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E-Commenting: Pros and Cons

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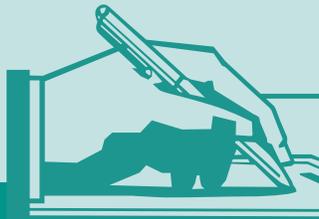
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E-Commenting: Pros and Cons

Leslie Rose, Golden Gate University School of Law

In the beginning, there was the red pen. The pen became green, then a blue erasable. After dabbling in pencil, and typing a separate sheet of comments attached to student papers, I am now firmly on the electric commenting bandwagon. Despite a few downsides, I now wonder how I survived without comment balloons, in the same way I marvel at how I wrote my first appellate brief on a typewriter.

The Method

For the uninitiated, electronic commenting, or e-commenting, is a method by which you can embed your comments directly into a document. The most direct way to start, using Word, is to select the "Reviewing" toolbar from the "View" menu. From this toolbar, you will be able to (1) correct errors or insert text in another color by using the "track changes" function ("track changes" can also be found

in the "Tools" menu), (2) insert comment balloons in the margin (the "insert comment" function can also be found in the "Insert" menu), and (3) highlight selected material.¹

Students submit their papers to me as e-mail attachments; I return the papers in the same way. The students will see colored boxes enclosing typed, numbered comments linked to specific text in their papers, along with end comments written in another color. I highlight repeated technical errors in yellow.

The Pros

The paper has a visually "cleaner" look—one that is easier to process than the handwritten comments that often weave around a page. I find I can communicate more information, with less clutter. Students appreciate having typed comments, which are, of course, easier to read than the handwritten comments they are used to. They also like that the comments are right next to the relevant part of the paper.²

The students and I both have ready access to the paper and the critique. Students have a copy of the paper, with my comments, on their laptops—they don't have to worry about locating the hard copy, carrying it around, or losing it. I have a copy of the paper, with my comments, easily accessible on my computer when a student comes to a conference, or e-mails me with a quick question. While papers with written comments can be copied

prior to returning them to the students, eliminating this step saves staff time and paper.

I use the "track changes" function when I want to demonstrate a clearer or more concise way of expressing a particular point. This is much easier to write and to read than the interlineated scribbles I've made in the past.

The students can "see" the work I've put into giving them feedback. While the amount of work is not necessarily more than when I would handwrite, the visual, especially the numbers on the comments, gives students a more palpable sense of the time it takes to provide a meaningful critique.³ The student who can quickly see that I've made forty-two numbered comments on a twelve-page draft argument is often inspired to work harder on the final brief.

The Cons

Although the pros outweigh the cons, two downsides are worth noting.

First, because the track changes function makes it so easy to correct errors, I have to work harder to stop myself from becoming an editor, rather than a coach, especially when I'm short on time. Second, I'm tied to my computer more than I'd like to be. In the days of handwriting, I could sit anywhere with pen in hand, and could carry some papers with me when I went to a dental

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Sending the Message to Students That Revising Means Seeing Their Work Through New Eyes

Patricia Grande Montana, St. John's University School of Law

In my experience, students have a narrow view of what revision entails. They typically equate it with polishing—changing words, editing grammar, and fixing citation. In their minds, it is the final clean-up stage in the process before the assignment is due. If we want to encourage our students to treat it differently—that is, to treat it as an opportunity to discover new legal arguments, resolve dissonance in their analyses, and question their original decisions—then our comments on their drafts need to show that revision entails seeing their work through new eyes.

Because the ability to effectively revise one's own work turns, in part, on the law student's ability to set aside her perspective as a writer and review her work from the reader's standpoint, our comments need to reflect comments that the legal reader, and not a professor intimately familiar with the subject, would have. To that end, when I comment on student papers I take the role of the legal reader and frame my questions and comments accordingly. This means that I act as the supervising attorney when I review their memoranda, and as the judge and opposing counsel when I review their briefs.

For example, if the writer failed to include a fact from one of the cases that would be beneficial to the analysis, I will not simply point out that a fact is missing or ask why the writer did not include it. Rather, I will write a comment that forces the student to "see" how what they put in words does not adequately communicate to the legal reader how the cases are analogous because an essential element of the case is lacking. So, I might write: "It doesn't seem like this case is analogous enough to support your point? Is there a better case?" Now, as the professor, I know that there is no better case and that all that the writer needs to

do is complete the analogy; yet, as a supervisor or a judge, I would likely not have this knowledge. My comment pushes the student to answer that there is no better case and explain why. The "why" is what the writer will need to revise, making explicit the factual similarities between the authority and our case.

I also try to encourage students to think about revision in a more meaningful way by limiting the number and type of comments I make relating to surface issues such as spelling, grammar, punctuation and even bluebook. I do not want

My comment pushes the student to answer that there is no better case and explain why.

to reinforce their misconception that revising is a tidying-up activity. So, I will try to avoid making those comments in the margins and instead write a global comment at the end asking the student to address those issues on the rewrite. If the issue is pervasive, I will refer the student to an example in the draft and illustrate how the student can correct it. If there are other end comments, I will put this type of comment last. My intent is to emphasize that sound analysis and coherent organization take priority over microchanges.

The goal of our conferences together is also to ensure that the writer's legal analysis and presentation is accurate and clear to the reader. Thus, I avoid beginning a conference with a discussion of

surface issues, such as the difference between "its" and "it's." And, more importantly, I instruct the students to prepare for the conference like it is a meeting with their supervisor. This means that they must come prepared with answers to any questions posed in their drafts and a detailed plan on how they will approach the rewrite. All together, these conference requirements and the reader-based comments reinforce the idea that revising is an important operation that requires a lot more time and attention than simply cleaning up errors on a first draft.

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appointment, or while commuting. My solution has been to continue to require students to hand in a hard copy. I can still carry it with me and make notes, which I can later turn into more thoughtful comments on the computer.

If you have questions or want to see what a marked-up paper looks like, e-mail me at lrose@ggu.edu.

- 1 For tips on using both Word and WordPerfect, along with sample macros, see Ken Chestek & Mimi Samuel, *E-Commenting Made Easy*, 2004 LWI Conference <www.lwionline.org>.
- 2 I use Microsoft Office Word 2003. In older versions of Word, the comments may appear at the bottom of the page, or may pop up when the cursor is moved over the highlighted material. I've had no experience with the new Word 2007.
- 3 See Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or the Dawn of a New Day?* 9 Leg. Writing 119, 139 (2003)