The Structured Writing Group: A Different Writing Center?

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Over the course of a few (treasured) hot months in Minneapolis in 2014, legal writing faculty and administrators at the University of Minnesota Law School determined to deploy some of our precious legal writing resources to develop and staff a new program: the "Structured Writing Group" (SWG). We wanted this project to achieve some outcomes traditionally associated with writing centers[1]: first, improving the student writing process by facilitating collaboration with a writing expert[2]; and second, exposing students to additional audiences for their writing. We added a third goal of improving the experience and performance of multilingual students in the legal writing program. This article describes the objectives of the SWG, its first-year implementation, and our assessment of it. In short, it was an efficient way to increase feedback, foster audience awareness, and address needs of our multilingual students.

I. WHY THE SWG?

We recognized that many law students come to us as proficient writers in other contexts—professional writing in other fields, academic writing, creative writing, etc.—but that the expectations of good writers in those contexts are different than writers in the law. We wanted to focus on the things that make legal writing different from the writing that students had done before law school. We recognized that our course and instructors[3] rightly focused on "higher-order concerns (e.g., organization, argumentation, the handling of evidence),"[4] but we wanted to develop a resource that focused on "lower-order concerns (e.g., grammar, syntax, punctuation)"[5] of legal writing.[6] The SWG would be a space for new legal writers to analyze legal writing genres and explore linguistic

conventions in American legal writing.

We were particularly interested in addressing the needs of multilingual[7] students, whether they were international students or "Generation 1.5" students, the "U.S.-educated children of first-generation immigrants."[8] The percentage of multilingual J.D. students in our program has grown continually in recent years. Multilingual students face a wide variety of challenges in the university classroom generally.[9] The linguistic backgrounds of some of them may make law school writing more challenging. We sought to address some of these concerns here.

Before developing the SWG, we considered sending students to the Center for Writing on the University of Minnesota main campus, which advises undergraduate and graduate students across disciplines. We were reluctant to do so for three reasons: First, we were concerned about potential Honor Code issues that might arise from students receiving extra support from professionals outside the Law School. Second, there could be perceived fairness issues if we sent students to the Center but were unable to monitor or control the type of feedback they received. Finally, there is doubt whether the undergraduate writing center is always prepared to address the needs of professional students.[10] We preferred to choose the sources and kinds of feedback and to monitor the feedback provided.

We explained the purpose of the SWG to our 1Ls at orientation and to our legal writing instructors before the start of the semester, emphasizing that it was open to all students. We encouraged legal writing instructors to refer students to us, but also emphasized the need to do so with some delicacy. We recognized that students might perceive the SWG as remedial instruction, but we claimed that we would function in the same way as an undergraduate "writing center."[11]

II. WHAT IS THE SWG?

We tied our writing support program directly to our legal writing course as an ungraded, non-credit class. The SWG operated as a combination of supplemental class meetings and individual conferences and email consultations. During weeks when students were not turning in an assignment in their legal writing class, the SWG would meet to supplement instruction from the regular sections, to explain concepts from assignments in more detail, or to show the students examples and explain them. We scheduled the SWG meetings to avoid conflicts with students' other classes.

The SWG leader developed the SWG "syllabus" to complement the LW syllabus for the fall semester. For example, in the first week of regular LW sections, students were scheduled to discuss the basics of IRAC and of professional email and to receive an email assignment to be turned in during week two. In the SWG, we gave students a list of legal terms based on the assignment they would receive; we included definitions of those terms from Black's Law Dictionary and emphasized the need to look up terms, even when they seemed to have an everyday meaning. We addressed the types of phrases that students need to use when communicating a legal analysis.[12] We explored conventions in American legal writing for citing every assertion (whether about fact or law) that is not derived by explicit inference, using as an example a real-world memorandum of law. Finally, we provided advice from Section 16 of Garner's The Redbook 3d, regarding composing emails.[13]

During weeks when students had assignments due in the legal writing class (six in the fall semester), we would not hold a SWG class but would instead schedule thirty-minute appointments.[14] We encouraged the students to send portions of their writing to us via email with specific questions if they could not make an appointment. When providing written feedback, we followed advice from writing pedagogy research regarding feedback,[15] particularly research regarding second-language writing.[16]

III. WHO TAUGHT THE SWG?

We selected SWG instructors with three characteristics in mind: pedagogical training in writing instruction (particularly with multilingual students), legal practice experience, and experience teaching in our program. The SWG leader (first author on this paper) was a PhD candidate in rhetoric and technical communication and an attorney with more than a dozen years of practice experience and seven years of experience teaching in our program. The student instructor paired with the leader was a multilingual 2L with experience teaching English to immigrants in the U.S. We added a third faculty member to help keep up with the requests for assistance from students: a lawyer with more than five years of practice experience

who had previously taught in our legal writing program and was proficient in Mandarin, a skill that proved helpful with some of our students.

In a program like ours, where all sections use the same syllabus and assignments, instructors familiar with the program were valuable because they could address specific student concerns. Instructors with law practice experience and sensitivity to variations in writing practices helped address differences among the expectations of the adjunct attorneys who were regular section instructors. Instructors with experience teaching English or writing to multilingual students understood unique concerns for those students. Our impression is that an adjunct attorney instructor (or two) could adequately teach a version of the SWG at another law school, provided the instructor(s) had experience in two or more of these categories and received the support of a full-time legal writing professor or director.

IV. WHAT DID THE SWG CLASS SESSIONS TEACH?

We asked all students to send us copies of their writing assignments when they submitted them to their regular LW section instructors. This permitted us to tailor subsequent SWG class sessions to address concerns evident in the students' writing. For example, we discussed the verb tenses appropriate for narrating the outcomes of cases and the facts in the students' problems; we explained differences among verbs about what courts do in opinions (do they state, assert, find, hold, argue?); and we covered topics such as the subjunctive mood, strategies for combining sentences, and how to characterize facts from a record in a summary judgment motion memorandum. In the spring, we offered students who were anxious about oral presentations chances to practice oral argument skills several times before the oral arguments they gave for credit later in the semester.

We also took the opportunity to show students how to unlearn, or at least nuance, what they had learned in undergraduate writing courses. For example, undergraduate students with science backgrounds are often taught to write using the passive voice because, in science writing, the experimental materials are the reader's focus, not the person wielding a pipette.[17] Legal writing teachers, on the other hand, usually disfavor the passive voice, and we emphasized the

need to employ it only sparingly and strategically.

At our first meeting, fifty-eight students attended, nearly 30% of the total 1L legal writing class. By the second class, attendance dropped by half to twenty-nine students. For the balance of the first semester, attendance at class sessions varied between five and ten students. During second semester, the numbers were smaller, between three and six students attending each class session. We anticipated such a drop off, especially given the early-morning scheduling, about which some students complained when we asked them about the SWG.

V. WHO USED THE SWG CONFERENCES?

Conferences and requests for written feedback followed a different pattern. We tracked all the interactions with students in a spreadsheet in the "cloud" accessible to the SWG instructors and the Legal Writing Directors. For each student contact, the spreadsheet included relevant details and a short note from the SWG instructor indicating any key observations. We also stored copies of student work and our comments on it in a "cloud" folder accessible to the same personnel. Students could work with different SWG instructors, as all of them had access to previous comments and notes and could approach each student with some knowledge of her. These records supported the Directors when assessing the efforts of those students who seemed to face special challenges and to require intervention from the administration.

According to our tracking worksheet, SWG instructors provided 90 conferences with students during the year, with an additional 34 contacts where students received written feedback without a conference, for a total of 124 contacts. Forty-six students (representing 24% of the 1L class) received these contacts, with each student receiving a mean of 2.18 contacts (std. dev = 2.41, median= 2, max = 12). We estimate that the three SWG faculty invested a total of 77 hours in these 124 contacts (40 minutes to prepare for and take part in each conference and 30 minutes to respond to each request for written feedback).

VI. WHAT DID WE LEARN?

Our impression of the classroom sessions is that they functioned to clarify things for the SWG students and to empower them to ask questions. Because an attorney

instructor led each regular LW section, and attorney instructors had individual expectations of their students, we could create the SWG as a safe place for students to question what the attorney instructors were doing. For example, on a spring memorandum project, some regular section instructors wanted students to weave policy arguments into each major argument category, while others wanted students to have a separate policy section at the end of the memorandum. We discussed this variation in the SWG and used it to encourage students to ask questions of the regular LW instructors about their expectations. When a student asked us a question she would not ask her instructor, we would often respond by illustrating why at least two different answers were possible and defensible, and then suggest that the student ask her instructor. In effect, we tried to help students understand when questions they were reluctant to ask their regular instructors (who would be grading them and writing letters of reference) were not "stupid questions" at all, but important questions about argumentative and stylistic preferences.

As for the individual consultations, our impression was that the students with multiple contacts in the fall tended to be a mix of students who were struggling and those who were hoping to succeed at the highest level; in the spring, by contrast, the students with multiple contacts tended to be high performers. Multilingual students were well-represented both among spring and fall contacts and among students struggling and those hoping to succeed at the highest level. Native English speakers who participated tended to be those hoping to succeed at the highest level. But we know that some native speakers who did not attend the SWG were struggling in legal writing, so perhaps they did not see themselves as candidates for the SWG because our introduction of it during orientation suggested we were emphasizing the needs of multilingual students, or perhaps their instructors were more inclined to refer multilingual students to the SWG.

The SWG also helped the directors of the legal writing program (one of whom is second author on this essay) manage it. First, it brought to their attention a couple of cases where a student found the program's instructions on an assignment confusing or where a student feared that some regular LW instructors were interpreting the assignment inconsistently. The Directors could send an email to all the instructors suggesting a particular tack without singling anyone out. Second, we were able in a few cases to identify students who were struggling but whose difficulties had not yet come to the attention of their regular LW instructors and to offer early intervention.

VII. SWG AS A DIFFERENT, IN-HOUSE, WRITING CENTER

The SWG was similar to a writing center in that all students were "welcome to receive free advice in a safe and pressure-free environment that favors a collaborative approach to instruction, because tutors do not assign grades to their clients' papers."[18] We also sensed a tension commonly described in the writing center literature between the objective of the program, which was to make better writers, and the objective of some students, which was sometimes to get their papers proofread or copy-edited.[19] We addressed this in part by highlighting student errors without correcting them, which has been identified as the better method to help students to learn to correct their own errors.[20]

Our conferences were different from the typical undergraduate writing center tutorials in one key aspect: All SWG instructors had taught or studied the material about which students were seeking our advice, and because the writing program's assignments are standard across sections, we could become intimately familiar with the students' research materials and possible arguments. This made possible a Socratic dialog in student conferences whereby the instructor could help the student hone her critical thinking skills as applied to the legal issue at hand.

Another significant difference from the writing center model was the SWG class sessions. Our impression is that students in these sessions were learning from the instructors and from other students. The questions that students posed about assignments in this environment encouraged other students to ask their own questions. And the SWG class validated the questions—students could leave feeling it was reasonable for them to lay their questions and doubts before their instructors.

Despite these differences from typical writing centers, the SWG's goals were similar to them: to improve students' writing process and self-editing process, and we wanted to provide an opportunity for students to receive this type of feedback on their writing without grades on the line. In short, we hoped to see "cleaner" writing, better organization, and deeper analysis from

those who regularly attended the SWG. Second, we wanted students to understand that the audience for their writing was not only their legal writing professors. By diversifying the audience who would read students' writing and giving students a new, fresh reader to whom they needed to explain their thinking, their reasoning, and their purpose for writing, we hoped to increase student awareness of their audience. Third, we hoped to help our multilingual students and our students who struggled with legal writing in English achieve a level of proficiency that would enable them to succeed at law school and in the profession.

These three goals are difficult to measure at such an early stage. Our evaluation of the program took the form of a student survey, the detailed results of which we cannot share because it was not cleared in advance by our Institutional Review Board. But we think we made significant progress on all three. We are continuing the SWG this year, and we plan to continue it indefinitely. It was possible to pilot the program at relatively low cost, without making the budgetary and appointment commitments necessary to launch a true writing center.

NOTES

1. Lucie Moussu, *Let's Talk! ESL Students' Needs and Writing Centre Philosophy*, 30 (2) TESL CAN. J. 56 (Spring 2013); Philip J. Sloan, *Are We Really Student-Centered? Reconsidering the Nature of Student "Need"*, 10 (2) PRAXIS: A WRITING CTR. J. 1 (2013).

2. Writing as a process: Sherri Lee Keene, *Are We There Yet? Aligning the Expectations and Realities of Gaining Competency in Legal Writing*, 53 DUQ. L. REV. 99, 109 (2015); Writing as thinking: Mary Beth Beazley, *Better Writing, Better Thinking: Using Legal Writing Pedagogy in the "Casebook" Classroom (Without Grading Papers)*, 10 LEGAL WRITING: J. LEGAL WRITING INST. 23, 41 (2004). Commenting as important teaching tool: Anne Enquist, *Critiquing and Evaluating Law Students' Writing: Advice from Thirty-Five Experts*, 22 SEATTLE U. L. REV. 1119, 1125 (1999).

3. The legal writing program at the University of Minnesota can be described as a "complex hybrid" model under the ALWD/LWI Survey: Each section has about 10 students, an attorney instructor, and a student instructor. The attorney is an adjunct instructor recruited from the local legal community. The legal writing program recruits students, usually standout performers in their own legal writing sections and often students with an interest in or experience teaching. All the sections use the same assignments and assignment schedule, which the legal writing program promulgates.

4. Moussu, *supra* n. 1, at 59; *see generally* Daniel L. Barnett, *Triage in the Trenches of the Legal Writing Course: The Theory and Methodology of Analytical Critique*, 38 U. TOL. L. REV. 651 (2006-2007).

5. Moussu, *supra* n. 1, at 59.

6. *See* Elizabeth R. Baldwin, *Beyond Contrastive Rhetoric: Helping International Lawyers Use Cohesive Devices in U.S. Legal Writing*, 26 FLA. J. INT'L. L. 399 (2014).

7. We use the term "multilingual" rather than "English as a second language (ESL)" or non-native speaker to describe these students as that is the growing convention in the field of second language writing. Talinn Phillips,

Tutor Training and Services for Multilingual Graduate Writers: A Reconsideration, 10 PRAXIS: A WRITING CTR. J. 2 at 1, n.1 (2013).

8. Dana R. Ferris, et al., *Written Corrective Feedback for Individual L2 Writers*, J. of SECOND LANGUAGE WRITING 22, 310 (2013).

9. See, generally, Paul Moore & Greg Hampton, *"It's a Bit of a Generalization, but . . ." Participant Perspectives on Intercultural Group Assessment in Higher Education*, Assessment & Evaluation in Higher Educ. at 4 (2014) (international student reluctance to speak in class and domestic students preferring to work in groups with students from the same cultural and linguistic background as themselves); Janette Ryan and Rosemary Viete, *Respectful Interactions: Learning with International Students in the English-Speaking Academy*, 14 (3) TEACHING in HIGHER EDUC., 303—314 (problems with discipline-specific vocabulary or fast-paced lectures containing unfamiliar local knowledge and pronunciation, inadequate opportunities to participate in classroom dialogue, and international students feeling that their knowledge is not valued in group work).

10. Talinn Phillips, *Tutor Training and Services for Multilingual Graduate Writers: A Reconsideration*, 10 (2) PRAXIS: A WRITING CTR. J., at 1.

11. We did so with the knowledge that there is not a single model for what an undergraduate writing center looks like. Though writing center models are contested among theorists, "writing center workers pride themselves on their tradition of responding to local conditions, and they respect the programmatic variety among differently situated writing centers." Nancy Maloney Grimm, *Rearticulating the Work of the Writing Center*, 47 C. COMPOSITION & COMM. 523 (1996). We acknowledge that remediation may be seen as a central role of at least some writing centers by at least some students. And we do not disavow remedial goals for the SWG.

12. For example, words and phrases that signal transitions, conclusions, analogies and comparisons, emphasis, and alternatives.

13. In fact, we suggested that students acquire a copy of *The Redbook*. We made it clear to students that we did not embrace all the advice in that volume and that they should not either. But we noted that legal writing following the conventions in *The Redbook* would be unlikely to offend most readers.

14. Although finding classroom space for the group meetings was not difficult, finding space for individual conferences was more challenging. We worked with library staff and curricular staff to reserve space well in advance of the conference weeks.

15. Richard Beach & Tom Friedrich, *Response to Writing*, HANDBOOK OF WRITING RESEARCH 222, 226, 227, 231 (Charles A. MacAuthur, Steve Graham & Jill Fitzgerald eds., 2006). *See generally* Richard Beach, *Showing Students How to Assess: Demonstrating Techniques for Response in the Writing Conference*, WRITING AND RESPONSE: THEORY, PRACTICE, AND RESEARCH (Chris Anson ed., 1989); Peter Elbow, WRITING WITH POWER (1981); Dana R. Ferris, RESPONSE TO STUDENT WRITING: IMPLICATIONS FOR SECOND LANGUAGE STUDENTS (2003); Richard Straub, *The Concept of Control in Teacher Response: An Exploratory Study*, 31 RES. IN THE TEACHING OF ENG. 91 (1997).

16. *See generally* J.L. Montgomery & W. Baker, Teacher-Written Feedback: Student Perceptions, Teacher Self-Assessment, and Actual Teacher Performance, 16 J. SECOND LANGUAGE WRITING 2, 82-99 (2007) Ken Hyland, Faculty Feedback: Perceptions and Practices in L2 Disciplinary Writing, 22 (3) J. SECOND LANGUAGE WRITING 240-253 (2013); J. Truscott, The Effect of Error Correction on Learners' Ability to Write Accurately, 16 (4) J. SECOND LANGUAGE WRITING, 255-272 (2007).

17. A.M. Wilkinson, J*argon and the Passive Voice: Prescriptions and Proscriptions for Scientific Writing*, 22 (3) J. TECHNICAL WRITING & COMM., 319-325 (1992).

18. Moussu, *supra* note 1, at 56.

19. See, e.g., Bobbi Olson, *Rethinking Our Work with Multilingual Writers: The Ethics and Responsibility of Language Teaching in the Writing Center*, 10 (2) PRAXIS: A WRITING J., at 1 (2013); Moussu, *supra* note 1, at 59.

20. Beach, et al., *supra* note 12, at 230.