

The “Grammar Bee”— One Way to Take the Pain Out of Teaching the Mechanics of Writing

By Edward H. Telfeyan

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Consider the following:

You are a newly hired legal writing instructor at Podunk Law School. You withstood a rigorous application process for the position during which you learned that you would be responsible for instructing new law students in legal writing and research. Over the summer, before the start of the fall semester, you prepared for the job by brushing up on your research skills and by reading a few texts on legal writing and analysis.

You envisioned your job to include intensive instruction in the “legal paradigm” of analytical reasoning and expected the biggest hurdle for your students would be understanding the significance of “rule explanation,” “rule application,” and “rule synthesis.”

The semester begins and you receive the first writing assignment from your students. It’s a simple two-paragraph draft that required the use of analogical reasoning. You fully expected the students to have some trouble in drawing the factual comparisons necessary to establish the analogy, and, sure enough, they did.

But, much to your surprise, the deficiencies in understanding what constitutes an effective analogy were dwarfed by the glaring and horrendous number of basic writing errors that appeared in all too many of the papers. These students, you suddenly realize, don’t know how to write!

Now consider your reaction to this realization. You go through various stages of the following emotions: anger (“I wasn’t hired to teach them how to compose complete sentences”); panic (“I can’t

possibly teach them how to write like lawyers if they can’t even write like college graduates”); frustration (“how am I going to succeed at the job I was hired to do if they don’t have a base level of competence in the fundamentals of writing?”); confusion (“how am I going to deal with this problem, assuming I’m even supposed to?”); and maybe several others that, if left unchecked, can produce dire (or at least adverse) consequences for you and your students.

I had just such an experience, and many of the same emotional responses, nine years ago, when I left the crazy world of the private practice of law for the presumed sanguinity of a full-time position as a legal writing instructor.

Here’s a real example of the kind of “writing” I’m talking about (from a student memo):

“It is commonly known that if an area is located in a public place and considered dangerous or allows only certain people to enter; that there should be apparent signs posted which notifying the public that they are not permitted and are sufficient efforts made to enclose such areas to keep others out.”

Huh? What do you do with a student who honestly believes that “sentence” is well-written? How do you address the problem if you have a sizeable segment of your class that agrees (or even composes more horrific “sentences”)?

If you’re like me, you first consider ignoring the problem. After all, teaching basic grammar isn’t what you signed on for, it isn’t what you were told you’d be responsible for, and it might not even be something the “powers that be” at Podunk realize is a problem at all.

So, the first solution I considered was to do the job I was hired to do and leave it to someone else (having no idea who that someone might be) to deal with the gross writing deficiencies I now realized many of my students had.

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Moreover, even if I wanted to address the problem, I had no idea how to do so. And even if I did, how could I justify taking valuable class time to do it? After all, my syllabus was already crammed to the max with all the required components of the course I was responsible for.

So, absent a plan that would make effective and efficient use of precious class time, and not at all sure that I should take any time away from the core components of my course, I effectively punted. The type of punt used can vary from instructor to instructor, largely depending, in part, on the instructor's personality. Here are a few that I tried, along with the reasons they failed to solve the problem:

Assign Outside Reading

Outside reading for 1Ls? You have to be kidding. They can hardly keep up with the reading they are assigned, especially considering the endless flow of cases they have to brief, the mountain of substantive law they have to learn, the intimidating outlines they have to prepare, and the time-consuming legal memos they have to write. Outside reading, to most 1Ls, means reading that isn't required and therefore isn't done.

Browbeat the Entire Class

You don't want to get personal with any individual, so you just rant and rave to the whole bunch of them. “If you people don't learn how to write a complete sentence, you're never going to pass this course.” “You are expected to know basic grammar; if you don't, you'd better find a way to learn it.” “I'm not here to teach you basic grammar; you're supposed to know it, and I expect to see it on your memos.” Any and all of those rants, even if offered more tactfully, are guaranteed to lose you an entire class.

Write Nasty Comments on the Memos

This one is the best way to lose your students. Remember, these are Gen Xers and Millennials we're dealing with. They aren't used to even the most constructive of criticism, let alone downright obnoxious slams. Furthermore, they think they write beautifully. They have been told nothing less

throughout college, where most of them were only graded on the “quality of their thinking.” So now you're going to come across like a first-class jerk and expect them to respond positively?

Send Them to a Tutor

Right. Pass the buck. It's an easy solution for you, but not likely to be one the students are going to use. Tutors, if they can be found, will charge for the service, and the time spent with them will be time lost to the more pressing tasks of briefing cases, preparing outlines, drafting memos, and completing research assignments. First-year students who are told to go to a tutor will ignore that advice as soon as you recommend it to them.

None of those “punts” worked in my first year, and the cumulative effect of them was that I lost my students and almost lost my job. The following summer was a tough one for me, as I rediscovered the trial lawyer's collateral disease: insomnia.

But, as many trial lawyers have learned, some of the best solutions are delivered in the dead of night. And so it was with me, sleepless in Sacramento as I was. At 4:30 one night, I came upon a possible solution, and that solution, over the next few months, became the “Grammar Bee.”

The Bee, as I'll refer to it, turns the negative command—“You must learn your grammar”—into a positive experience—“Learning grammar will be fun.”

The critical elements for the Bee are a lightened classroom atmosphere, a no-risk competition, numerous opportunities to win, and learning as the end result.

The Bee works because it's easy to conduct and administer, it doesn't take much class time (never more than five minutes), the students immediately embrace it, and it provides them with a natural motivation to learn what they otherwise consider unnecessary and/or irrelevant and/or unduly burdensome and/or trivial and/or irritating.

The hook for our Gen-X and Millennial students is that it combines the basic aspects of the traditional game show (e.g., *Jeopardy*) and the now ubiquitous

reality/survivor shows. And the title—Grammar Bee—recalls, for most of them, the elementary school equivalent, the spelling bee, thereby allowing them to consider the experience a throwback to a more innocent and less stressful time in their lives. (I’m no psychologist, but doesn’t everyone seek solace in the innocence of childhood in times of stress? And isn’t the first year of law school a maximum time of stress for almost all law students?)

Here’s how the Bee works:

First of all, understand that the title—Grammar Bee—should be interpreted in the broadest possible sense. In other words, it should cover the mechanics of good writing, generally, and good legal writing, specifically. Thus, everything from the most basic common errors (e.g., the difference between *it’s* and *its*—a surprisingly misunderstood/never understood “rule”) to the more stylistic aspects of good legal writing (e.g., brevity over length, simplicity over complexity).

At the start of the fall semester, the game is introduced to the entire class. (Our legal process sections at McGeorge average 20–22 students, but the Bee can work in sections of as many as 40 students.) At the beginning of each class session, three (or four if class size is larger) students are randomly chosen as contestants for that day. They are then given answer cards (with A, B, or C on them) that they will be required to show when they are asked to give their answer to the question that is shown to the entire class (via PowerPoint or equivalent). Those who choose the correct answer advance to the next round; those who choose an incorrect answer are eliminated (as in the old spelling bees). But, as I’ll explain in a moment, eliminated contestants should be given several opportunities to “challenge back” into the competition.

The questions are the multiple-choice type (save for the semifinal and final rounds, about which more later) with one correct and two incorrect choices. Hence the lettered answer cards. Here’s a typical question that might be given in an early round:

Which of the following formulations constitutes a complete sentence?

- A) He argued.
- B) Being the lead attorney and yet still feeling somewhat of a novice in his first jury trial.
- C) James, even without his three-piece suit, in the center of the courtroom.

After the contestants have indicated their answers, the correct answer should be shown to everyone, along with the reason it is correct and the others are not. Thus, for the above example, the class would be shown these explanations:

Only “A” is a complete sentence, containing both a subject (he) and a verb (argued).

“B” appears to be an introductory clause that, standing alone, lacks either a subject or a verb (or both), the two requisites of a complete sentence.

“C” may have a subject (James), but it lacks a verb (an action word that describes/explains what James is doing).

As the semester progresses, the questions should become more difficult. Here are two examples, together with the explanations provided for the correct and incorrect answers:

Which alternative is the preferred form of a question?

- A) Why did you take such an action?
- B) What, in your opinion, led to the creation of the problem?
- C) How do you know she complained about it?

“C” states the point directly, using the verb “to complain” rather than a nominalization of it (e.g. “had registered a complaint”).

“A” and “B” are both examples of nominalizations of verbs (“action” instead of “act,” “creation” instead of “create”). Nominalizations (nouns that derive from verbs) create longer sentences, stating points less directly.

Choose the sentence with the correct punctuation.

- A) The doctrine of *res judicata* includes: merger, bar, and collateral estoppel.

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B) The doctrine of res judicata includes: merger; bar; and collateral estoppel.

C) The doctrine of res judicata includes merger, bar, and collateral estoppel.

“C” correctly omits any punctuation after the word “includes.”

“A” and “B” both improperly place a colon after “includes,” and B also improperly separates the three concepts in the series with semicolons.

(Colons are used to introduce a series only when the phrase that precedes it can stand alone as an independent clause, and semicolons are used to separate items in a series only if the series is complicated or contains internal commas).

These and the other examples included at the end of this article can be used or modified to suit the needs of individual classes and instructors. I modify my questions every year based in part on what I saw on the memos my students submitted the previous year.

The key is to be flexible and to be creative. Part of the fun of teaching is in developing our skills even as we are trying to do the same for our students. The Bee works best when the instructor prepares it as carefully as he or she prepares any other part of the course. Use the examples provided with this article as starting points for your own Bee. Develop your own questions, consistent with your assessment of your students’ needs.

A few procedural tips that I have adopted over the years keep the competition challenging (and fun). First, always allow verbal appeals to incorrect answers, and be liberal in sustaining them. Occasionally students will misinterpret a question that is less artfully worded than you may have intended. And, sometimes, students will apply a rule to another part of the sentence or question to come up with a different answer that, by applying that rule, would make their answer correct.

The key is to avoid the appearance of arbitrariness and to encourage students to develop grammar and writing expertise. It is more important to encourage that kind of result than to be “right” as the professor/administrator of the competition.

Second, spice up later rounds of the competition. (A round consists of a complete run through your roll sheet, which, if you have 20 students, may take six or seven classes. Over the course of the semester, I usually get through about four rounds before getting to the semifinals and finals on the last few classes of the semester.) For example, in later rounds, I require the contestants who choose the correct answer to explain why it is correct (or why the others are incorrect) before I show the explanations to the entire class.

Third, in the semifinal and final rounds, require the surviving contestants to rewrite a poorly written sentence (or paragraph). In this way, you will be relatively sure that your winners are students who really have mastered the requisites of good writing.

Here’s an example of a question for students who get to the semifinals in my competition:

Rewrite and correct the following “sentence” so that it is grammatically correct and clearly states the writer’s intended thought (time limit—10 minutes):

Historically, attorneys from large firms, having served the public through selfless efforts and often never receiving compensation therefrom, but never complaining or ask for recognition.

This question would be posed to the semifinalists before or after class, so as not to take class time. (The semifinal round will usually have no more than four or five students, as the others will have bowed out somewhere along the way. The students with the top two answers for that question then become the finalists.)

During class, show everyone the question the contestants were given and provide a “model” answer, such as this one:

Historically, attorneys from large firms have served the public selflessly, never complaining or asking for recognition, even though they often have received no compensation for their efforts.

Finally, as I mentioned earlier, the Bee works best when most students remain in the game for as long as possible. Therefore, I provide students who have been eliminated with several opportunities over the

course of the semester to “challenge back” into the competition. At various points, I will announce a “challenge-back” round, which consists of a single question given to all students who have previously been eliminated. All who get that question correct are readmitted into the competition.

By the end of the semester, the Bee will have helped every student in the class, irrespective of his or her initial level of competence. It will help students who, for whatever reason, never grasped the basic rules of competent writing. It will help students who know their grammar but come to law school with a “humanities-oriented” approach to writing (i.e., long-winded, impenetrable, rambling discourse). And it will help students who have all the basics down but haven’t figured out how to “sound like a lawyer.”

I recommend use of the Bee throughout the first semester. I start every class session with a single question posed to three (sometimes four) contestants. The competition is best used in the first semester for several obvious reasons. First, you want to get the students on track with respect to the basics of good writing as soon as possible. Second, during the first semester, they are most open to this kind of “different” classroom activity. And finally, by the second semester, most students have developed their writing skills beyond the level addressed by the Bee, and those who haven’t probably need more help than the Bee can provide.

But the Bee can also be used during the second semester (or even in advanced writing classes—I make it a one-day contest in my advanced legal writing course) as a means of addressing specific problems that are appearing too often on the students’ memos.

And, finally, be sure to provide rewards for the winners (and runners-up) of your Bee. I give my winners a “bump” of one percentage point on their final grades in my course. (We don’t have grade inflation at McGeorge.) I also conduct a little ceremony at the end of the semester, and the school provides some public relations with photos in the law school magazine. At the ceremony I present the winners a T-shirt that memorializes their

accomplishment. (On the front it says “Winner—Telfeyan’s Grammar Bee”; on the back it says “Hooray for me—I do’d it.”)

In addition, I encourage my winners to include their accomplishment on their first-year resumes, and I have noted the accomplishment on letters of recommendation I have written for them.

When properly constructed and administered, the Bee is fun for students, promotes creativity for the teacher, and results in real learning, so that the “sentence” I got from one of my students can be (and was) rewritten by that same student at the end of the first semester. (See the before and after below.)

Before: It is commonly known that if an area is located in a public place and considered dangerous or allows only certain people to enter; that there should be apparent signs posted which notifying the public that they are not permitted and are sufficient efforts made to enclose such areas to keep others out.

After: If access to a public place is limited to certain individuals or if the area in question is considered dangerous, appropriate signs should be clearly posted and sufficient efforts should be made to enclose the area.

Additional examples of questions for a successful Grammar Bee:

Select the sentence that best expresses the thought the writer intended to convey.

- A) Among legal scholars, disagreements are common regarding almost every issue in the law.
- B) The lack of uniformity of perceptibility is apparent to anyone who reads any number of treatises.
- C) Legal scholars are almost never in complete unification on any issue in the law.

“A” uses appropriate words to express the thought the writer intended to convey.

“B” uses the wrong forms (“uniformity” and “perceptibility”) of what are probably the wrong words for the sentence. (“Consensus” or perhaps

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“unity” and “opinion” is probably what the writer means.)

“C” uses the wrong form (“unification”) of what may be the wrong word for the sentence. (“Accord” or “agreement” is probably closer to what the writer means.)

Select the sentence that is the most “reader-friendly”:

- A) The fact that she died created a widespread feeling of grief.
- B) Her death caused widespread grief.
- C) Grief was felt by many when her death was reported.

“B” conveys the necessary information in a minimum number of words.

“A” contains surplus wording (“The fact that she died” instead of “her death” and “created a ... feeling” instead of “caused”).

“C” states the point in the less desirable passive voice (“Grief was felt by many”) instead of the preferable active voice (“Many felt grief”).

Which sentence is punctuated correctly?

- A) Judges must make numerous decisions in every trial, including whether they should exclude testimony and permit expanded cross-examination.
- B) Judges must decide whether to exclude testimony, and whether to permit expanded cross-examination.
- C) Judges must decide whether to exclude testimony and they must also rule on objections to expanded cross-examination.

“A” correctly places a comma before the subordinate clause in this complex sentence.

“B” incorrectly places a comma in the middle of this simple declaratory sentence. The sentence does not consist of two separate clauses; it has one subject (judges) and one verb (must decide) followed by two alternatives, neither of which can stand alone as a separate clause.

“C” improperly omits a comma (before “and”) in this compound sentence. The sentence consists of two separate clauses (each of which can stand alone) joined by a conjunction.

Choose the grammatically correct sentence and indicate specifically what is wrong with the other two:

- A) The issue regarding the defendants’ contradictory statements are whether either of them can be believed.
- B) When the defendant contradicted himself, especially after his attorney gave him an opportunity to correct his testimony, his credibility became an issue.
- C) Contradictory statements, such as the one uttered by the defendant, makes credibility an issue.

“B” contains no grammatical errors.

“A” fails to conform subject to verb. (If the subject is “issue” the verb should be “is”; if the verb is “are” the subject should be “issues.”)

“C” contains the same defect. (If the subject is “statements” the verb should be “make”; if the verb is “makes” the subject should be “statement.”)

Select the correctly written question:

- A) Where is the men’s room?
- B) Where is the mens room?
- C) Where is the mens’ room?

“A” correctly places an apostrophe before the “s” in “men’s.”

“B” incorrectly omits an apostrophe in “mens.”

“C” incorrectly places the apostrophe after the “s” in “mens.”

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