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PROVIDING EFFECTIVE FEEDBACK

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Most of my academic support work is conducted via face-to-face meetings with students. Many of these students have found themselves in academic difficulty for the first time, because their undergraduate careers were quite successful. They may find themselves on academic probation or perhaps they are simply not performing at a level they find acceptable. Nevertheless, they frequently remain confused about why they are not doing well academically and consequently, they lack the ability to improve their academic performance. Before our meeting, I will address this confusion by reviewing that student's written work product (generally, an exam or perhaps a legal writing paper). I will diagnose what might be lacking in that student's academic work or exam-writing skills, and I will develop a theory regarding how the student might address his or her deficiencies.

The student will look at me

expectantly from across my desk. He is likely thinking, "I studied really, really hard, and I did my flat-out best on the exam but I still didn't do well. *What gives?*" He wants me to tell him "what gives," and he wants me to tell him how to fix it.

From my side of the desk, I have to decide the best way to advise him regarding how to fix it. To me, his problem is readily apparent: But for one paragraph, his exam is just a string of conclusions, precariously joined together. At this moment, though, I need to convey that to him in a way that is clear and concise, and I need to give him a way to address the issue, rather than a mere diagnosis. In other words, I have to give him effective feedback. I have to give him feedback that shows him how to "fix" it!

Effective feedback gives students a clear explanation of what they should do, concrete steps for doing it, and the ability to ascertain whether those steps have adequately addressed the problem. There are five steps that go into providing effective feedback to students.

1. Feedback should be specific, providing a clear diagnosis of what went wrong and why. Rather than telling students that their work-product is "conclusory" (which is, itself, conclusory), we ought to instead tell them why and how their work is conclusory. For example, we should tell our students something like: "This paragraph is conclusory because you're focusing on the result instead of explaining which facts lead to that result." We should always link a concrete example to the diagnosis with a "because."¹

2. We should frame the feedback comments themselves in the affirmative, focusing on what the student *should* do, rather than what she *shouldn't* do. Therefore, instead of saying, "Don't be disorganized," I might say, "Start with the general rule, then explain any applicable exceptions." Focusing on the desired outcome creates a template that students can follow to improve a problem area.² Simply telling a student what not to do is not as effective as explaining what to do—after all,

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even after eliminating what not to do, there are plenty of other errors a student might make. Conversely, having explained what *to do* leaves less room for error.

3. In helping the student to improve, we should provide feedback that uses the student’s talents as a jumping-off point. The feedback itself should emphasize the positive. Rather than exclusively discussing what needs to be “fixed,” students should also be told what they are doing well.³ For example, if a student is showing that she is a good time-manager, we should try to tap into the inherent organizational skills of a time manager to show how she could apply that organization to studying or exam-writing.

4. We should give feedback in manageable “chunks.” Feedback should be limited to, at most, three “problem” areas, so that students feel change is doable rather than overwhelming. Prioritizing which changes will make the most difference in a student’s academic performance is one of the most valuable services an advisor can provide. We know that students will take away two or three ideas from written comments or an advising session; I want to guide the student toward the changes that will be most advanta-

geous.

5. We should give frequent feedback. Law school tradition may encourage a lack of feedback, but that lack is precisely why students need our help. We’re that bridge between the great unknown of grades and the students’ understanding of the skills that they’re learning. Feedback should be as frequent as possible to allow students to assess their progress. One way to accomplish this is with regular meetings that allow students to practice putting into action the suggestions they have been advised to implement and regular meetings to evaluate those attempts.

So, for the student sitting in front of me, I have first made a diagnosis--he’s conclusory. But I don’t tell him, “You’re conclusory.” Instead, I explain, “You’re conclusory because you don’t explain how you arrive at your answers. You’re focusing on the wrong part--the conclusion is important, but not as important as how you got there.” Then I will find an example of his conclusory habits within his own writing to demonstrate why and how his writing is conclusory. I want to explain *why* what he is doing is weakening his analysis, not merely that his analysis is weak, so to be most effective, I must make a diagno-

sis, define that diagnosis and then give an example of the weakness.

Next, I’ll give him concrete steps to remedy the weakness in his writing. I want to focus on what he should do, rather than what he shouldn’t. I might explain to him that a good exam answer will discuss both sides to an issue, might use policy as a “tie-breaker,” and only then should he come to a conclusion. I’ll ask him to tell his reader what the facts show, or to explain that this legal result is correct because of some key fact.

To ground our discussion in the positive, I will begin by highlighting some analytical skill that he has already grasped fully. At the end of our discussion, I’ll try to find his least conclusory paragraph and explain how he is already integrating some of what I’m asking him to do.

I’ll keep my advice brief. He might also have some issue-spotting problems and some problems with organization, but I want him to walk away with three concrete suggestions for how to improve. Less than three tends to feel too easy to students. But more than three feels overwhelming—an insurmountable task. Therefore, his three steps might be: (1) Argue both sides of an issue; (2) use policy as a tie

breaker; and (3) make sure you're connecting legal results with facts by using "shows" or "because", I want these three steps to be something he can understand and visualize. I also want these steps to be objective items the student can use to determine whether he is utilizing my suggestions effectively in future projects.

Next, I'll ask him to practice using these skills. I might give him a practice exam and ask him to return with it so that we can determine whether he's correctly implementing my suggestions.⁴ I might also ask him to integrate these suggestions into his briefing: explain what each side argued, what the facts showed, and why the court reached its decision. I want him to get as much practice as possible, because feedback needs to be frequent to be effective.⁵

Feedback should stress that students are capable of meeting high expectations. Students should believe that they are capable of attaining a higher degree of learning and displaying better analysis. Students also need to feel that their professors believe that they are capable of doing good work. Positivity is important, but so is providing direct and sincere assessment of student work product.

Therefore, during our next

interaction, I will hold the student accountable—has he completed the assignments I've given him? Has he integrated the improvement steps we've discussed?

I also think it is important to remember that all of this feedback must take place within the context of a relationship with the student. Students who meet with me are (usually) already feeling emotionally vulnerable regarding their academic abilities. Feedback which is perceived by the student to be critical may further heighten this sense of vulnerability. However, conversely, it is my experience that feedback that is too generally positive is also damaging to the student. Any vague assurances regarding the student's capabilities will ring hollow and will make me seem untrustworthy. Therefore, feedback which may be seen as being critical must be nestled in specific praise; the entire session must also take place within the context of an alliance.⁶ However, the feedback must be an honest and forthright assessment of the student's work. The student must feel that I am a person to be trusted, with both his vulnerabilities and with his successes. He or she must feel that we are equal partners striving for the student's success.

¹ Essentially, this is what we

require of students when we ask them to produce legal analysis; we ask them to connect a legal result or conclusion with the key facts and policy that lead to that result or conclusion. A diagnosis is similar to a legal conclusion and a concrete example is like a key fact.

² Jay Feinman & Marc Feldman, *Pedagogy & Politics*, 73 GEO. L.J. 875, 907 (1985) (clear objectives and directions allow students to demonstrate understanding).

³ Steven J. Johansen *Were You Thinking?": Using Annotated Portfolios to Improve Student Assessment*, 4 LEGAL WRITING: J. LEGAL WRITING INST. 123 (1998). Learning objectives allow students to understand what they should be achieving through a particular assignment. Learning objectives allow students to measure their performance and to determine whether their learning goals have been attained. The student's self-evaluation, along with professor assessment, can help students attain their educational goals

⁴ Alice M. Thomas, *Laying the Foundation for Better Student Learning in the Twenty-First Century: Incorporating an Integrated Theory of Legal Education into Doctrinal Pedagogy*, 6 WIDENER L. SYMP. J. 49, 96 (2000) (concluding that meaningful learning experiences require that a student be given the opportunity to receive feedback throughout the learning period, so the student can adapt before the final assessment).

⁵ Richard J. Neumann, Jr. *A Preliminary Inquiry into the Art of Critique*, 40 HASTINGS L.J. 725, 736-737 (1989) (discussing the need to create a coach-like alliance with the student so the student does not feel "abused" by a Socratic-style critique).

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