

The Art of the Writing Conference: Letting Students Set the Agenda Without Ceding Control

By Christy DeSanctis and Kristen Murray

Christy DeSanctis is Associate Professor of Legal Research and Writing and Director of the Legal Research and Writing Program at George Washington University Law School in Washington, D.C. Kristen Murray is Associate Professor of Law at Temple University, Beasley School of Law, in Philadelphia, Pa.

Introduction

In an ideal world, writing would be taught exclusively in the context of a one-on-one relationship. This is true of all writing—both academic and professional—given the nature of the writing process itself. Writing is, at bottom, a highly individualized enterprise requiring hands-on practice and implicating a range of personal styles, preferences, and, often, idiosyncrasies on the part of both writers and audiences. When we are asked to give presentations to large groups on “good writing,” our reaction is often that the task and the goal are fundamentally incompatible. While some features of good writing can be conveyed in lecture format, the reality is that most learning is the result of a more extended give-and-take process: the student-writer executes an assignment, and the teacher-reader reviews the work product and provides extensive commentary on what worked well and what could be improved going forward.

For this reason, teaching writing is often analogized to teaching pitching. One can only learn so much from a coach’s descriptions of the art of pitching, even if such discussions are accompanied by demonstrations of pitching techniques or even examples of good and bad pitching. At the end of the day, true learning comes when a student executes the skill being taught—that is, she goes to the mound and hurls one over the plate.

An integral part of the process of honing such a skill, of course, comes from the individual feedback

she receives on her attempts. For many writing teachers, this feedback is naturally delivered in *written* responses. There is little question, however, that students also benefit from the chance to *talk* about writing one-on-one. Such verbal feedback is valuable not just in the process of executing a particular assignment. Moreover, the value comes not just from talking about writing generally. For most students, what they need—and appreciate—are conversations about *their* writing.¹

That said, teaching or supervising the writing process through one-on-one conferences can be extremely time-consuming. No legal writing program can be based exclusively on a series of one-on-one meetings; according to a 2007 survey, legal writing professors are assigned an average number of 40 students per semester,² making it practically impossible to administer a program in a one-on-one capacity. Short of employing an exclusively one-on-one tutorial model, however, there is considerable room for incorporating individual meetings with students during the course of the semester. The question necessarily becomes how best to structure these meetings in order to maximize efficiency and utility.

While conferences typically are most effective when students set the agenda,³ a professor need

“In an ideal world, writing would be taught exclusively in the context of a one-on-one relationship.”

¹ Muriel Harris, *Teaching One-to-One: The Writing Conference* 3 (1986).

² 2007 Survey Results, Association of Legal Writing Directors/Legal Writing Institute, available at <www.alwd.org> or <www.alwd.org/surveys/survey_results/2007_Survey_Results.pdf> (2007) [hereinafter 2007 ALWD Survey] 62 (last visited Dec. 27, 2007). In 2007, legal writing faculty in the required legal writing program taught an average of 44.36 students in the fall and 42.71 students in the spring. *Id.*

³ Erika Lindemann, *A Rhetoric for Writing Teachers* 249 (4th ed. 2001).

“Conferencing with students one-on-one is a common pedagogical technique employed in the course of supervising many law school writing assignments.”

not cede control of the conference and become solely a passive participant. To the contrary, effective, efficient student conferencing is an art that requires forethought and active planning on the part of the professor. Toward that end, this article attempts to establish a “philosophy of conferencing.” It explores the theoretical basis for implementing a student-driven writing conference as part of a legal writing curriculum, and then discusses ways in which law professors can adhere to these principles while also engaging in their own agenda setting. Finally, it provides suggestions on how this concept can be executed in three law school settings: first-year legal research and writing courses, upper-level legal research and writing courses, and upper-level seminar courses in which a research paper is written.⁴

Why Conference?

Conferencing with students one-on-one is a common pedagogical technique employed in the course of supervising many law school writing assignments. Conferences often are a required part of a first-year legal research and writing curriculum,⁵ sometimes mandated for each major writing assignment and sometimes required to occur at a strategic point in the course of a longer assignment. They also may be employed in upper-level legal research and writing and seminar courses, or in the process of journal note writing. And, almost by definition, independent legal writing projects are supervised in a one-on-one setting. Thus, on a practical level, one-on-one professor-student conferences have long been recognized as an important resource for the

execution of a variety of law school writing assignments.⁶

As a theoretical matter, student conferencing also accomplishes several important pedagogical goals. Talking about the writing process and talking through individual assignments or specific writing problems stimulates independent learning. For example, by forcing students to ask specific questions—rather than simply “preview” a paper—conferences can serve as a vehicle for helping students identify their own answers.⁷ As previously stated, student conferencing also provides an individualized learning experience. From the students’ perspective, this kind of individual attention assuages some of the anonymity concomitant with hundred-person lectures that often comprise the bulk of a first-year student’s law school experience. From the teachers’ perspective, individual meetings enable them to address—and even to embrace—differences in skill levels in a way that a large class setting typically does not.⁸ At a more personal level, the one-on-one meeting offers an opportunity to get to know students as people and also as writers.

In the same vein, one-on-one conferences can be used to teach specific strategies to specific students, making it more likely that teachers will “tie instruction to the particular paper and focus on what to do next, suggesting strategies for the writer to use rather than merely identifying problems.”⁹ Similarly,

⁴ This also encompasses students working on independent research papers with faculty supervision but separate from a classroom-based course.

⁵ For example, according to the 2007 ALWD Survey, 163 legal research and writing programs use student conferences as a method for providing feedback on writing assignments. *2007 Survey Results*, *supra* note 2, at 14. See also Eric B. Easton et al., *Sourcebook on Legal Writing Programs* 60 (2006).

⁶ See J. Christopher Rideout & Jill Ramsfield, *Legal Writing: A Revised View*, 69 Wash. L. Rev. 35, 79 (1994) (“Teaching writing has always worked best one-to-one. In that context, student and teacher can discover the means for working on the paper together; the student can actually write; and the teacher can be a direct, personal resource for the student.”). Conferences are also an important part of undergraduate composition programs. See generally Harris, *supra* note 1. For a more detailed discussion of the theoretical pedagogy of the law school conference, see Robin S. Wellford-Slocum, *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. Tex. L. Rev. 255 (2004).

⁷ Harris, *supra* note 1, at 10–11.

⁸ See Harris, *supra* note 1, at 14–15.

⁹ Harris, *supra* note 1, at 15.

teachers can (and should) use conference teaching at strategically placed times throughout the writing process depending on and determined by the teacher's goals and the students' needs. As Erika Lindemann notes, "student-teacher conferences can occur at any time during composing and offer teachers an excellent way to provide feedback when it is most useful, during planning, drafting or prewriting."¹⁰

Perhaps most importantly, given that one-on-one meetings necessarily depend on live interaction between writers and readers, conferencing can help emphasize that writing is a form of *communicating*. A popular adage is that clear writing comes from clear thinking. For many first-year law students navigating their way through the complexities of legal rules and (sometimes arcane) legal doctrine, clear thinking is often the by-product of verbalization and discussion. Stated otherwise, the dialogue between student and professor itself is a vitally important part of the writing process. For example, professor and student may need to have a conversation to flesh out a student's topic, or a student may need to explain the intent behind her written choices in order for a professor to provide helpful advice for improvement.¹¹ "[O]ne-on-one dialogue between a student and a professor . . . provides a unique opportunity for focused attention to the student's legal reasoning and analysis and for significant breakthroughs in the student's ability to think like a lawyer."¹²

On a more practical level, conferences actually can be more efficient than providing comments solely through written feedback. Stated simply, more comments can be provided during an in-person conference than in equal time spent writing.¹³

Moreover, there is a degree to which teacher and student can "cut to the chase" in a face-to-face conversation in a way that is unparalleled in written feedback.

Finally, and to the benefit of all participants, teacher-student conferences can be used after the fact to shape classroom dynamics. This use of student conferencing is often underestimated, especially if the conference is viewed as facilitating only the short-term goal of "getting the student through the assignment." If, instead, professors take notes during (or shortly following) individual conferences with an eye toward gathering global comments, that feedback later can be shared with the class as a whole and may assist students who did not present certain issues but nevertheless would benefit from their discussion in the long term. For example, if some students display difficulty in selecting information that is more appropriate for a case citation parenthetical than for text, while other students have not yet grasped the notion that parentheticals can serve an important function in the presentation of information, the feedback that a teacher gets from the students who have engaged in the endeavor can be translated into a lesson on how best to accomplish the task. In short, writing teachers can employ the same types of "issue-spotting" techniques that we teach our students.

Professors also can take cues from the students in these meetings to gather information about the students' learning styles, and about what has worked and has not worked in the classroom. With this information, professors can bring teaching techniques to the classroom that accommodate different learning styles. Finally, but not insignificantly, professors can use these one-on-one meetings as an opportunity to get to know their students on a personal level. In both first-year and upper-level seminar courses, external issues can have an effect on the classroom and course participation of the students, and the students' learning process can benefit when their professors have information about these issues.

“On a more practical level, conferences actually can be more efficient than providing comments solely through written feedback.”

¹⁰ Lindemann, *supra* note 3, at 249.

¹¹ See Thomas A. Carnicelli, *The Writing Conference: A One-to-One Conversation*, in *Eight Approaches to Teaching Composition* 101, 107 (Timothy R. Donovan & Ben W. McClelland eds., 1980).

¹² Wellford-Slocum, *supra* note 6, at 257.

¹³ Carnicelli, *supra* note 11, at 106 ("The tongue is faster, if not mightier, than the pen."); see also Harris, *supra* note 1, at 18 (noting the time-saving value of student conferences).

“Writing professors largely agree that meetings are most productive and valuable to students when students set the agenda for the conference.”

Agenda Setting

Student conferences take a variety of forms; deciding among the models is largely a function of individual preference and, of course, resources. Conferences may be professor-mandated for all students; professor-requested (with requests targeted to specific students); or student-requested. They may be timed to occur in connection with a specific assignment, either while it is in progress or after a writing project has been produced and graded, or they may occur at one or more specific times during the composition process for a longer assignment, anywhere from the initial planning stage to the time between a “final” product and mandatory rewrite.

No matter the origin and timing of the conference, however, one of the most important features of a successful conference comes in setting the agenda, or identifying “one or two major concerns that will be the focus of the conference.”¹⁴ Writing professors largely agree that meetings are most productive and valuable to students when *students* set the agenda for the conference. Muriel Harris, for example, has noted that “[t]o make writers self-sufficient, able to function on their own, we have to shift the burden to them, not an easy task for students conditioned to wait for a higher authority to pass judgment on what they should do.”¹⁵

A solely professor-driven conference agenda likely will be unsuccessful for several reasons. First, it generally results in less investment of the student-writer.¹⁶ The professor may provide too much feedback for the student to handle intellectually at

the time of the conference. Though it is difficult to envision a world in which professors provide too much feedback, the reality is that a solely professor-driven conference can be overwhelming. On the flip side, the focus of the conference may be too specific, with the student getting only a narrow idea of what needs to be fixed. The risk here is that students will come to think of feedback more as line edits than as the constructive dialogue that a conference is ideally intended to be. The reality is that many students are seeking black-and-white answers; the retort we often hear is “just tell me what you want me to write.” The goal, of course, is not to tell them what *you* want them to write but, instead, to foster higher-level and transferable thought about writing choices—why a writer makes them and what effect they might have on a reader. In short, a professor-driven conference risks placing too much attention on the written product, at the expense of a more general exploration of ideas.¹⁷

Thus, at the very least, students generally should be expected to participate significantly in the agenda setting for a one-on-one meeting.¹⁸ That said, turning over the task of agenda setting is not the same as ceding control of the conference. The student’s ability to set the agenda is necessarily shaped by her experience and comfort level as a legal writer; this, in turn, determines how heavy an influence the student needs from the teacher’s guiding hand. As one moves along the spectrum from novice law student to experienced legal writer, there are various techniques that professors can employ to engage the student in a way that leads to a productive, yet largely student-driven, writing conference.

Still, different populations of students will require different considerations. Our experience has been that first-semester law students, unsurprisingly, generally will require more direction in agenda

¹⁴ See Thomas Newkirk, *The First Five Minutes: Setting the Agenda in a Writing Conference*, in *Writing and Response: Theory, Practice, and Research* (1989), reprinted in *The Allyn and Bacon Guide to Writing Center Theory and Practice* 41, at 302, 303 (2001). Newkirk notes that without an agenda, “a conference can run on aimlessly and leave both participants with the justifiable feeling that they have wasted time.” *Id.*

¹⁵ Harris, *supra* note 1, at 28.

¹⁶ For example, a teacher’s rigid agenda may not be responsive to student concerns, resulting in both a lack of engagement by the student and an unproductive meeting. Newkirk, *supra* note 14, at 309.

¹⁷ See, e.g., Donald M. Murray, *The Listening Eye: Reflections on the Writing Conference*, 41 *C. English* 13, 16 (1979) (“I’m really teaching my students to react to their own work in such a way that they write increasingly effective drafts.”).

¹⁸ See Newkirk, *supra* note 14, at 312–13.

setting. They simply may not have enough information yet about legal writing discourse to formulate useful questions—or even to know that they have questions in the first instance. In years where we have asked our students simply to “come to the conference with an agenda,” we have received everything from long lists of questions to claims of having no questions at all. And even where conferences are timed to occur after written feedback is provided, we still have met with students whose primary goal is to decipher handwriting and students who merely say they have read our comments and understand everything we said.

For these kinds of conferences, professors can dictate a more detailed agenda by asking predetermined questions about the assignments. To facilitate useful answers, conferencing questions should be broad enough to encourage participation but narrow enough to anticipate a wide range of answers. Toward that end, we have found it useful to issue, in advance of a conference, a “questionnaire” that serves a dual purpose: self-reflection and conference preparation. Over the course of a year, these questionnaires can make more specific and higher-level inquiries as students become acclimated with the paradigms of practical legal writing. For example, in our earliest conferences, we ask the students to consider several writer-based questions involving the writing process, areas of focus, and comfort level with the material. More often than not, the students identify the strengths and weaknesses in their papers without being specifically asked to do so; when specifically asked, most novice legal writers will say that they have no strengths because they lack the confidence and feedback to know what they are doing right. The answers to these questions are the starting point for our early conferences, which enable us to learn more about the student as a writer and to have a discussion that is not limited to the work product that has emerged.

Our mid-year conferences move from solely writer-based questions to both reader- and writer-focused questions. At this juncture, we are concerned not only with the student’s experience

with the writing project, but also with the product itself. Thus, though we continue to ask questions about the student’s experience, we also begin to discuss what the student-writer feels are the strongest and weakest parts of the paper from a reader’s perspective. At this point, students often are more comfortable with both legal writing and conferencing, and they consequently bring a more ambitious agenda to the conference than our guided questions propose. However, asking the questions still enables students to analyze their own papers as critics, and to provide substance to conferences that otherwise might be left thin on substantive material.

Finally, by the end of the year, our conferences move largely to reader-based discussions. These discussions transcend the writer-as-individual and, instead, focus on how choices influence readers. Because we teach responsive writing in the spring semester (and pair students with opposing counsel for their assignments), we ask students questions not only about their own writing, but about the work produced by their opponents. We have found that this process enables students to engage with substantive arguments at an advanced level, and to learn positively from looking at examples of others’ writing. We attempt to keep the discussion positive, so we tend to favor questions directed toward how the student-writer would respond to an argument rather than how she could make that argument better. Thus, by the end of the first year, students have moved from writer-based discussions where the product is the focus to reader-based discussions where the effect is paramount. As a result, we have found a stronger tendency on the part of our students to evaluate critically their own work, as well as that of their colleagues, in a depersonalized and structured way that is probably not possible at the outset of the year.

Even with upper-level students who have been through the first-year writing experience and are working on independent writing projects, seminar papers, or journal notes, agenda setting should not fall by the wayside, though it may serve different purposes. For writing projects not anchored by classroom time, or which are the companion to but

“ [W]e have found it useful to issue, in advance of a conference, a ‘questionnaire’ that serves a dual purpose: self-reflection and conference preparation. ”

“Even when there is time for such individualized instruction, it is all too easy to squander the opportunity that these face-to-face meetings create.”

not the focus of a classroom seminar, agenda setting can provide necessary structure to the writing experience. That is true even if the only practical result is establishment of and adherence to a workable production schedule, though we certainly should strive for more than that. At a minimum, however, agenda setting enables a professor to present her availability to her students, and to have the student generate a schedule of interim and final deadlines with which she promises to comply.

Substantively, one-on-one meetings at this level should be timed to occur along a natural arc beginning with topic selection and ending with the final draft. In early conferences, when students have a topic but must engage in a narrowing process, the agenda necessarily will be more abstract and process-oriented. Again, professors can use guided questioning at this stage to help a student determine what she wants to say and how best to support her thesis with substantial research. Mid-process meetings will be largely student-driven because they are often student-requested; professors can manage these meetings by offering to answer specific student questions (“Is this a supportable assertion?”) rather than assenting to often-sought-after generalized feedback (“Am I on the right track?”). Later meetings likely should center on the product itself (outline or draft), which often are precipitated by a student having some written work

already in hand. As a pedagogical matter, professors should be unambiguous as to their availability and willingness to review outlines, drafts, and other interim products; one should be prepared, however, to provide at least one substantive review of a paper before the final draft is submitted. A conference on this draft can be shaped by the margin or end comments provided on the paper; at this level, students should be expected to internalize those comments and to formulate a conference agenda where they not only attempt to answer specific questions, but seek additional advice regarding organization or substance of the draft.

Conclusion

One-on-one student conferences can and do serve important pedagogical and practical functions as part of a law student’s legal writing experience. Even when there is time for such individualized instruction, it is all too easy to squander the opportunity that these face-to-face meetings create. In addition to being pedagogically—if not psychologically—sound, they also can provide meaningful points of contact between writing teachers and their students, which can not only enhance individualized learning, but can facilitate learning both in the writing classroom and beyond.

© 2008 Christy DeSanctis and Kristen Murray

Another Perspective

Please note that beginning with volume 1, all issues of *Perspectives* are available in the Perspectives database (PERSPEC) on Westlaw and in the LEGNEWSL, TP-ALL, and LAWPRAC databases. *Perspectives* is also available in PDF at west.thomson.com/newsletters/perspectives.

Authors are encouraged to submit brief articles on subjects relevant to the teaching of legal research and writing. The *Perspectives* Author's Guide and Style Sheet are posted at west.thomson.com/signup/newsletters/perspectives/perstyle.aspx.