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Live Conferences: The Beauty and Importance of Conversation

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“When the audience comes in, it changes the temperature of what you’ve written.”

-Stephen Sondheim.¹

I am moving towards retirement; this is my last year of teaching LRW. I joined the Temple full time faculty in 1996 after teaching at Rutgers-Camden for five years as an adjunct. I’ve experienced several fundamental changes in LRW pedagogy during my career. I started when the move from product to process was still relatively new.² More recently the revolution in research, moving from a focus on how to find materials to a focus on information literacy,³ has completely changed how I teach research. But in the thirty plus years I’ve been teaching, the

¹ Hat tip to Michael Higdon for this quote. Michael Higdon, *The Legal Reader: An Exposé*, 43 N.M. LAW REV. 77, 123 (2013). The full Sondheim interview is online. What it Takes, *Maestro of Broadway: Stephen Sondheim*, ACADEMY OF ACHIEVEMENT (July 5, 2005), <https://achievement.org/achiever/stephen-sondheim/#interview>.

² See, e.g., Linda Berger, *Applying New Rhetoric to Legal Discourse: the Ebb and Flow of Reader and Writer, Text and Context*, 49 J. LEGAL EDUC. 155, 165 (1999); Ellie Margolis & Susan L. DeJarnatt, *Moving Beyond Product to Process: Building a Better LRW Program*, 46 SANTA CLARA L. REV. 93, 98 (2005).

³ Ellie Margolis & Kristen Murray, *Say Goodbye to the Books: Information Literacy as the New Legal Research Paradigm*, 38 U. DAYTON L. REV. 117, 123-27 (2012).

single best change I made to my teaching was moving to live conferences.⁴ Although there are different versions of this technique, my approach is to do conferences truly live. That is, I do not read and comment on the documents before the conference. Instead, the student gets to observe my very first reaction to their writing in real time. In this short essay, I hope to identify and defuse a few of the myths counseling against this approach, and to describe the deep benefits for student and teacher. First, I will describe my process. Second, I'll deal with the myths. Finally, I will address the benefits and how this technique deepens the students' appreciation of the needs of their reader and keeps the drafting process moving forward.

My Process

My LRW students begin learning research and writing from the beginning of the semester. Their first memo presents them with two very simple legal issues: whether their client can effectively defend against a debt collection complaint based on *res judicata* or the Pennsylvania pleading rules that require that claims based on writings must attach the writing to the complaint. Both issues have clear answers: the client should prevail on both defenses. We work through the basics of legal research and then how to convey their results to their reader in clear and well-organized memos. After they submit the memos, I have an individual conference with each student. Those conferences last an hour each. They are exhausting. But they work. I tell the student that I will first take on the role of the reader, their boss, and, in that role, I will read the memo aloud. I will verbalize my reactions⁵—I'll say I'm confused if I'm confused; I will ask what a case is about when the memo doesn't supply that information; I'll ask what authority they are

⁴ I am in no way the inventor of this approach. If anything, I'm a bit of a late adopter. I heard about it at LWI conferences and through other informal contacts and primarily credit Ruth Anne Robbins and Mark Wojcik along with my Temple colleagues, Ellie Margolis and Kristen Murray, for inspiring me to take the plunge. Mark did a presentation on it at the 2008 LWI Conference. See Mark E. Wojcik, *Results of an Informal Student Survey on the 'Live Grading' Experience*, (July 15, 2008), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1161176. Ruth Anne has used the approach for over ten years. Also, Alison Julien wrote a great essay about live conferencing back in 2011. Alison E. Julien, *Brutal Choices in Curricular Design ... Going Live: The Pros and Cons of Live Critiques*, 20 PERSP. 20 (2011).

⁵ This is my version of the read aloud pedagogy techniques I explored in *Law Talk*. Susan L. DeJarnatt, *Law Talk: Speaking, Writing, and Entering the Discourse of Law*, 40 DUQ. L. REV. 489 (2002); see also Elizabeth Fajans & Mary R. Falk, *Against the Tyranny of Paraphrase: Talking Back to Texts*, 78 CORNELL L. REV. 163, 175 (1993).

relying on when a citation is missing. I also let the student know that I'll be marking things up⁶ and that they should do the same.

Then I put the professor hat back on and we discuss the draft in more detail.⁷ What do you think you need here so the reader knows what this case is about and why it supports your point? What's missing from this citation? Why did you pick this case to cite here? Is it binding or persuasive? Why would it be helpful to use binding authority instead? Where are the elements of CRExAC?⁸ Show me a thesis sentence you feel works.

Several good things consistently happen. During the reading, the student recognizes typos, dropped words, and other errors, often even before the words are out of my mouth. When I express confusion, they usually recognize why I'm confused. When I ask what their authority is, they typically start to offer one and I drive home the need by asking them, as their boss, to put it in the revised memo. During the discussion, their questions are much more forward-looking and focus on what they need to do to improve. Instead of justifying why they wrote what they did, they ask more specific questions about how to improve. The students are motivated because they are 1Ls. This is the first time they are getting any feedback on a law school assignment, and the analysis will be incorporated into their final memo on which their grades are based.⁹ Students are grateful for the time and individual attention. I give them the marked-up draft at the end of the conference, so they do end up with written comments too.¹⁰

The conferences are intense and time consuming—but I probably spend less time overall than I did when I did written comments on each paper before the conference and had shorter conferences. Some of my colleagues do a modified version.¹¹ But I want the students to hear my untainted reaction. What do I get from the document? Where am I confused? Does the memo effectively do its job of educating the reader and empowering her to make a decision?

⁶ In Zoom conferences, I use track changes and the comment feature to do this. I don't edit their work; rather, I insert comments into the text.

⁷ Essentially, we have the Socratic dialogue but in conversation rather than just in writing. See Mary Kate Kearney & Mary Beth Beazley, *Teaching Students How to "Think Like Lawyers": Integrating Socratic Method with the Writing Process*, 64 TEMP. L. REV. 885 (1991).

⁸ I use Mary Beth Beazley & Monte Smith, *LEGAL WRITING FOR LEGAL READERS* (2d ed. Aspen 2019) as the assigned text in the fall semester. Beazley and Smith employ the CRExAC—Conclusion Rule Explanation Application Conclusion--organization formula.

⁹ At Temple, the students' grades are based solely on the final memo submitted at the end of the semester. It helps the conference process that the feedback the students are getting is in service of revising the document before it will be graded.

¹⁰ One of my biggest challenges is making my handwritten notes legible.

¹¹ See *infra* at notes 13-16 and accompanying text.

Contrast this with the experiences I had before live conferencing. I would review each memo, making extensive written comments, and would return the memo at least a day before the conference. Those reviews, depending on my own level of discipline, often took at least an hour or more.¹² The conferences took much less time—but were also much less productive. Although some students made effective use of the comments and the conference time, it was also extremely common for students to spend the conference time explaining themselves—or trying to justify why they wrote what they did—instead of focusing on what they needed to do to improve. It was common for some students to cut the conference short by saying they understood my comments and didn't have any questions. The conference process was wasteful too often.

My second round of live conferences is on the drafts of the final memos. I follow a very similar process with one major difference. Although I have a due date for submission, I allow students to keep working on the document. They can bring a more updated version to the conference. I want to discourage procrastination by having a fixed submission date, but I want to encourage them to continue to work during the conference period. Most of them take advantage of this option and bring a more advanced copy to the conference.

When Covid-19 caused Temple to move entirely online, I continued to implement this process over Zoom. I would share the screen and read the document with the student on Zoom. I'd use track changes to make notes on the document. I do not love Zoom, but the technique worked, and I've continued to offer it as an option, especially for weekend conferences. Zoom also offers the option of recording, and some students really benefit from the opportunity to revisit the conference in that virtual format.

Others have variations on how they implement the live conference process. My colleague Ellie Margolis skims the papers ahead of time to gauge the student's needs. Ellie notes: "I tend to start reading, but I will let the student start reacting rather than waiting until I'm all the way through, and sometimes that leads to a productive big picture conversation, which is what they really need."¹³ Mark Wojcik does actual grading in his live conferences.¹⁴ Alison Julien described her process, including skimming the papers before the conference.¹⁵ Sarah Ricks and Ruth Anne Robbins use group conferences to facilitate peer feedback and

¹² Anne Enquist, *Critiquing and Evaluating Law Students' Writing: Advice from Thirty-Five Experts*, 22 SEATTLE U. L. REV. 1119, 1142 (1999).

¹³ Email from Ellie Margolis, Professor of L., Temple Univ. Beasley Sch. of L., to author, Live Conference Essay (Dec. 22, 2022, 11:44 EST)(on file with author).

¹⁴ Wojcik, *supra* note 4.

¹⁵ Julien, *supra* note 4.

conversation when students are working on their briefs. Both Ellie and Kristen Murray have their students do self-evaluations to bring to the conference, which also helps focus the conversation. But these variations fit within the fundamental approach of giving this vital feedback in person and not just as written comments.

Myths and Misconceptions

Aren't you just cheating the students?

One myth, which in my opinion is completely without foundation, is that we choose to do live conferences because they are easier; that is, out of some desire to ease our own workload or give students short shrift. This is a myth because it is simply not true. Done properly, live conferences are demanding for the professor and productive for both the professor and the student. They are not the easy way out. And students love them. The vast majority of my students list this as the best part of the course on their course evaluations.

What if I can't stay in role or I am too critical in my reactions?

Many LRW colleagues have expressed concern about the challenges of staying in role and censoring their reactions to some extent. What if I show the student how upset I am at their inability to follow the most basic guidance we discussed in class? If, like me, you are a person who has had to erase the curse words from your written comments,¹⁶ that is a reasonable fear. But you do erase the curse words, right? When you are giving feedback to a colleague on her scholarship or asking a faculty candidate questions about her paper presentation, you are quite capable of maintaining a calm, reasoned approach. In a live conference, when you are roleplaying the boss, be the good boss who will ask probing questions but who will not belittle and mock. Just be the reader and convey how the reader would really respond.

What if the student doesn't get all the information they need?

First, I'd ask whether you can possibly in written comments cover every problematic aspect of a student draft? I doubt it, certainly not without overwhelming the student writer.¹⁷ In conversation, it is much easier to put the feedback in terms of the reader's needs because the student is sitting right there,

¹⁶ What in the hell were you thinking? Didn't you hear anything I said in the damn class? Or worse.

¹⁷ Enquist, *supra* note 12, at 1131-32

listening to the reader articulate her needs. The live conference forces you and the student to prioritize and focus on the most glaring problems. This is a feature, not a bug. With written feedback, it is hard to resist the temptation to note everything, but then the student may have more trouble distinguishing the serious problems from the minor ones. With a live conference, the teacher can much more easily gauge where the students is getting things and where she most needs to focus.

Reasons Why Live Conferencing is Effective

Students are learning a second language when they learn legal analysis and how to convey it in writing.¹⁸ Talking through their writing with them is an essential part of learning that language. Most students enter law school without any clear grasp of the needs of the legal reader and without any experience in meeting those needs. Live conferences enable the student to see the reader's reaction in real time and to deepen their understanding of what the reader needs.

I've been interested in the links between speech and writing since I started teaching LRW.¹⁹ For the last twenty years, I've worked to incorporate student conversations with each other about their writing into the classroom experience. The individual conference, as many LRW scholars have noted, is probably the single most important learning experience for most students.²⁰ This is the moment when we can interact deeply with each student. With hope, we can reach those who do not engage in class and reach the students who may feel marginalized and not part of the law school community.²¹ It is vital for us to take full advantage of the opportunity. It is also the ideal moment for students to deepen their understanding of what the legal reader needs. That reader has been accurately described as impatient and hypercritical.²² We can model that reader while softening the harsh edges a bit.

Members of the LRW community know that feedback on writing is crucial

¹⁸ See DeJarnatt, *supra* note 5, at 492.

¹⁹ I took a fairly deep dive into the topic in *Law Talk*, *supra* note 5.

²⁰ Robin S. Wellford-Slocum, *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. TEX. L. REV. 256, 262 (2004). Wellford-Slocum recommends that professors do written comments before the conference but also acknowledges that providing feedback during the conference can be an effective alternative. *Id.* at 279-83.

²¹ Our goal as teachers should always be to engage all students in the classroom, but individual conferences do provide a key opportunity to build on that engagement. Bonny L. Tavares, *Changing the Construct: Promoting Cross-Cultural Conversations in the Law School Classroom*, 67 J. LEG. EDUC. 211 (2017).

²² Michael Higdon, *supra* note 1, at 106.

and that the bulk of the feedback must be formative, not just summative.²³ Students learn by doing and by talking about what they are doing. That crucial conversation is enhanced when it is conversation and not just comments that can be misunderstood. So, get over your fears and jump into the live conference pool. I promise you will not regret it!

²³ Renee Nicole Allen & Alicia Jackson, *Contemporary Teaching Strategies: Effectively Engaging Millennials Across the Curriculum*, 95 U. DETROIT-MERCY L REV. 1, 10-13 (2017).