

Giving Feedback

Kendall Kerew and Alex Scherr

Feedback

Kendall Kerew
Alexander Scherr

Roadmap

- ▶ **Feedback principles: feedback in context**
 - Of the course
 - Of the work
 - Of the student
- ▶ **Feedback rubric:**
 - For research and writing
 - For oral presentation
 - For feedback about the student
- ▶ **Feedback challenges:**
 - Common problems
 - The feedback workflow
 - Feedback expectations

Journal (1)

Two days later, with nothing to show for my hard work, I went back to my supervising attorney with a regretfully short email stating I had found not one program focusing on [the assigned issue]. I had mixed emotions waiting for her response. Was there something I overlooked? Would she do some research for herself and quickly find something right on point that I somehow missed? Would she just accept my answer as fact and move on to the next things despite the wide prevalence of this health issue?

Feedback in Context

- ▶ **Course context**
 - What kinds of feedback occur in the course?
 - What roles do clinician and attorney play?
- ▶ **Task context**
 - How does feedback integrate into task supervision?
 - How does task supervision occur over time?
- ▶ **Mentoring context**
 - Is supervision the same as mentoring?
 - What does mentoring ask of the mentor?

The Course Context

- ▶ Supervisor's role in the course:
 - Teaches
 - Assigns work
 - Supervises work
 - Mentors
- ▶ Law school clinician's role:
 - Teaches
 - Offers perspective
 - Prompts reflection
 - Assures quality of the work experience
 - Solves problems
- ▶ Course timing
 - Goal-setting at the start
 - In process (including mid-semester)
 - Evaluation at the close

The Task Context

- ▶ "Three + One"
- ▶ For each task, three kinds of supervision:
 - Clear assignment
 - Availability during the work
 - Critical feedback on completion
- ▶ For all tasks over the semester:
 - Assuring challenge appropriate to the student
 - Creating variety in tasks and in exposure
 - Relating assignments to student goals
 - Integrating feedback with goals and past performance

The Mentoring Context

- ▶ Mentoring vs. supervising:
 - Supervision is task specific
 - Mentoring is person specific
- ▶ Mentoring activities:
 - Discuss career choices
 - Train collaboration
 - Address student abilities and values
 - Model professional behavior
 - Promote networking
- ▶ Mentoring can:
 - Require you to know more about the student
 - Prompt self-disclosure by the mentor
 - Create a longer-term relationship
 - Generate a sense of responsibility for the mentee

Topics for Feedback

- ▶ Feedback on research and writing
- ▶ Feedback on oral presentation
- ▶ Feedback on the student in context

Writing Example: Client Letter

With respect to the modification of the divorce decree, the statutory and case law of Georgia may provide you a legal avenue through which to attack the original divorce decree. While you do have a statutory right to seek a modification in alimony payments if your ex-husband's income and financial status have changed, (O.C.G.A. § 19-6-19) Georgia also permits parties to waive that right. The divorce decree arguably contains such a waiver when it states in the second paragraph of section 3 that "In consideration of the reduction in wife's child support, husband's alimony payment ... is not subject to an upward modification." However, the Georgia Supreme Court has held that those waivers must be clear and unambiguous to be enforceable. The waiver in your modification does not include the word "waive." Furthermore, linking the modification to the child support deviation and custody arrangement may render the waiver ambiguous. *Parker v. Parker*, 254 Ga. 188 (1985).

Identifying Feedback Points

- ▶ One paragraph or two?
- ▶ Logic and sequence of concepts
- ▶ Clarity of message (hedging and 'may')
- ▶ Sentence length
- ▶ Sentence complexity
- ▶ "To be", nominalization and active verbs
- ▶ Use of jargon
- ▶ Citation form and use of citations

Topics for Feedback on Writing

- ▶ Usefulness to the assignment
- ▶ In expected format
- ▶ Organization
- ▶ Length
- ▶ Grammar, syntax, spelling
- ▶ Accuracy, depth and quality of analysis / research
- ▶ “Style”

Choices about How to Give Feedback

- ▶ In person (w/ or w/o written comment)
- ▶ Written on the document:
 - “all edits” mode
 - “exemplary edits” mode
- ▶ Separate memo
- ▶ Revising the document
 - w/ or w/o track changes
 - w/ or w/o showing the student
- ▶ “It was good” or “Thank you. Next!”
- ▶ Silence

Timing and Follow-up

- ▶ Timing and depth of feedback:
 - Importance of prompt feedback
 - Trade-off between promptness and depth
- ▶ Follow-up and later feedback:
 - Checking on points raised in earlier assignments
 - Setting & checking goals for student performance
 - Three modes:
 - Feedback on all assignments
 - Feedback on early assignments
 - Feedback on exemplary assignments

Rubric for Feedback

- ▶ See the performance
- ▶ Identify feedback
- ▶ Prioritize feedback
- ▶ Plan your approach
- ▶ Deliver
- ▶ Follow-up

Journal (2)

To my surprise, her reaction was none of the ones I expected. I received a response that she wanted to meet with me in person. Thankfully, in our meeting she was very calm and supportive. She told me that I was probably correct that there were few programs enacted for the specific purpose [of the assigned issue] and that often times there is never legislation that directly answers the questions we seek to answer. Instead of flatly telling me my results for her were impossible and sending me back to find more relying on my own devices, for the next hour or two she carefully explained to me how one must read between the lines of regulations to be an effective [attorney in this practice area.] She described the way a researcher should take the words of a statute line by line and use common sense to determine whom all the implications would affect. We then talked through examples to make sure I understood the types of connections she expected me to make. She welcomed questions and assured me if I had any confusion to contact her.

Oral Presentation



Identifying Feedback Points

- ▶ Interruptions
- ▶ Use of “legalese”
- ▶ Follow-up on client prompts
- ▶ Legal advice as law student
- ▶ Advice with minimal investigation/research
- ▶ Incorrect advice
- ▶ Confusing advice
- ▶ Clarity about role

Oral Presentation: Topics

- ▶ Interaction with audience
- ▶ Organization
- ▶ Word choice
- ▶ Clarity and diction
- ▶ Volume and pace (consistency/variation)
- ▶ Tells and tics
- ▶ See handout

The Rubric & Oral Presentation

- ▶ Rubric (repeated):
 - See | Identify | Prioritize | Plan | Deliver | Follow-up
- ▶ Differences:
 - No permanent record of performance:
 - Promptness of feedback
 - Note-taking
 - Critiquing what you observe:
 - Care to note specific behaviors
 - Caution to distinguish style from substance
 - Comment on personal conduct:
 - Keep it specific
 - Keep it balanced
 - Offer alternative approaches

Feedback on Student in Context

- ▶ 1) You ask a student to attend a hearing with you as second chair. You meet the student outside the courthouse. He is wearing clogs, cleanly pressed pants and shirt, a tie and no coat.
- ▶ 2) A student sends a series of e-mails to you and your office head, reporting on research. In each, the student addresses your office head by first name and adds a paragraph describing the student's personal activities the previous weekend.
- ▶ 3) You provide a student with critical feedback on her work relating to a long-term project. Her next submission for that project shows the same errors. When you call these to her attention, she says that the last student to work the case caused these problems and she can't correct them all.

Student in Context: Topics

- ▶ Dress
- ▶ Conduct towards others
 - Attorneys
 - Staff
 - Clients
- ▶ Formality / casualness
- ▶ Work hours
- ▶ Communication habits (e-mail, phone)
- ▶ Awareness of ethical concerns
- ▶ “Production values”: work ethic attention to detail
- ▶ Openness to critique

Student in Context: Risks

- ▶ Explaining the impact of student behavior
- ▶ Managing difference:
 - Cultural
 - Generational
 - Geographic
- ▶ Assessing student capacity for change
- ▶ Dealing with insecurity
- ▶ Articulating the alternate approach
- ▶ Staying focused and calm

The Rubric & “Student in Context”

- ▶ Rubric (repeated):
 - See | Identify | Prioritize | Plan | Deliver | Follow-up
- ▶ Differences:
 - More personal:
 - Promptness of feedback, but also
 - Calm and focused feedback
 - More difficult for student to accept:
 - Help student to understand impact of conduct on others
 - Articulate reasons why conduct must change
 - Even without student understanding
 - As with oral presentations:
 - Keep it specific
 - Keep it balanced
 - Offer alternative approaches

Feedback and Workflow

- ▶ Delay: most common barrier to useful feedback
 - When student finishes a task, pressure to move on,
 - especially if student produced satisfactory output
- ▶ Tips for integrating feedback into workflow:
 - Do it now: assume that delayed = never
 - In person: conversation with focused commentary
 - In writing: e.g. edited/commented document
 - Prioritize: focus increases odds of change
 - Specify: avoid “good”, “helpful” | use examples
 - Explain: state why critique will improve output
- ▶ Time spent now means time saved later in student productivity

Journal (3)

I am very thankful to that attorney for taking time to teach me how to think like a lawyer; especially since a staff attorney could have done the task I was given in probably half the time. Instead of taking the easy route, she not only gave me a practical skill, but also nurtured my confidence in my ability to think like an attorney. Looking back, what was most successful about her approach is that while she took the time to walk through a way to solve the proposed problem with me, she never solved it for me. In effect, she handed me tools to address this situation and similar circumstances that I can take with me the rest of my career in the law; whether I am an employee [at this placement] or not. This is an example of great mentorship and what I believe most of us looked to experience when signing up for externships. To feel yourself growing as an attorney is an exciting feeling.

Expectations for Feedback

- ▶ Recognize your role:
 - As teacher
 - As supervisor: task-long and semester-long
 - As mentor
- ▶ Be active in your roles
- ▶ Be thoughtful in your roles
- ▶ Enjoy your roles

Rubric for Feedback (Basic Format)

- ❖ See the performance
 - Consider assignment given
 - Review or observe student work/performance
 - To the extent possible, take specific notes

- ❖ Identify feedback
 - What the student does well
 - What the student needs to improve

- ❖ Prioritize feedback
 - “Big picture” issues
 - Biggest problem (most frequent type of error)
 - Consider the “rule of threes”: 3 most important points
 - Focused for repeat assignment

- ❖ Plan your approach
 - Method of communication
 - Best way to convey feedback

- ❖ Deliver
 - Timely
 - Concrete examples
 - Suggestion for improvement
 - Balance with affirmatives

- ❖ Follow-up
 - Checking on points raised in earlier assignment
 - Setting and checking goals set for student performance
 - Plan for future feedback (all assignments, early assignments or exemplary assignments)

Rubric for Feedback (Research and Writing)

- ❖ See the performance
 - Consider actual assignment given
 - Review the research or writing project

- ❖ Identify feedback
 - Research
 - Usefulness of information found
 - Electronic research
 - Other research/resources
 - Thorough treatment
 - Writing
 - Usefulness of finished product
 - In expected format
 - Organization
 - Accuracy, depth and quality
 - Treatment of facts
 - Analysis
 - Legal citations
 - Grammar, spelling, etc.
 - Style

- ❖ Prioritize feedback
 - “Big picture” issues (understanding of facts and/or analysis; organization)
 - Most frequent type of error (incorrect citation, grammatical errors, did not proofread, etc.)
 - Errors that could have impact on or arise in future assignments

- ❖ Plan your approach
 - In-person (with or without written comments)
 - Written on document
 - Separate memo
 - Revision of document

- ❖ Deliver
 - Close in time
 - Concrete examples of needed improvements
 - Explanation of substantive vs. stylistic changes

- ❖ Follow-up
 - Provide student additional opportunities to do same type of project
 - Provide student opportunity to build on current assignment (perform the next step)

Rubric for Feedback (In-Court Performance)

- ❖ See the performance
 - Keep notes during the oral presentation
 - Write down questions asked as well as answers

- ❖ Identify feedback
 - Direct Examination
 - Coherence
 - Form of questions
 - Completeness
 - Cross Examination
 - Control of witness
 - Form of questions
 - Completeness
 - Impeachment
 - Tone
 - Purpose
 - Control of witness
 - Opening Statement
 - Facts vs. argument
 - Completeness
 - Anticipation of weaknesses
 - Closing Argument
 - Effectiveness
 - Use of facts/evidence
 - Courtroom presence
 - Use of notes
 - Speech patterns/gestures
 - Tone

- ❖ Prioritize feedback
 - Biggest impact
 - Repeated errors
 - Errors that could arise in future oral presentations

- ❖ Plan your approach
 - In person (with or without summary memo)

- ❖ Deliver
 - Close in time
 - Short description of things done well and problem areas
 - Ask why they did something (to help you figure out how to help them fix it)
 - Give concrete examples (both the problem and how to fix it)
 - Identification of “substance” vs. “style”

- ❖ Follow-up
 - Allow student opportunities to repeat same type of performance
 - Provide student opportunity to build on performance (perform the next step)

Rubric for Feedback (Student in Context)

- ❖ See the performance
 - Formality/casualness
 - Written communication
 - Oral communication
 - Awareness of ethical concerns
 - Conflicts of interest
 - Confidentiality
 - Competence
 - Professionalism
 - Respect, courtesy
 - Good judgment
 - Paying attention to detail
 - Organizational skills
 - Time management/meeting deadlines
 - Ability to work with others
 - Knowing when to ask questions
 - Dress
 - Work hours

- ❖ Identify feedback
 - Focused on actions/behaviors vs. the person
 - Something the student can change
 - Mindful of cultural/geographical differences

- ❖ Prioritize feedback
 - Potential impact on future success
 - Likely to arise again

- ❖ Plan your approach
 - In person

- ❖ Deliver
 - Close in time
 - Provide concrete examples
 - Suggest resources

- ❖ Follow-up
 - Allow student opportunities to demonstrate improvement
 - Provide examples of continued behavior or improvement