Think Like Lawyers": Integrating Socratic Method with the Writing Process*, 64 TEMP. L. REV. 885, 885-86, 904-07 (1991).

116. See *Critiquing and Evaluating Law Students' Writing*, *supra* note 112, at 1129 ("[S]tudents learn the most when they are engaged in dialogue with their teacher about their writing, and, unlike the classroom discussion, every student is engaged in the writing process."); *Critiquing Law Students' Writing*, *supra* note 112.

117. See ABA SOURCEBOOK II, *supra* note 103, at 57.

Conferences are critical;¹¹⁸ of course, the amount and frequency of critiques and conferences is dependent upon the student-teacher ratio that a program can employ. Teachers who have fewer students can supply more feedback and hold more conferences than teachers who have more students.¹¹⁹ With adjuncts having ten students apiece, and full-time teachers having about thirty students apiece, we are able to provide a significant amount of high-quality feedback, and hold sufficient required conferences, so that students respond well. The greater the opportunity for students to receive feedback from professors, and the greater the frequency of individual conferences and meetings, the better the students tend to view the course and professor. And the work product tends to be better when the students have these opportunities to learn and meet the teacher's expectations.

Furthermore, all of the program's teachers employ electronic comments, embedding comments in student work product.¹²⁰ The program faculty share a database of comments from the assigned citation manual and style manual, as well as past comments on similar assignments. Electronic comments are received better by students than hand-written comments, and it also makes the critique and conference cycle more efficient by permitting students to revise documents for critiques during a conference period. This permits students to provide teachers with current work product,¹²¹

118. *Id.* at 60-61; *see also* RALPH BRILL ET AL., SOURCEBOOK ON LEGAL WRITING PROGRAMS 45-46 (1997) ("In the best possible program, every student would receive an opportunity for an intensive conference on every major writing assignment, and the student would rewrite the paper after the conference. . . . Although a law school cannot supply a personal tutor for each student, it might be able to supply a teacher who can, in a conference, help each student develop reasoning, judgment, 'instinct,' and decision-making skills through a detailed discussion of the student's written work. Good critiquing provides something not found anywhere else in the law school curriculum: the student makes a record, in writing, of his or her thinking, and a teacher goes through it, discovering what the student does not understand and showing the student how to improve both thought and its expression.").

119. *See* ABA SOURCEBOOK II, *supra* note 103, at 89 (addressing ratios for tenure-track faculty); *id.* at 95, 100 (addressing ratios for contract-track faculty); *id.* at 103 (addressing ratios for fellowship programs); *id.* at 106 (addressing ratios for doctrinal faculty); *id.* at 112 (addressing ratios for adjunct faculty); ABA SOURCEBOOK II, *supra* note 103, at 116 (addressing ratios for student-taught programs).

120. *See* Daniel L. Barnett, "Form Ever Follows Function": *Using Technology to Improve Feedback on Student Writing in Law School*, 42 VAL. U. L. REV. 755 (2008).

121. We typically employ a system whereby students in a section all must submit a timely "good faith draft," and then select conference dates based on a randomized ordering of choice among the members of the section. It is very rare that a student will fail to later submit a revised draft for critique in conformity with the announced schedule. Students who submit a draft that the professor thinks does not reflect a good faith effort risk losing the opportunity for a critique and a conference; that also reinforces the idea that students

and tends to mitigate against stale work product or procrastination; it also reinforces student autonomy and assumption of responsibility for their own work product.

The provision of high-quality, timely critiques, and the holding of frequent individual conferences between students and teachers, helps meet all five of Rand and Martin's goals,¹²² particularly when the grading system also meets the understanding of grading as feedback and not pure evaluation.

C. Grading

Duquesne's program-wide grading policy is to grade only the final assignment in each semester.¹²³ As noted above, we critique heavily drafts throughout the semester, but we only grade the final assignment. The benefit is that we avoid labeling the student as a "C" or a "D" on early assignments, when most of them have no idea what they are doing and when we expect them to be making mistakes. Instead of penalizing students for normal errors, we act as coaches, helping and encouraging the students to practice and improve. This allows us to develop a positive personal relationship with our students, and we avoid the initial defensiveness and hostility that often accompanies early grading.¹²⁴ Although we do provide a grade each semester, only a combined average of the two semesters is recorded on the students' transcripts.¹²⁵ Furthermore, because the sections are so small, and the students provide many samples of work product to teachers for critique and individual conferences, we do not "blind grade" any assignments; we can easily recognize the individual styles of our students' writing, and if we did "blind grade," we would, in effect, be lying to our students.¹²⁶

must take responsibility for their own work and that the teacher's feedback and guidance is a valued commodity.

122. See *supra* p. 234.

123. See also Larry Cunningham, (Stop) Grading Drafts (Dec. 5, 2009) (presentation PowerPoint slides given at "The First 'Colonial Frontier' Legal Writing Conference") available at http://www.duq.edu/law/lrwp/_pdf/conference-2009/presentations/cunningham-grading-drafts.pdf.

124. See ABA SOURCEBOOK II, *supra* note 103, at 75-78; Jan M. Levine, "You Can't Please Everyone, So You'd Better Please Yourself": Directing (Or Teaching In) a First-Year Legal Writing Program, 29 VAL. U. L. REV. 611, 636 (1995).

125. See *supra* pp. 252-53.

126. The director explains our identified grading system to students at the start of the year, explaining that we do not wish to sacrifice our ability to provide individualized teaching on a false altar of confidentiality. Besides, it would require too many paper bags if students had to mask their identities when coming into offices for conferences. Again, we receive virtually no suggestions from students that the program employ blind grading.

Additionally, as noted earlier,¹²⁷ we reuse assignments each year. In class, professors show students examples of past student work on the actual assignments the students are using before students submit their own work product for review. We show them both strong and weak examples. We have the students critique the examples in class, and they understand what differentiates an “A” paper from a “C” paper. The students know what is expected of them, and when a student does receive her grade, it is rarely unexpected.

Finally, we conform to a programmatic normative grade distribution within the legal writing program,¹²⁸ so that no section is significantly higher or lower than any other. While grading the final assignments, the teachers all post tentative grade distributions and means to each other, via e-mail. Teachers using the same assignments compare examples of student work product at various grade points to ensure consistency across sections. All of this results in fair and equal assessment of all of the students, and no teacher is seen as “easy” or “hard.” As a result of all of this, we have experienced a virtually total absence of student complaints about unfair grades in our program.

Students may earn a grade boost in the spring semester for an outstanding appellate oral argument, and that boost is added by the professor who sits as chief judge on the panel judging the student’s argument. Each legal writing professor will see about half of his or her own section, and the teachers on the assignments collectively share their impressions and rankings of the oral per-

Part of that lack of complaint may be because the students are able to compare their own work product and grades to those from past years, and realize the accuracy of the teacher’s assessment.

127. See *supra* p. 255.

128. Duquesne currently has no school-wide grading policy for distribution or means, although the faculty is considering returning to such a system. The legal writing program faculty, however, agreed as a group to follow a normative distribution that reflects the prior year’s grade distributions for all the other 1L required courses, so that the grades in legal writing are not perceived by students or faculty as higher or lower than those earned in any other required 1L course.

The end-year grade distribution employed during the 2008-09 academic year, the year of the evaluation responses detailed below, was as follows: A (8%), B+ (15%), B (22%), C+ (25%), C (22%), D+ (5%), and D (2%). There was no expectation of F grades, although several failing grades were recorded in legal writing for the end of the year. The mean GPA was 2.686, on a 4.0 scale. Duquesne does not use grades of A+, A-, B-, C-, or D-. In the fall semester, the legal writing program awarded slightly lower grades than the distribution would call for at the end of the year, by design; that would allow for recognition of improved performance and permit the boost of spring grades for outstanding oral argument. When the evaluations were completed, the students had long-before received their mid-year grades in legal writing and their other courses.

formances. The writing faculty also share that information with the entire group when pooling tentative grades for the spring semester, to normalize the effects of the grade boost process. This also shows our students that the legal writing faculty trust one another to be fair and equal in our assessments of the oral arguments.

All of these grading practices meet Rand and Martin's fourth principle, that grading is feedback and not pure evaluation.¹²⁹

D. *Lack of Respect*

To address the potential for student lack of respect for the teachers in the program, we are fortunate to have had several opportunities presented by having a new writing program with new faculty. Although only the director of the program is a tenured faculty member, the full-time writing faculty were hired after a national search and receive faculty perquisites of voting rights and job security under university rules.¹³⁰ Furthermore, the new program received the public support of two successive deans, and the program's *U.S. News and World Report* specialty program ranking received significant and prominent attention on the school's website, at alumni receptions and magazines, and in other venues.¹³¹ Furthermore, in the past year, using part of a half-million-dollar gift for the writing program from an alumnus, the school built a new suite for the new program's faculty, replete with offices for adjunct and full-time professors, as well as offices for teaching assistants and an administrative assistant. Adjunct faculty are screened by the full-time writing faculty for their commitment to the program's goals, for enthusiasm, and for their enjoyment of the practice of law. Every effort is made to have each professor be seen as empowered to make any and all of the decisions that are within the discretion of a faculty member, and that

129. See *infra* p. 234.

130. DUQUESNE UNIV., DUQUESNE UNIV. FACULTY HANDBOOK 11 (rev. May 9, 2008) available at http://www.duq.edu/academic-affairs/_pdf/faculty-handbook-may-08.pdf ("With the exception of issues involving promotion and tenure for faculty on the tenure-track, the non-tenure track faculty has full voting rights on all faculty issues."); see also AM. BAR ASS'N, STANDARDS FOR THE ACCREDITATION OF LAW SCHOOLS AND INTERPRETATIONS, Standard 405(c) (2006), available at <http://www.abanet.org/legaled/standards/standards.html> (last visited Feb. 27, 2010).

131. See Duquesne University School of Law, <http://www.duq.edu/law> (last visited Mar. 11, 2010); Ken Gormley, *Message from the Interim Dean*, DUQ. LAW., Fall 2009, at inside cover; Bill Schackner, *Duquene Appoints Interim Law Dean to Lead School*, PITT. POST-GAZETTE, Mar. 30, 2010, at B1; Donald J. Guter, *Dean's Forward*, DUQ. LAW., Spring/Summer 2008, at inside cover.

they are members of a team of dedicated faculty, not as hirelings who must carry out the dictates of the director.

The enthusiasm for the program among the students and alumni is clear to all the incoming students of the law school, and the early and close contact between students and the writing program faculty helps mitigate against any perceived status differentials within the faculty. Furthermore, the early, close, and frequent contact between students and teachers tends to mitigate against the externalities of gender, race, and age. The writing faculty members' titles, offices, roles, and teaching are seen by our students as indistinguishable from those of the rest of the faculty; indeed, the comments of the students reflects the high regard with which the writing program faculty are held. The involvement of many accomplished graduates of the law school among the adjunct faculty in the program also reinforces the student respect for the program.

Duquesne's first-year students arrive a week before the start of their other classes for an intensive early start to the legal writing program; the writing faculty hold six to eight hours of class that week and work with the students in small groups in the library while they conduct research for their first memorandum. That early start creates bonds between teachers and students, and during that week upper-level students invited into the legal writing classes uniformly tell the first-years that legal writing is the best and most important class. We and they acknowledge that the class does not receive enough credits, but emphasize its importance for all of law school and for seeking employment. Furthermore, the veteran teachers put their prior year's student evaluations on the course websites, so the new students have the opportunity to read what their predecessors thought of the teacher and course.

Although not one of the Martin and Rand principles of engendering hope, the enthusiasm of the teachers for their work is a critical component of the success of any classroom. As Martin and Rand note, "To raise the motivation of students, it is critical that teachers remain enthused about that which they teach. Such enthusiasm is contagious."¹³²

132. Martin & Rand, *supra* note 2, at 230.

E. Evaluation Forms

Although Duquesne University employs a generic student evaluation form that is distributed near the conclusion of all courses, the writing program employs a program-specific form twice a year.¹³³ That form reflects the special nature of the course, and was based on the forms the director had used in two other schools for fifteen years before.¹³⁴

Most experienced legal writing teachers know that the least important part of the writing course's teaching is classroom performance, and most generic evaluation forms focus on classroom performance almost exclusively. The critique and conference is where we do our hardest work, and our most important work—unlike the classroom focus of most doctrinal “casebook” faculty. The Duquesne legal writing evaluation form focuses instead on the assignments themselves, on the cohesiveness of the course pedagogy and assignments, on the effectiveness and timeliness of the teachers' critiques, on the value of individual conferences, and on the achievement of the end-goals of the course. The form asks students whether what was done during the semester (or year) helped the students reach those end-goals. In sum, the evaluation form is a rubric for teacher performance, and reflects shared goals and assumptions of all the teachers in the program.

The fall semester evaluations are distributed when the final memorandum is submitted, which ensures a high rate of response. Compilations of past responses from students are available on most of the veteran legal writing professors' course websites. The forms are also made available to students in advance, on course websites.

In the spring, the evaluations are distributed a week after the “peak experience” of the appellate oral arguments.¹³⁵ That experience shows the students, better than anything else, what they

133. See ABA SOURCEBOOK II, *supra* note 103, at 150-152.

134. The legal-writing specific evaluation forms, and the rationale for the forms, was detailed in an article the director wrote in 1995. See Levine, *supra* note 124, at 638 (“When evaluating their performance, target those areas of teaching other than classroom teaching that are particularly important to teaching legal writing: their evaluation of student papers, their conduct during conferences, and their preparation of student assignments. Create detailed student evaluation forms that reflect these variables and that clarify, for the legal writing teachers, the rest of the faculty, and the students, just what is important in teaching legal research and writing.”).

135. In class, the faculty often remind students that the course is designed to maximize their opportunities for success in the oral argument. After all, during the fall and spring semesters, a total of fifteen *weeks* were devoted to work on the scenario and assignments that culminated in the fifteen *minutes* of oral argument.

have learned and how far they have come since the start of school. Naturally, that is when most will feel best about themselves and the legal writing course.

Teachers may only read their students' evaluations after the submission of grades for the semester. The availability of fall semester evaluations are critical to the ability of a teacher making corrections for the spring semester, and for providing an incentive for learning what other teachers in the program may do, to gather ideas for improvement. Of course, it also gives the director the opportunity to address significant problems not revealed earlier by meetings with the teachers and by review of a teacher's critiques of student work product.

The evaluations reinforce all the lessons that the teachers have tried to convey to the students. As the reader can see from the responses below, where, for every single question, 90% or higher of the students' responses were in the "strongly agree" or "agree" categories (the top two of five possible rankings), these techniques are effective. Furthermore, from the narrative comments supplied, it is clear that the students demonstrated their appreciation, their enthusiasm, and their gratitude, all of which are truly the "fruits of hope."

APPENDIX A

Results of Duquesne LRW Program Student Evaluations, 2008-09 Academic Year

These are compiled evaluations from twelve sections of the legal writing course. The evaluations were distributed at the end of the spring semester of the year-long course. A similar form was distributed in the fall, at the mid-point of the course.

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My professor had high standards for my work and the course was demanding.	161/203	32/203	10/203		
	79%	16%	5%		

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
Classes during the semester were well integrated with the work I was asked to do to prepare for the appellate brief assignment.	131/203	56/203	12/203	3/203	1/203
	65%	28%	6%	1%	0%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
Classroom attendance was valuable for understanding the appellate brief assignment.	139/203	48/203	11/203	3/203	2/203
	68%	24%	5%	1%	1%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My professor made clear what was expected of me on the appellate brief assignment.	140/202	45/202	13/202	3/202	1/202
	69%	22%	6%	1%	0%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
The progression of tasks in the drafting of the appellate brief assignment was thoughtfully planned.	133/202	52/202	11/202	5/202	1/202
	66%	26%	5%	2%	0%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My professor used instructional technology effectively (Blackboard, electronic critiques, e-mail, etc.).	153/202	34/202	11/202	3/202	1/202
	76%	17%	5%	1%	0%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My professor's comments on my drafts were clear and understandable.	126/192	49/192	11/192	4/192	2/192
	66%	26%	6%	2%	1%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My professor provided sufficiently detailed written feedback on my drafts.	134/192	43/192	12/192	2/192	1/192
	70%	22%	6%	1%	1%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My professor's written critique of my draft was provided to me no later than the day before our scheduled conference.	132/192	18/192	7/192	3/192	4/192
	83%	9%	4%	2%	2%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My professor's written critiques helped me to improve my persuasive writing and analysis.	132/192	44/192	9/192	4/192	
	69%	24%	5%	2%	

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My scheduled conference with my professor on the draft of the argument helped me improve my brief.	154/192	25/192	13/192		
	80%	13%	7%		

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
My professor prepared us well for the oral arguments.	154/203	42/203	3/203	3/203	1/203
	76%	21%	1%	1%	1%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
Overall, the experience of delivering the oral argument was a positive one, and I believe I learned a good deal from it.	144/199	37/199	15/199	2/199	1/199
	72%	19%	8%	1%	1%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
The year of LRW helped me develop valuable lawyering skills and taught me about professionalism.	144/200	45/200	9/200	1/200	1/200
	72%	23%	4%	1%	1%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
The year of LRW helped me improve my analytical skills.	135/200	48/200	15/200	1/200	1/200
	68%	24%	7%	1%	1%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
The year of LRW helped me improve my writing skills.	159/200	28/200	10/200	2/200	1/200
	80%	14%	5%	1%	1%

Criterion	Rankings: 5 is "Strongly Agree" and 1 is "Strongly Disagree"				
	-5-	-4-	-3-	-2-	-1-
The year of LRW helped me improve my legal research skills.	141/200	42/200	14/200	2/200	1/200
	70%	21%	7%	1%	1%

APPENDIX B

Comments, Duquesne LRW Program Student Evaluations, 2008-09 Academic Year (Samples Demonstrating the Presence and Effects of Hope)

- I think he's an absolutely amazing professor, and I feel privileged to have been in his class. I think I gained more from his class than any other this year!
- Professor X is one of those rare professors who leaves a mark in the minds of the diligent students forever. He truly gave me writing and critical thinking skills that I'm forever grateful for. The appellate assignment brought a truly real life experience and made me feel the great responsibility/worthy burden of representing my client's rights.
- Professor X was the consummate professional. He made himself available and was always eager to help. He demanded much of us, but was never discouraging. It was clear from the beginning that he demanded hard work and always challenged us, but was always ready, willing, and able to help in any way he could.
- The conferences were priceless. Professor X is very considerate towards students' needs.
- It's a great program.
- Scary, but rewarding! (Oral arguments)
- The argument experience was fantastic! I wish we could have done more.
- Challenging and rewarding class. Thank you!
- Every element of class was thought out and geared toward our complete understanding of the subject matter.
- Professor X had very high standards for her students, but was always willing to help! It was obvious that she spent a lot of time reviewing our assignments and really wanted us to improve as legal writers!
- Professor X made every class very informative and helpful.
- I am happy to have had Professor X. If I had one of the less demanding professors, I would not have improved like I feel I did.
- Professor X is difficult, but she's a great professor. I learned a lot from her.
- Cares about students. Makes you work hard, but prepares you well, and the hard work pays off.

- Professor X's comments were always extremely helpful—I couldn't wait to get back my paper to read the comments and improve my writing.
- Her extra effort with us on the drafts was wonderful. She really took the time to help us learn as we went.
- Always accessible.
- I was extremely nervous and did not want to do the oral arguments. Professor X helped a great deal with practicing and preparing me.
- What a great experience!
- Professor X went above and beyond in preparing the class for oral arguments.
- I think I learned more from this course and put more time in this course than any other course. That being the case, it makes absolutely no sense that this course is only worth 3 credits all year. This is a great program, but has taken more of my time than the credit hours indicate it should have taken. Thus, I would not change the program, but would rather see other changes made.
- I loved Professor X and learned a lot, but feel I could benefit greatly from more classes with her. I also believe working with her was a great advantage and I am glad I chose Duquesne based on this experience.
- I plan on taking more classes as a result of how much I've learned and want to continue to learn from this class.
- I feel prepared to work in the legal field this summer.
- If I could modify the scale to include a 10 for each category, that would not begin to capture how wonderful it has been to have Professor X as a teacher.
- This class was extremely valuable.
- I hope I have the opportunity to take her class next spring!
- The most beneficial and enjoyable class this year - Professor X is a gem.
- Very well prepared, very helpful.
- Best professor I had all year.
- My favorite class.
- Professor X was very helpful in teaching the requirements of the brief and really cared about improving my writing.
- The critiques were incredibly helpful.
- Professor X's critique of my work was invaluable and all her comments were extremely helpful.
- The conferences were always extremely helpful.

- Conferences with Professor X probably saved me from failing out of Law School.
- It always showed how much she cared and truly wanted to help make us the very best we could be.
- All the feedback was so helpful!
- The oral argument was great and provided a good conclusion to the brief.
- The oral arguments were much less painful than anticipated because of the incredible preparation we were given.
- I feel like when people see straight 5s they think the person hurried through but I honestly believe Professor X was the best LRW professor and prepared us very much for the class and for other law work.
- This was a great class - very challenging, but well worth it. Professor X is a very inspirational teacher.
- Best class of the year!
- I became a better writer and this was a challenging class for me because I am a bad writer.
- I didn't run through this evaluation and just circle all 5s to get done with it as fast as possible. Professor X is outstanding and helped us in every step of the way. From answering e-mails at 11pm at night to meeting with students before she said she would be on campus. I truly appreciate the time and effort (and care) that she put into our class. I will be a better lawyer because of it.
- Professor X is a caring yet challenging professor. I feel very lucky that I had his class this year. He takes an interest in his students and wants to see them succeed.
- I wish all of my classes could incorporate the one-on-one time w/professors and opportunities for interim feedback like this class did; makes all the difference in learning the material! Of all my classes this first year, I've gotten the most of out of this one. I appreciate all the time & effort that Professor X put into helping us succeed.
- Professor X was by far the best professor I had during my first year at Duquesne.
- Professor X's critique was immensely helpful to my final product. The comments helped me improve my brief greatly.
- Thoroughly enjoyed the class, and was honored to have been taught by a national expert in this area of law.

- I believe that I learned more in this class than all my other 1st year classes & found it to be very rewarding.
- Everything really didn't make sense until oral arguments. Then all of the work & preparation really paid off.
- I love Professor X. She is wonderful and I would absolutely take her classes again. She is very dedicated to her students and wants everyone to succeed. She explains more than just LRW concepts - I wish I could take her for Civ Pro! She is extremely knowledgeable and passes her knowledge on. My absolute favorite professor. I will miss her!
- Professor X thoroughly went over all aspects of the Appellate Brief which significantly increased my knowledge of each section and requirement. Furthermore, she made herself available essentially ALL DAY, EVERY DAY to answer questions. It is evident from her insight and advice that she wants us to succeed as lawyers and not just as writers in a 1L course. I was very lucky to have her as my teacher.
- I felt good about the progression of tasks and level of instruction, and have heard several upper class students say that we are lucky as they felt like the quality of the program has improved.
- Professor X is extremely thoughtful and very detail oriented in her critiques. I learned so much from her critiques and meetings. Definitely a LRW pro!
- The lack of help on the meetings was my fault, not the professor's.
- Conferences were valuable to improvement.
- I learned more in LRW than any other course - mostly because of Professor X!
- Excellent class.
- Best class of the year - very practical skills, taught me to think like a lawyer. Should definitely be worth more credits though!
- LRW was the most valuable class I took.
- Professor X was a great professor and taught me so many useful tips and guidelines to prepare me for the future. This class was one of my favorites this year. Although it was time consuming and difficult at times.