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Meredith A.G. Stange

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Help Me, Help You: What You Should Know Before You Ask for Help

Meredith Stange

Director of Legal Writing Program

Northern Illinois University College of Law

I got an email the other day from a student who was having some difficulty writing his arguments. The student wrote that he kept rewriting his arguments in response to my comments but that he still had not been able to get them written satisfactorily. I could tell the student was frustrated and I could also tell that, for the moment, at least, I was the target of that frustration. Essentially, the student was telling me that he had changed things in accordance with my comments, but I still was not happy. Having been teaching for fifteen years, the frustration alone neither surprised nor upset me. However, I certainly know that there are times when it would and that there are colleagues who can and do get irritated by emails like this. So, I created a guide to help provide my students with tips on what they need to know about asking me for help. Although in the past I have given this information solely orally, I now plan to give this information to my students in a handout early in the semester. That way, we have built up a rapport and students are more familiar with me and hopefully recognize that my intent is only to be informative and not critical. Below are some of the tips that I give my students, along with explanations for each.

“...if it is not what their professor asked for, it cannot be critiqued positively.”

Time Spent Does Not Always Equate to a Better Grade: Often students will come to me upset about their score, and frustrated because they worked so hard and spent so much time on the assignment. The amount of time spent on an assignment does not always reflect the quality of your assignment. An example that I give to my students to demonstrate this is that if I ask you to build a pool on the right side of my house and you build a beautiful pool, exactly what I asked for, on the left side of my house, it’s wrong. This helps students understand why an argument that they thought was good but was not what their professor wanted received a negative critique. To give further examples, I tell students that if they were told to write on one topic and they went beyond that topic, they did not follow directions and their work is incorrect. It does not matter how great they think the work is, or how much time they spent; if it is not what their professor asked for, it cannot be critiqued positively. I further explain that this is also true in practice because if they write a beautiful memo that their partner cannot understand or on a topic their partner did not ask them to, not only is it wrong, but they are costing the firm money because the firm cannot bill out their time for the initial memo they created and the correct one. All that being said, expertise takes time to acquire, so I implore students to cut themselves some slack.

I Don’t Write Comments for My Health: There is little more frustrating than handing back an assignment and having a student immediately appear in my doorway, long before I know the student could have read any of the comments. Because of this, I tell students that if they just got a critiqued assignment back, they should read all the comments before they ask to meet with their professor. Professors are not writing copious comments out of a desire to keep the red pen lobby in business; they are doing it to explain the score students received. If students just look at the score and then immediately come to see their professor, what they are doing is asking the professor to verbally give them the comments that he or she has painstakingly written on the document. I explain that, intentionally or not, the impression they are giving their professor is that, although they know the professor spent a lot of time making comments, they just want the highlights. That’s not respectful or helpful to you. Instead, I encourage them to read through the comments and see where they have questions. Not only

will this give them some time to release any frustration they have over their score, the comments themselves typically answer a lot of questions they may have about why they received it. Once they have reviewed the comments, they can talk to their professor about the questions that still remain and make the most of both their and their professor's time.

You May Think I'm an Idiot, but if You Want a Better Grade, You Need to Figure Out

How This Idiot Thinks: Having been a 1L at one time, I vividly recall thinking that my professors just did not understand how wonderful my work was. I tell my students that they, like I did, may not think their professor knows what she's talking about. One professor might love their work while yet another heavily critiques it. However, if they want a better result, they need to figure out how each professor thinks and what each wants. I encourage them to meet with their professors and be willing to work to give each professor what she's looking for. Students should write things out – be it an outline or a hypo answer or rule explanations, case summaries, and arguments –and show them to their professors to see if they are articulating ideas the way their professor wants. If not, they should change them. This will take time and a lot of effort, but it is productive. Although it may seem to students that they are making more mistakes, each mistake teaches them what not to do and further cements their knowledge of the subject matter. Also, showing their professors that they are willing to do extra work proves that they are taking this seriously. Most professors will go the extra mile for students willing to put in the effort to improve. Finally, learning to adapt to different audiences is important since in practice attorneys very often have multiple different supervisors – including clients and judges – who will want things in different ways. Their job as students and future attorneys is to learn what their audience wants and give it to them.

I'm Teaching You to Write to Someone with Just Enough Knowledge to Be

Dangerous: Students often feel like extra explanation is insulting to their reader. To counteract this, I explain that I am not teaching them to write to me, the person who has researched this topic, who has written the fact pattern, and who has talked about it for weeks with them. Instead, I am teaching them how to write to someone who has legal knowledge but not knowledge in this particular subject. I am teaching them to be the expert who has to teach someone else about this topic and to explain the arguments in a way that leaves their reader with no alternative but to reach the conclusion they have reached. In high school, my Advanced Algebra teacher used to quote the oft-quoted adage that, "To assume makes an ass out of U and Me." When students assume their audience has all the knowledge that their professor does, their analysis will be superficial because they feel they are at a disadvantage and do not know enough to be useful. Instead, students should consider they are writing to a law student in a different class or at a different school. They are writing to someone with the same basic knowledge they have, but who doesn't know this area of law as well as the student does. Whatever students are writing about, be it Torts, Contracts, or a Legal Writing problem in the State of Franklin, there is not a thought in their heads that the law did not put there. Their job as a writer is to convey that knowledge to their reader so she trusts them when they make their arguments.

I Use Socratic Critique: If you ask my students, both current and past, what they remember most about me, I'm sure most of them would say, "So what?" This is by far my most frequently written comment on students' papers and is designed to let the student know that he or she has not fully explained the analysis well enough. As a practical matter, it is useful because it is short, since when you are handwriting comments on twenty-five papers at a stretch, brevity becomes the soul of keeping your hand from cramping. But it is also short because it is easy to internalize. It is an easy way to convey to someone that they have not fully explained their idea. Just the other day, an alum sent me an email

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“I ask questions not because I do not know the answer, or because I think students do not know the answer, but because the answer is not clear from what was written.”

telling me he was reading an opponent’s brief and found himself writing, “So what?” in the margins in places where the analysis was not fully explained. Another student told me that as he studied for the bar exam, all he could hear was, “So what? So what? So what?” in his head. Comments like this make me incredibly happy because that is exactly what I am training students to do – learn how to edit themselves. Most of my critique, “So what?” included, is in the form of a question because I want students to think about what they did not say. I ask questions not because I do not know the answer, or because I think students do not know the answer, but because the answer is not clear from what was written. Most of the time when I read a student’s work, I recognize that they understand the concepts about which they are writing. However, they are not conveying it in the way that I need to ensure that they understand the concepts and can make the arguments for someone unfamiliar with the topic and/or area of law. Questions like “So what?” help convey that and get students thinking about what you did or did not write.

I’m Better at This Than You Are: To quote Judge Judy, “They don’t keep me here ‘cause I’m gorgeous, they keep me here ‘cause I’m smart!” I frequently, if gently, remind students to trust that I have the knowledge they want, and treat me as such. Although students can certainly disagree with their professors, they should keep in mind that they are in law school to learn the skills their professor has. This means that when addressing their professor, either in person or via email, they should remember to be respectful. They can, and may, be frustrated, but they should make sure that they do not project those frustrations onto their professor.

I’m Human and I Make Mistakes: In conjunction with the prior tip, I remind students that just because I am better at this, I am not flawless. It is entirely possible that when I was grading, I made a comment that does not make sense, or I made a mathematical error. If so, I tell them I am sorry about that. However, they should not assume that a mistake or two means that I no longer know what I am talking about. I assure them that I extend them that courtesy and ask that they please do the same for me.

You May Need Me Later: Finally, I inform my students that a lot of legal positions ask for Legal Writing references. That is something to consider when they approach their professors for help and when they interact with their professors on a daily basis. I assure them that this does not require that they fawn over their professor or shower her with false praise. Professors neither need nor want that. Instead, they should not burn a bridge they may need to cross later. This is true even if they transfer to a different school or leave law school altogether, since I have had students need references in both of those situations. However, there are multiple ways to write a reference. I can write a good, in-depth reference praising a student’s skill and encouraging the recipient to hire her. I also know how to draft a letter that conveys to the reader if the student has been disrespectful or disdainful of my course but now suddenly has discovered she needs my help. Along those lines, I remind students that whenever a professor writes a student a letter of reference, she should thank the professor. If the student does not, she may find herself being called to task by that same professor when she needs help next.