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Patricia Grande Montana

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Sending the Message to Students That Revising Means Seeing Their Work Through New Eyes

Patricia Grande Montana, St. John's University School of Law

In my experience, students have a narrow view of what revision entails. They typically equate it with polishing—changing words, editing grammar, and fixing citation. In their minds, it is the final clean-up stage in the process before the assignment is due. If we want to encourage our students to treat it differently—that is, to treat it as an opportunity to discover new legal arguments, resolve dissonance in their analyses, and question their original decisions—then our comments on their drafts need to show that revision entails seeing their work through new eyes.

Because the ability to effectively revise one's own work turns, in part, on the law student's ability to set aside her perspective as a writer and review her work from the reader's standpoint, our comments need to reflect comments that the legal reader, and not a professor intimately familiar with the subject, would have. To that end, when I comment on student papers I take the role of the legal reader and frame my questions and comments accordingly. This means that I act as the supervising attorney when I review their memoranda, and as the judge and opposing counsel when I review their briefs.

For example, if the writer failed to include a fact from one of the cases that would be beneficial to the analysis, I will not simply point out that a fact is missing or ask why the writer did not include it. Rather, I will write a comment that forces the student to "see" how what they put in words does not adequately communicate to the legal reader how the cases are analogous because an essential element of the case is lacking. So, I might write: "It doesn't seem like this case is analogous enough to support your point? Is there a better case?" Now, as the professor, I know that there is no better case and that all that the writer needs to

do is complete the analogy; yet, as a supervisor or a judge, I would likely not have this knowledge. My comment pushes the student to answer that there is no better case and explain why. The "why" is what the writer will need to revise, making explicit the factual similarities between the authority and our case.

I also try to encourage students to think about revision in a more meaningful way by limiting the number and type of comments I make relating to surface issues such as spelling, grammar, punctuation and even bluebook. I do not want

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to reinforce their misconception that revising is a tidying-up activity. So, I will try to avoid making those comments in the margins and instead write a global comment at the end asking the student to address those issues on the rewrite. If the issue is pervasive, I will refer the student to an example in the draft and illustrate how the student can correct it. If there are other end comments, I will put this type of comment last. My intent is to emphasize that sound analysis and coherent organization take priority over microchanges.

The goal of our conferences together is also to ensure that the writer's legal analysis and presentation is accurate and clear to the reader. Thus, I avoid beginning a conference with a discussion of

surface issues, such as the difference between "its" and "it's." And, more importantly, I instruct the students to prepare for the conference like it is a meeting with their supervisor. This means that they must come prepared with answers to any questions posed in their drafts and a detailed plan on how they will approach the rewrite. All together, these conference requirements and the reader-based comments reinforce the idea that revising is an important operation that requires a lot more time and attention than simply cleaning up errors on a first draft.

E-Commenting: Pros and Cons

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appointment, or while commuting. My solution has been to continue to require students to hand in a hard copy. I can still carry it with me and make notes, which I can later turn into more thoughtful comments on the computer.

If you have questions or want to see what a marked-up paper looks like, e-mail me at lrose@ggu.edu.

- 1 For tips on using both Word and WordPerfect, along with sample macros, see Ken Chestek & Mimi Samuel, *E-Commenting Made Easy*, 2004 LWI Conference <www.lwionline.org>.
- 2 I use Microsoft Office Word 2003. In older versions of Word, the comments may appear at the bottom of the page, or may pop up when the cursor is moved over the highlighted material. I've had no experience with the new Word 2007.
- 3 See Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?* 9 Leg. Writing 119, 139 (2003)