BRUTAL CHOICES IN CURRICULAR DESIGN...

PEER EDITING: IT'S WORTH THE EFFORT

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Brutal Choices in Curricular Design ... is a regular feature of Perspectives, designed to explore the difficult curricular decisions that teachers of legal research and writing courses are often forced to make in light of the realities of limited budgets, time, personnel, and other resources. Readers are invited to comment on the opinions expressed in this column and to suggest other “brutal choices” that should be considered in future issues. Please submit material to Helene Shapo, Northwestern University School of Law, 357 East Chicago Avenue, Chicago, IL 60611, (312) 503-8454, Fax: (312) 503-2035.

Legal writing programs are confronted with brutal choices of deciding which skills to teach, how to teach those skills, and how much time to allocate to each skill. Deciding whether to include peer editing1 in the curriculum of the first-year writing program presents all those choices. Writing professors must decide whether peer editing is a skill that can be squeezed into the already crowded curriculum, whether a peer editing assignment teaches a useful skill in itself or improves general editing skills, and what is the minimum time investment that will yield useful benefits.

I believe the choice should be made to incorporate peer editing into the curriculum—as both a teaching technique and a skill—to focus more attention on editing as an essential part of good writing training. Students will benefit by sharpening their editing skills. But peer editing will also add value to the curriculum by introducing the less tangible skills of teamwork and collaboration while building an appreciation for fellow students—lessons too often missing from the first-year law school curriculum.

Costs

I admit I am a fan of peer editing, but like any addition to the curriculum, there are costs that even a fan must weigh.

Peer Editing Is Not a Core Skill

It is difficult enough finding time to teach writing and simple editing skills. Some writing professors may believe there is no time to teach peer editing. Students complain that they should not have to do this kind of peer review because it is really the professor’s job to give feedback. Some students might gain an extra advantage if they receive excellent peer edits, while others get superficial comments by students who do not take the assignment seriously.

It Takes Time

It takes additional time to introduce a peer editing assignment—both the professor’s and the students’ time. The professor must budget time for creating the peer editing exercise, preparing the instructions, explaining the assignment, and reviewing the results of the peer edits. Similarly, the students also need time in the curriculum to complete the peer edits. This is time when students are editing and not writing. Students without sufficient experience in peer editing may not accurately gauge how much time to allot to the assignment; they may find that it consumes too much of their limited time.

It Takes Training

Peer editing introduces a new skill that requires training to be effective. Students need to be taught how to review their peers’ writing. This training is more critical for students who lack strong writing skills. For example, some editors may lack sufficient grammar skills to help the writers. Or worse, these editors may mark things wrong that are correct, thus confusing the writers. In addition, without adequate training, students may make harsh comments that discourage writers and undermine the purpose of building teamwork. Or they may give only superficial comments, such as “Nice paper” or “Underline the period in id.”2 But if training is overlooked, students feel they are being asked unfairly to do something they have not been taught to do.

1 By peer editing, I mean a structured exercise in which law students critique the written work of fellow classmates by offering both positive and negative comments. Students use a set of objective criteria to evaluate various aspects of the work as well as offer an overall evaluation. Peer editing includes both giving comments to and receiving comments from peers. Professor review and credit for completing the assignment are also helpful aspects of the exercise. For a more complete description of one method of peer editing, see Jo Anne Durako et al., From Product to Process: Evolution of a Legal Writing Program, 58 U. Pitt. L. Rev. 719 (1997). Less formal peer review is another option, but not the one I am discussing in this article.

2 I saw such superficial responses by students in an advanced legal writing course, a group you would expect to be more thoughtful about writing and critiquing. Teaching assistants for a Legal Writing program also displayed some tendency toward superficial review.
The First-Year Program Is Too Soon

Students complain that they do not know enough about legal writing to be capable peer editors. They are “just 1Ls” paying tuition to learn legal writing, not to teach others. Let the grammar-check software be the peer editor, they say. Or, better yet, since they are paying tuition, students want their “money’s worth” of professor critique, not student critique. Both students and writing professors may feel that the first-year program already has a full agenda without adding what may be perceived as peripheral skills.

Some Students Don’t Benefit from Peer Editing

Outliers—those at opposite tails of the normal curve—often benefit least from teaching techniques such as peer editing. The strongest students find there is little for them to gain from editing poor writers’ work. These students may have been burned in the past when their writing was peer edited by struggling writers who incorrectly criticized good writing. On the other end of the curve, the weaker students do not feel competent to edit others’ work, particularly if they are intimidated by how much more accomplished the other students appear to be.

Benefits

Despite these costs, a wide range of benefits favor using peer editing in first-year legal writing programs. Here are a few.

Peer Editing Accomplishes Multiple Goals

Peer editing allows writing professors to accomplish several important goals. Peer editing teaches the overarching lesson that peers are valuable resources. Writers can learn from having several readers comment on their work. Peer editing also fosters a respect for peers and builds the foundation for teamwork, an experience often lacking in the first-year curriculum. In addition, it helps make writers more reader-sensitive because they have more readers than just the professor. Being a reader can help the writer better understand the needs of the audience. And being a good peer editor is another step toward becoming a good self-editor—a more subtle skill to learn. One of our educational goals as writing teachers should be to prepare our students to be better editors of their own work and others’ work. Unless they plan to be junior associates all their lives, our students will have to edit other attorneys’ work. In fact, even junior associates may be called on to edit their colleagues’ work.

It’s Time Well Spent

Because samples of peer editing materials are easily obtained from the Legal Writing Institute Idea Bank, legal writing discussion lists, and other sources, it does not take much time to incorporate this technique into your curriculum by adapting existing “road tested” material. Peer edits are an easy way of leveraging limited writing program resources to deliver more feedback to writers than a single professor ever could. Even if student peer editors do not provide the sophisticated feedback that writing professionals can, peer edits allow us to focus our feedback on higher-level skills. Thus, a tendency of students to spot the simple errors can be turned into a benefit. It also creates more opportunities to engage students in the writing process, even though it consists of reading the writing of others.

It Shouldn’t Take Much Training

Increasingly, students come to law school having done peer editing before in undergraduate or graduate school. I find that students who took journalism and English composition courses often require little training. In addition, students in business schools engage in peer editing virtually without training when they write group papers for their case study reports. Indeed, these skills are an essential part of the team process that lies at the core of graduate business training. Certainly, law students should succeed at this skill with minimal training.

One way to minimize the training is to give students specific criteria to use in their editing. This makes the process both easier and more effective for editor and writer. In his book Writing with Power, Peter Elbow provides questions to elicit criteria-based feedback and reader-based feedback. While providing four general questions helpful in reviewing most writing, Elbow suggests adding more specific questions based on the assignment for even better peer review.

5 One of my teaching assistants, a gifted writer who has undergone peer editing for many years as a journalism undergraduate, admitted to me that she has yet to receive any comments she would describe as more than superficial.

6 In fact, my son did a type of peer editing in his second-grade class. In instructions about reviewing a story, students were told to read their drafts to a friend and let their friend ask questions. Then the students were to revise their stories to answer those questions by adding information and details, if needed. If second-graders can learn peer editing, surely law students will not take long to train.
Further, the objective criteria of an “editing checklist” guide the editor and help focus the review on a limited range of essential features of the writing. If these editing criteria mirror the criteria you give your students for their self-editing, the task is even easier and reinforces general editing skills.

**Peer Editing Training Builds an Important Foundation**

When we use peer editing in the first-year writing program, upper-level classes have a strong foundation on which to build. It is much easier to have students do additional peer editing after they understand the general purpose and process, and when they believe in its utility. Law faculty teaching seminar classes, in particular, can easily build on the investment we make in peer editing in the first-year program. Our colleagues who teach nonwriting courses are quick to see the value of incorporating peer editing into their seminar courses, since their students get the dual benefits of reading papers about other topics while continuing to hone their own editing and writing skills.7 An added benefit of laying a foundation with peer editing skills is that we may also help improve the quality of law review editing when our students edit peers and faculty. Students perform this more sophisticated editing virtually without any other training. Anything the legal writing profession can do to improve student law review editing certainly would be appreciated by our colleagues.

**Most Students Respond Favorably**

Few teaching techniques are equally effective with all students. Surveys of students and faculty feedback have shown that peer editing is valued by both students and writing professors.8 Although not the highest-rated technique in a study of teaching innovations, peer editing was rated above a score of 4 on a 7-point scale in a course evaluation. Writing professors involved in the program thought the value of including peer editing in the writing program should be rated even higher. More recently, in a smaller and less formal study, one-third of my first-year students identified the peer editing assignment as one of the most valuable contributions to their own rewriting process.9

**Some Tips to Make Your Choice Easier**

Here are some ways to make the choice to incorporate peer editing in your program less brutal—and more successful.

**Expect to Improve Incrementally**

Each year I refine the peer editing assignment with changes at the margins. Each year it works better and my students do it better. The first change was to move from peer editing, with the editors’ and writers’ identities disclosed, to anonymous work to allow more candid comments. Next I focused on alerting students to the amount of time the assignment would take and giving reasonable time limits. Then I refined the “sales pitch” in which I explained explicitly why the process of peer editing other students’ papers helps the reader. It was important to be clear that the editors’ efforts actually help the editors themselves. I can say without hesitation—it gets better with each year of experience.

**Start Peer Review Early and Keep at It**

The earlier you introduce your students to the idea that their peers can help them learn, the better foundation you have laid for a peer editing assignment. At Rutgers, we have students during Orientation read case briefs written by their peers. Our system of collaboration groups during the semester reinforces that message of learning from classmates by meeting in and out of class to review papers and work together. This message of respect and appreciation is an essential element in the class culture for peer editing to be most effective. The more experience that students get working productively with peers, the better they are prepared for law practice. Peter Elbow advocates that the best way to get feedback for overall improvement of writing

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6 Elbow’s four broad questions for criteria-based feedback are: 1) What is the quality of the content of the writing? the ideas, the perceptions, the point of view? 2) How well is the writing organized? 3) How effective is the language? 4) Are there mistakes or inappropriate choices in usage? Peter Elbow, Writing with Power 240 (1998).

7 For example, in Villanova’s Graduate Tax program, Michael Mulroney was able to introduce peer editing with a minimum of training and instruction, using a simple two-sided worksheet. He was an immediate convert to the idea, realizing that peer editing would result in broader understanding of the subject area from readers’ participation, with the potential for better quality papers from the writers’ receipt of comments. And all this would occur without much additional input from him. Faculty at Rutgers are also converts to the power of peer editing to improve students learning about legal topics and improve students’ final work product with limited additional work from the professor.

8 See Durako, supra note 1, at 737. The students’ evaluation improved significantly after a few revisions to the process.

9 My students also identified the expected contributions made by my interlinear comments, our one-on-one conference to discuss the memo, and the memo editing checklist. This is consistent with data collected at Villanova. See id. I was struck by how many times students mentioned the value of peer editing.
is through a writing support group that meets regularly. This writing support group can be a legal writing class with small collaboration or editing groups.

Believe in It
In each of the five years that I have used peer editing, I have become more of a fan and my students have done a better job at it. If you make clear that you believe the assignment teaches students necessary skills and you make clear what the editor will gain, the performance improves. Successful law students are quick to calculate how to invest their time. Therefore, you must demonstrate to them how peer editing is in their best interest. You can do this by stating your goals for the assignment: helping them to become better editors, giving them an opportunity to get feedback from peers, and exposing them to a type of editing they will encounter in legal practice, where other attorneys review their work. You may also wish to explain the benefit of seeing how other students have approached the same problem. Getting insights into different problem solutions, analytical approaches, and writing styles is an often unstated benefit that students are quick to appreciate. Moreover, when you share your goals for the assignment, students feel like partners in the learning process.

Get Feedback and Give Feedback
Tailoring the peer editing assignment to the law school culture is critical. One size does not fit all comfortably. The changes to my approach grew primarily out of the comments from interim, formative evaluations, as well as from talks with my more reflective students. It is also essential for you to review peer edits to give feedback to editors and writers. Otherwise, you will lose students who had the misfortune to be edited by a less capable editor. Similarly, you must also give feedback to the writers on how well they performed the editing. Give some form of credit for doing the assignment well—even if it is only a check plus, rather than a check. If students sense that you do not value peer editing enough to review their efforts, they will not allocate adequate time to the assignment.

Improve Existing Peer Editing Assignments
If you have already adopted peer editing, there are other techniques to capitalize on your investment.

- Have editors ask questions of the writer about points they do not understand instead of editing perceived problems. Questions seem to spur more revision than edit marks alone. This technique is more effective than merely line editing because it enables the writers to learn from the experience of answering the questions rather than merely typing in the suggested corrections.
- Have peer editors learn a specific skill while editing. For example, have the editors correct Bluebook citations or identify each of the steps in Richard Neumann’s four-step paradigm of proof of a conclusion of law. This makes the benefit to the editor more explicit, tangible, and immediate.
- Have the writers create an annotated, revised draft to explain how they responded to the comments of peer editors. By paraphrasing and describing the editing suggestions, the writers have to reflect on the comments, evaluate them, and decide whether or how to respond. This process of weeding through peer critique is a key skill. The experience of writing an annotated work heightens awareness of the writer’s choices.
- Give students a model of an excellent peer edit, perhaps one done on your work by a legal writing peer. Otherwise, students may merely mimic the professor’s critique (which may or may not be effective). Developing a model peer edit may also help sharpen the professor’s understanding of the objectives for the assignment.
- Continue using peer editing throughout law school to refine students’ editing skills. Urge your colleagues to try it. Give a faculty presentation in which you explain how it works and what first-year students do. Offer to help other faculty design instructions and editing forms. Become a vocal fan.

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13 See Steven J. Johansen, “What Were You Thinking?” Using Annotated Portfolios to Improve Student Assessment, 4 Legal Writing 123 (1998). I used this technique after teaching assistants peer edited one another to develop sample documents to distribute to first-year students. This may work best with advanced writing students.
14 This article was peer edited, giving me excellent samples to share with my students.
15 See Elizabeth Fajans & Mary R. Falk, Scholarly Writing for Law Students (1995) (chapter 8 includes an excellent sample of peer comments on a draft law review article).
Conclusion

I am a fan of peer editing because it works. Teaching writing is such a complex task that we need a wide array of tools, techniques, and approaches to accomplish our goals. Editing is a method to help diversify the training to refine our students’ writing skills. Perhaps more important, a broad view of legal writing should include an appreciation for the importance of legal rewriting, or editing. Like our students, we spend far too much time teaching how to write the draft and too little time on how to edit it. Peer editing is a valuable technique for teaching writing skills and editing skills—both peer editing and self-editing. Peer editing begins this process of teaching lifelong editing skills needed not only in the first-year writing program, but throughout law school and legal practice—a worthy goal at twice the price.

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