

Using Fiction Workshop Techniques in First-Year Legal Writing Classes

Michelle Falkoff

Introduction

The ability to critique one's own work is invaluable to writers in every field, but teaching students how to critique their work and the work of others is one of the most difficult lessons to impart. The goal of this Article is to talk about ways that legal writing teachers can incorporate fiction workshop techniques as a means of teaching students the art of critiquing their own and others' writing. In particular, this Article focuses on the workshop techniques employed at the Iowa Writers' Workshop and the development of a common language for discussing writing in group settings.

A helpful discussion of the structure of a typical workshop appears in Frank Conroy's essay "The Writers' Workshop."¹ In his essay, Conroy discusses how he runs his own class, a format that is largely followed in most Master of Fine Arts (MFA) fiction programs and replicated by students in those programs who go on to teach both undergraduate and graduate fiction workshops. Conroy details some of the basics of good writing that he has taught to students over the years, some of which are salient here.

Part I of this Article describes the structure of the modern workshop, including Conroy's approach to it. Part II discusses some of the challenges involved in teaching writing to law students and describes how some fiction workshop teaching techniques can be useful in the legal writing classroom. Part III discusses some of the methods of critique currently in use in legal writing classes and how they might be reconceived in light of some of the strategies discussed in Part II. The Conclusion suggests some other areas in which these techniques may be or are already useful to law students, professors, and practitioners.

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1. Frank Conroy, *Dogs Bark, but the Caravan Rolls On: Observations from Then and Now* (Houghton Mifflin Harcourt 2002).

I. The Structure of Fiction and Other Writing Workshops

Fiction-writing workshops tend to take a similar form, no matter where and in what context one studies.² A standard course runs for a semester and permits no more students than there are weeks in the class. A typical workshop will thus enroll 12 to 15 students, each of whom is required to submit two stories for the class to review over the course of the semester. When a student puts up a story for workshop, she basically cedes control of the document for that week, and the class discusses that story, pretending that she, the writer, is not there.

For those who have not experienced it, the process of having one's work discussed in one's presence as if one does not exist is bizarre, at least initially. The urge the writer has to speak in her own defense is strong, as is the feeling that every comment is directed at her as a person and not at the work. It is not uncommon for a student to either attempt to interrupt the class's discussion, only to be shushed by her colleagues or instructor, or to react emotionally to what may feel like a very personal attack. It is difficult to calculate, however, the value of being forced to listen to what other people are saying about what one has written, since it is as close as a writer will ever come to being part of someone else's very personal act of reading.

Frank Conroy, the director of the Iowa Writers' Workshop for 18 years until his death in 2005, took the workshop process extremely seriously, and he described his methodology for running class in "The Writers' Workshop," emphasizing that workshops should start and end with the text—the author has no place in the discussion.³ Students are to address their comments to the room rather than to the writer, "whose presence. . . is superfluous."⁴ The focus is on the text: "what the text really is rather than what the author might have wanted it to be or thought that it was."⁵

Conroy's article includes several diagrams explaining the relationship between reader, writer, and text. The first looks something like this⁶:

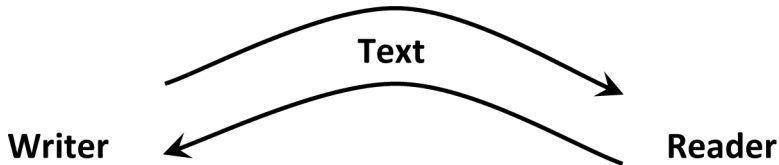


This represents the writer creating a story and encoding it into text, which the reader can proceed to decode. The writer offers; the reader receives.

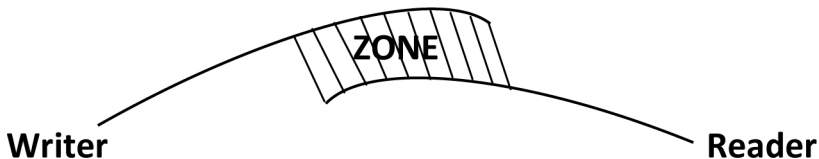
This explanation of the transaction between reader and writer is unsatisfying, though, because it does not accurately reflect what really occurs. As Conroy

2. By "where" I mean at what institution, and by "in what context" I mean whether at the level of undergraduate, graduate, or continuing education. More informal workshops often utilize different structures, as do workshops in different genres, such as poetry writing.
3. This differs somewhat from other workshops, where the writer is often invited to comment or ask questions at the very end of the session.
4. See Conroy, *supra* note 1, at 100.
5. *Id.*
6. *Id.* at 101.

points out, language cannot do the work of showing a reader what the author meant by a phrase such as *yellow pencil*; the reader has to add in the color himself. The reader has to hear the tone of dialogue, to interpret metaphor, to “pour energy” into the text.⁷ A reader has to serve as a sort of “co-creator” of the narrative, based on what the writer has included in the text: the writer implies, and the reader infers.⁸ Therefore, the more accurate drawing looks like this⁹:



Conroy then talks about writing that falls on different ends of what he refers to as “the reader-writer curve.”¹⁰ Good fiction writing (and, indeed, most high quality writing, academic writing included) occupies the zone in the middle, where the writer can imply things without having to spell them all out, safe in the knowledge that the reader will do the work of drawing the necessary inferences.¹¹



Not all writing exists in that space, though. On one end of the curve, the writer’s end, is writing that is internal, private, or overly difficult—writing that is not meant for other readers (journal entries), writing that is impossible for readers to interpret without assistance (encrypted text), or writing that is intentionally obfuscatory (specialized lingo designed to prevent entry into a particular area of inquiry, such as how some might describe legalese). On the other end of the curve, the reader’s end, is writing that requires little effort from the reader in order for it to be fully and completely understood—writing designed for those who might have difficulty understanding more sophisticated work (children’s literature), writing intended to appeal to the broadest possible audience (wire service articles), writing meant to serve an educational or functional purpose (instruction manuals).

7. *Id.*

8. *Id.* at 102.

9. *Id.* at 101.

10. Conroy does not credit any of his predecessors in the article, but the concept of the reader/writer curve bears some similarities to rhetorical concepts such as Aristotle’s Rhetorical Triangle and Kinneavy’s Discourse Triangle. See generally James L. Kinneavy, *A Theory of Discourse* (Norton 1980).

11. Conroy, *supra* note 1, at 102.

The utility of the curve, aside from its inherent logic, is that it provides a ready shorthand for discussing potential failings of a written work. If many class members are flummoxed by confusing elements in a story, they can describe it as too internal, as falling too far on the writer's end of the curve. If a story's elements seem overwritten or too obvious, it lacks subtlety and falls too far on the reader's end. The class members' ability to rely on this shared vocabulary allows for critiques to move more quickly into substance and detail; the task of communicating reader concerns becomes much simpler when everyone in the room shares a certain understanding about the nature of a particular critique. This shared vocabulary is one of the primary reasons the workshop structure is a particularly effective mechanism for delivering and receiving criticism.

II. Using Fiction Workshop Teaching Techniques in First-Year Legal Writing Classes

Numerous challenges await students when they first start learning about legal writing. Students come to law school with different levels of writing experience, different backgrounds in terms of life experience and fields of study, and different learning styles. While no one method of instruction can factor in all of these disparities, using workshop strategies in first-year legal writing classes can offer benefits to students no matter their background or learning style, in large part because of the development of a shared vocabulary and method of critique.

The initial difficulty for many students is that collegiate essays, whether in the humanities or other fields, are pitched toward faculty members and graduate teaching assistants who are well versed in the materials at hand. Students become accustomed to assuming a certain level of comfort with the subject matter on the part of their readers, which is just another way of saying that both students and faculty, at the undergraduate level, expect writing to be pitched in the center range of the reader-writer curve.

This is likely the reason for the first and primary disconnect between law students and their first writing assignment. Legal writing instructors are used to thinking about legal writing as reader-centric; we may not initially realize how jarring that can be to students who have acclimated themselves to writing for audiences knowledgeable in their fields of interest. The approaches we suggest to them may often seem simplistic if not and pedantic, and students may be loath to believe that good legal writing might bear more resemblance to reader-centric documents, like instruction manuals or geometric proofs, than to documents focused more in the center of the reader-writer curve that they have spent years learning how to master.

Giving students a vocabulary for talking about different kinds of writing, and the multiple goals of different kinds of writing, can serve to soften the sense of betrayal students might feel when introduced to legal writing and the ways in which it is distinct from writing they have done before. I tend

not to use the formal reader-writer curve discussion in legal writing classes, introducing it instead to individual students where it seems appropriate, but we discuss audience extensively over the course of any given semester, and the more specific a sense of audience the students have, the easier it is for them to pitch their writing accordingly.¹²

Toward that end, I have appropriated a number of techniques, cobbled together from various sources, to help students find and use that vocabulary. Instead of handing out an essay on the first day of class, as Conroy did, I hand out a memo before the first assignment is due, identifying the types of problems that tend to come up in student writing and which uses the same words I plan to use when critiquing student papers.¹³ Though the memo changes from semester to semester based on the specifics of the assignment, its basic tenets remain consistent and focus on structure, content, and writing style, including grammar. In particular, I describe certain types of writing issues that come up frequently, such as the use of passive constructions; subject/pronoun and subject/verb agreement problems; overuse of font or language for emphasis; and use of language that is overly confusing, formal or colloquial. I also include some specific information about each particular assignment and its focus so that students are not tempted to discuss more than is at issue in each given piece of writing. It is not difficult to tell which students have read and understood the contents of this memo once we start our first workshop. The combination of the class discussions and the memo is often enough to give students a sense of what our shared classroom vocabulary will be. I also distribute a handout describing what the workshop process is like.

Once the students are familiar with my vocabulary and the workshop process, we can begin. Running a proper workshop during a first-year legal writing class is difficult, if not impossible; part of the point of a class solely devoted to workshopping student writing is that it provides every student the opportunity to submit pieces for workshop, at least once a semester if not two or three times. The structure of the first-year curriculum makes this infeasible, in part because much of the semester is spent learning the writing process (setting aside the time it takes to teach research skills as well), and in part because the classes are usually too large. I struggled with how to deal with this when I decided to incorporate a workshop into my class; I did not want to lose

12. There are many interesting articles that discuss the importance of thinking about audience in the legal writing context, among them Adam Todd, *Neither Dead Nor Dangerous: Postmodernism and the Teaching of Legal Writing*, 58 *Baylor L. Rev.* 893, 922 (2006) (identifying the post-process method of writing as “expand[ing] the process method to see the act of writing as a public act between the writer and other ‘language users’ to whom writing must be accessible”); Patricia M. Wald, *The Rhetoric of Results and the Results of Rhetoric: Judicial Writings*, 62 *U. Chi. L. Rev.* 1371 (1995) (discussing judicial opinion writing in a way that takes audience into account); Natalie A. Markman, *Bringing Journalism Pedagogy into the Legal Writing Class*, 43 *J. Legal Educ.* 551 (1993).
13. I learned about the usefulness of the “common problems memo” from the very fine instructors at Concord Law School, though during my time there we handed it out after the first draft of the assignment was complete, rather than in advance.

the benefit of a group discussion of a single piece of work, but it seemed unfair to allow a limited number of students the benefit of being on the receiving end of a critique.

Since I have always felt that workshops are more useful for those providing the critique than for those receiving it, despite the attention lavished on any particular piece of writing, it was more important to me that the class as a whole be able to workshop something together than that individual students receive workshops themselves. In addition, I was concerned about student perceptions that having access to one person's writing might provide an undue benefit either for those in the class who are struggling (and who can crib from the workshopped paper) or for the person receiving feedback.¹⁴ Finally, I did not want to be too directive in how the workshop was run; I wanted students to take the primary role in discussing the piece before them, and I wanted to remain as hands-off as possible.

I resolved these various concerns by proceeding as follows. First, I include a statement in my syllabus indicating that I reserve the right to use student drafts in other classes but that they will remain anonymous. I teach two sections of legal writing each semester, so my next step is to choose a paper from each class to use in the other class—that way, the paper students are workshopping is not the work of someone in the section, and the person being workshopped is not aware of it. To make sure of this, I photocopy the papers before class and collect and shred them right afterward, so no copies are floating around the building. Prior to the workshop itself, I describe the paper we are critiquing as one that I wrote. They are aware that it is actually the paper of someone from the other section, but the fiction under which we operate is that I am the one whose work is being workshopped, which has the added benefit of requiring that I refrain from speaking and that one of them run the class. This, in turn, encourages participation, since the students do not like to leave the volunteer workshop leader to do all the work.¹⁵ I explain that the students will have about 15 minutes to read and make notes on the paper, after which the workshop leader will guide them through a discussion, moving section by section and from big-picture commentary to nitpicking detail. I recommend that they start by talking about what in the paper is working, so the writer knows what analysis or argument is speaking to the readers; then they can move on to talk about what needs work. I remind them that criticism that is not constructive does not assist writers in making changes, so every comment should be framed in terms of what the writer might do to improve.¹⁶ This

14. This may not be as much of an issue as I once thought, as discussed at length in Elizabeth L. Inglehart, Kathleen Dillon Narko & Clifford S. Zimmerman, *From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom*, 9 *Legal Writing: J. Legal Writing Inst.* 185 (2003).

15. This is effective even in my quietest classes, where normally I have to wrestle comments from the students—once one of their fellow classmates is in the front of the room, they suddenly have plenty to say.

16. I also tell them that the particular writer they are critiquing (me) has a tendency to get

information is in the handout, but I remind students of it right before the workshop itself. I then hand out the paper.

After the students have finished reading the paper, I select someone to run the workshop. I generally schedule two per semester, one for each formal assignment, and my goal in selecting students to run the workshop is different each time. For the first assignment, I often seek out a student who tends to have a lot to say in class already—usually such a student is able to take command of the room without fear but can also understand that the point of the workshop is to solicit broad feedback, and thus will not dominate class discussion. For the second assignment, when students are already familiar with the process, I often look to someone who has been struggling to participate and eager to show what she knows. Because part of the course is graded on participation, at the later stage of the semester there are usually students anxious to bolster weak class participation grades, and it can give smart but quiet students a burst of confidence to “run the show” for a day.

At this point, I invite the workshop leader to take over in the front of the room, and I take the workshop leader’s seat. This has two purposes: it removes me from the direct line of vision of most students (though occasionally, at the beginning, they look to me for validation, which I do not provide), and it lets me take notes on who is participating and what they are saying. I then shut up until there are only about ten minutes left in the class, and I focus on listening to the critique. Invariably I find myself taking notes on my copy of the paper as if it were my own, and I have to remind myself to asterisk the comments that are worth discussing briefly at the end of class, when I take over for a few minutes before setting the students free for the day.

The workshops themselves tend to be similar, despite differences in class makeup and personality, subject matter of material, or even the quality of the paper.¹⁷ The first thing I always notice is how very critical the students are—no matter how strongly I advocate in favor of starting with what is working, the students invariably all but ignore this directive and launch right into the negatives, only remembering midway through to comment on something they did not find totally offensive to their sensibilities. Still, there is something almost joyous about their eagerness to dive right into the paper and find its problems, and their critiques are always good-natured, even if they can sometimes be harsh. I am inclined to think there is a sort of power that comes from being the critic rather than the critiqued, and since I schedule the workshops between

weepy if the comments grow too harsh, and I will occasionally trace a tear down one cheek if the discussion seems to be getting out of hand so that the workshop leader can see me and redirect conversation accordingly. This is usually enough to rein in the class’s urge to be critical without being constructive, and it keeps the tone light as well.

17. I tend to vary paper quality depending on what is happening in the class—in the fall, I usually select relatively mediocre work in order to provide sufficient grounds for critique, unless the students do not seem to be working hard; at that point I select very strong work in the hopes that it will make them nervous. In the spring, when part of the purpose of workshop is to show students what some of the opposing arguments are likely to be, I tend to err on the side of stronger papers.

the time the students turn in their papers and they receive my comments, it makes sense that they would be anxious to exercise this kind of authority over something of which they have only recently lost control themselves.

The next thing the workshops share is their focus on substance, which always pleases me. It would be very easy for the students to start and end by identifying language and grammar problems, but the students are rigorous in their attention to the goals of the paper, the analysis or arguments the memo or brief seeks to present. They do discuss language and grammar, citation and style, but mainly with respect to how those aspects of writing affect the ultimate task of the paper—to convince readers that the substance of the analysis or argument is correct. Their focus tends to be on the structural elements that we have gone over in class: the importance of always identifying the issues clearly, discussing the law in detail before engaging in analysis or argument so as to avoid appearing defensive, drawing analogies from case facts where appropriate and reasoning directly from the law where it is not, and concluding definitively enough to give readers a clear sense of what the likely outcome is or should be.

I am frequently amused by the shift that happens between the first workshop and the second, which is less a function of familiarity with the format and more a function of the students having received my comments and attended a one-on-one conference where we discussed their papers in detail. While the first workshop contains occasional reference to the terminology I provided in the memo I handed out before their assignment was due, the second workshop replicates the form and content of my critiques to the point of near mimicry. They have now had the opportunity to see how I use my classroom vocabulary in the abstract (in the common problems memo), to see how I use it with respect to them (in their individualized feedback), and to hear how it sounds when I talk about their papers (in conference). The combination of these things seems to be enough to allow them to feel comfortable talking about these issues as I do, using shared terminology that everyone in class understands.¹⁸

Another added benefit of the first workshop is that it allows students to anticipate my comments. I tend to be somewhat overinclusive in my in-line critiques of ungraded first drafts in order to encourage students to make their peace with a multi-stage drafting process. I want them to understand that the first draft will never be good enough to submit, no matter how far into one's writing career one is.¹⁹ Having a workshop before the comments come back helps to provide some context, and frequently they will report to me that they were unsurprised by the critique after discussing the workshop draft, since

18. It also helps that my colleagues share teaching strategies and discuss our classes often, so much of the language we use transfers from semester to semester, and even if a colleague uses terms that we do not, we are familiar with them and can talk about them with students where appropriate.

19. I try to counterbalance this with a triage approach in my overarching comments, to avoid overwhelming students with the amount of work involved in revision.

looking at someone else's work gave them a better sense of what was missing in their own.

This highlights what I consider the primary benefit of workshop: it assists students in learning how to self-critique. Teaching students how to view their own work with a critical eye is one of the most difficult tasks of writing instructors, especially since students can be resistant to the revision process.²⁰ Part of the problem is that it is difficult for students to go back and look at their work objectively when they are not feeling confident about what they wrote in the first place; a collective sense of self-confidence emerges from the workshop environment once the students realize how familiar with the material they really are. It is one thing for me to tell them that no one will be as comfortable with the subject matter of their writing as they are in the period of time right after they have finished writing; it is another for them to spend a class period talking about the subject matter of their paper with no preconceived strategies and no notes in front of them. As in any field, it is much easier to see others' flaws than it is to see one's own, but pointing out those flaws provides a structure and an approach for going back and looking at one's own work anew.

I end the workshop by first leading the class in a round of applause for the workshop leader and then making sure I emphasize how impressed I am with the depth and quality of the student critique, which is almost always the case. For about five or ten minutes I then go over some of the comments students made in order to reinforce the stronger points and clarify areas of contention which are usually focused on minor issues like citation or grammar, so misstatements or misunderstandings are easy to clarify. And, with that, the workshop is over.

This modified class structure provides students with as many of the benefits of the workshop environment as we can manage, given the time and subject-matter constraints of the first-year of law school. However, there are other approaches that might be equally effective in achieving some or all of the goals of a workshop depending on the size of the class and the inclination of the individual faculty members, including workshopping excerpts of different papers for purposes of comparison, or allocating extra time so that all students can workshop small pieces of their assignments in order to have the experience of being both the critic and the subject of the critique.

III. Using Workshop Techniques in Connection with Peer Review

The idea of having students critique each other's work is hardly novel, though in the legal writing area instructors seem predisposed to using peer review over other techniques. The various methods of structuring peer review

20. See generally Susan M. Taylor, Students as (Re)Visionaries: Or, Revision, Revision, Revision, 21 *Touro L. Rev.* 265 (2005); Abigail Salisbury, Skills Without Stigma: Using the JURIST Method to Teach Legal Research and Writing, 59 *J. Legal Educ.* 173 (2009).

in the legal writing classroom have been discussed extensively by others,²¹ so a comparison of workshop and peer review shows how they differ and where they overlap. The two techniques are complementary, not contradictory, and instructors can use them in conjunction with each other or separately, as they choose.

As discussed in more detail in Part II, the goal of a workshop in a first-year legal writing class is primarily to allow students to learn a method and vocabulary for critiquing, and it focuses on that process in a group setting so students will have full access to a range of types of feedback that are as broad as the classroom will permit. In this context, it is designed to help students ultimately learn how to self-critique, but it is not designed to provide specific critiques for specific students.

Peer review, in contrast, is very helpful in providing individualized student feedback, presented in a small-group setting. Peer review, as utilized in legal writing classes, involves students breaking into small groups and exchanging written work product for critique. The groups can contain as few as two people or as many as four, though few suggest making them any larger.²² Students are often provided a set of guidelines to follow that will help them focus their critiques,²³ and they can exchange as little as a paragraph or as much as a whole document for review.²⁴ The goal of peer review is generally to allow students to see how other students view their work product, in an environment self-contained enough to avoid overwhelming the student with feedback. The process of learning how to engage in peer critique is in some aspects a byproduct of the desire to get to the ultimate goal of seeing how one's work is received by others. Though it may not always be the intention of the instructor, peer review seems, for students, to focus on outcome (the critique) over process (learning how to critique).

Both workshop and peer review are forms of "active learning," defined by Thyfault and Fehrman as "encompass[ing] all opportunities to learn by doing."²⁵ Thyfault and Fehrman would also consider both "collaborative learning," which includes students working together and learning from one another but bringing their own ideas to the process, and "cooperative

21. See, e.g., Kirsten K. Davis, *Designing and Using Peer Review in a First-Year Legal Research and Writing Course*, 9 *Legal Writing: J. Legal Writing Inst.* 1 (2003); Cara Cunningham & Michelle Streicher, *The Methodology of Persuasion: A Process-Based Approach to Persuasive Writing*, 13 *Legal Writing: J. Legal Writing Inst.* 159 (2007); Roberta K. Thyfault & Kathryn Fehrman, *Interactive Group Learning in the Legal Writing Classroom: An International Primer on Student Collaboration and Cooperation in Large Classrooms*, 3 *J. Marshall L. Rev.* 135, 139 (2009).

22. See Thyfault & Fehrman, *supra* note 21, at 155.

23. See Cunningham & Streicher, *supra* note 21, at 166; see also Thyfault & Fehrman, *supra* note 21, at 155.

24. See Thyfault & Fehrman, *supra* note 21, at 155.

25. *Id.* at 139.

learning,” which incorporates structured activities with team components.²⁶ Inglehart, Narko, and Zimmerman would likely agree that both are cooperative learning, which they define as “focus[ing] on individual mastery of the subject through group work,” but they might disagree that workshops constitute collaborative learning, which “focuses on group work toward a unified final project that is all or partially group-produced and all or partially group-graded.”²⁷ Since the question of whether collaborative work need necessarily be group-graded is an open one, I will use a form of the latter definitions in order to provide a point of contrast: for our purposes, cooperative learning involves structured activities with team components but ultimately requires individual mastery of the subject matter, whereas collaborative learning involves group work toward a final project that is all or partially group-produced and group-graded.

While the prospect of introducing collaborative projects into the legal writing classroom is intriguing, since most instructors are still accustomed to grading projects individually, this discussion focuses on peer review as a step in a student’s individual writing process (i.e., as part of a cooperative learning experience) rather than as a group exercise in and of itself. This ability to provide individual students a sense of what readers within their own writing community think about their work seems quite valuable, and, as others have noted, is probably happening already,²⁸ no matter how teachers feel about it²⁹ and whether they are aware of it or not. Peer review thus can serve as a logical next step for a class that starts with a workshop, in that it can utilize the shared vocabulary students develop and allow them to apply that vocabulary to individual papers in a manner that would normally be time-prohibitive. Permitting some sharing of work product also allows students to start developing a writing process that takes the opinions of their colleagues into account, which is more how practicing attorneys write.³⁰

What I view as the primary difficulty of peer review is the potential for imbalances in student experience. If students are matched up randomly, it is not clear that every student will receive the same level and quality of feedback. If they are allowed to choose, they will work with friends, who may not be as critical as might be beneficial for the students. If teachers choose for them, it raises questions of what the appropriate strategy should be: place strong

26. *Id.* at 139-40.

27. Inglehart et al., *supra* note 14, at 188 (citations omitted).

28. Clifford S. Zimmerman, Thinking Beyond My Own Interpretation: Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum, 31 *Ariz. St. L.J.* 957, 1009 (1999).

29. My syllabus specifies that students are allowed to discuss the ideas in their work but are not allowed to share written work product. While I recognize the value in permitting peer critique, I worry that students may take advantage of one another (as has happened in my classes in the past), and the availability of the Writing Resource Center provides an opportunity for students to receive some outside feedback before submitting papers to me.

30. Zimmerman, *supra* note 28, at 961-62.

students together, thereby giving them a competitive advantage in both the quality of critique and the ability to improve? Place strong students with weaker students, allowing the weaker students the benefit of the stronger students' knowledge base? Arrange for multiple instances of peer review in order to mix the benefits?³¹ How best to avoid ensuring that students do not take advantage of the opportunity to cheat?³² While none of these concerns are likely to (or should) preclude instructors from using peer review,³³ I raise them to show that it is not obvious, at least to me, that peer review is the only effective approach to teaching self-critique.

What workshop allows that peer review does not is a shared discussion of the relative strengths and weaknesses of a given piece of writing. The communal nature of the conversation provides a method and vocabulary for talking about legal writing that students, post-workshop, have in common. They are able to see how their fellow students approach a piece of writing, and they can feed off of one another's ideas regarding what techniques and strategies are most effective. All students receive the same benefits, even if they internalize them differently; there is no risk that students will receive disproportionate benefits based on either arbitrary or non-arbitrary methods of placing them into categories.

With these considerations in mind, workshops and peer reviews could coexist quite comfortably, and workshops might help minimize the impact of some of the disparities I identified above. Starting with a workshop class would allow legal writing faculty to introduce the concept of the shared vocabulary to the class as a whole and then follow with small-group peer review, which would provide a broader opportunity to introduce the class to a shared methodology and vocabulary for critique. This approach potentially limits the scope of the disparity of student experience somewhat, depending on what criteria instructors use for populating the peer review groups themselves. Students would then have the benefit of both a process-oriented approach to learning methods of critique and an outcome-oriented means of receiving feedback on their own papers. I hope the discussion of both workshop and peer review can highlight some of the differences and potential areas of symbiosis in a manner helpful to instructors who are contemplating introducing one or more of these teaching techniques in their own classrooms.

31. I am intrigued by the suggestion that it is possible to structure anonymous peer review, where the students submit work and exchange it without self-identifying. Zimmerman, *supra* note 28, at 1012.
32. I try to be optimistic about the relatively slight prospect of cheating, since it seems as if most law students are far more concerned with their own learning process than with riding on the coattails of their classmates, but the occasional cheater can cloud one's impressions for a disproportionate period of time.
33. See Zimmerman, *supra* note 28, at 1011-12, for an explanation of why none of these concerns may interfere with the effectiveness of peer review or group work generally.

Conclusion

Incorporating workshop techniques into the first-year legal writing curriculum is a valuable and effective means of introducing students to a language and methodology of self-critique that they can use throughout their legal education and career. Though this article focused on the experiences I have had in my classroom, workshop techniques can and have been successful in many other areas, for students, judges, and faculty members.

For example, Louis Sirico has used a workshop-type model to teach students how to approach law school exams.³⁴ He holds a weekend class where students write sample answers to exam questions, view a model answer, and then critique samples that he hands out; he holds a similar class for judges and has found both to be effective. Jeremy Mullem, a graduate of the Iowa Writers' Workshop who also teaches legal writing,³⁵ runs a class for upper-level law students entitled "Writing for Publication" that involves workshopping scholarly papers.³⁶ The University of Iowa College of Law faculty runs the Iowa Legal Studies Workshop, where faculty members workshop law review articles and provide "constructive, critical analyses,"³⁷ and where I had the disorienting but invariably beneficial experience of workshopping an earlier version of this paper.

The workshop model could prove effective in many other contexts, particularly upper-level seminars on any number of topics, and in those contexts would also be easier to implement. Teaching students how to structure a class around critiques of their writing mainly involves providing them the tools and vocabulary with which to do so, usually on the first day; the rest of the class focuses on the written work of the student, which means that as long as the students are prepared with written work early in the semester, the class can almost run itself. With strong students come vigorous critiques, lively debates, and valuable opportunities for teachers to both guide and join in the learning process.

34. Louis J. Sirico, Jr., *Beyond Offering Examples of Good Writing: Let the Students Grade the Models*, 14 No. 3 *Persp.: Teaching Legal Res. & Writing* 160 (2006).

35. There is a long history of interconnectedness between the fiction writing program at Iowa and the law, and the Writing Resource Center's staff frequently includes former lawyers who are studying fiction writing.

36. See <http://www.law.duke.edu/curriculum/courseinfo/course?id=334>.

37. See http://www.law.uiowa.edu/documents/facultyhandbook_ia_legal_studies_workshop.pdf.