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From Feedback Loops to Feedback Literacy: Harnessing Cutting-Edge Feedback Scholarship for Legal Writing Pedagogy

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Are you “feedback literate”? Are your students? Do you design and deliver your legal writing course to hone your students’ feedback literacy and maximize the power of your feedback?

Student and professor¹ “feedback literacy” is the hot new movement among feedback experts. “Feedback” as the concept of mere professor-to-student communication about how students fell short of course standards or can improve is ancient history. In courses like Legal Writing, where students learn to produce discipline/profession-specific artifacts, the lines between teaching and feedback are no longer clear. Feedback *is* teaching, and teaching may mostly be glamorized feedback-in-fact.

This article is, therefore, a clarion call to “get out of the law journal and move onto the education journal” and harness the power of cutting-edge feedback literacy. The first part of this article focuses on “professor feedback literacy” and

¹ Education literature calls this concept *teacher* feedback literacy, but this article defers to legal education’s dictional norms and renames it *professor* feedback literacy.

shows how feedback-literate professors can design and deliver feedback-rich courses that enhance student learning.² The second part explains how professors can assist students in improving their capacities to obtain, process, and use feedback, also known as “student feedback literacy.” The article concludes that feedback literacy has never been more vital in legal education and that improving professor and student feedback literacy is a key next step for legal writing pedagogy.

I. Professor Feedback Literacy: Feedback Loops and Spirals

The professor feedback literacy discipline is still very much in its infancy. For now, think of professor feedback literacy as putting feedback first: a package of expertise in all aspects of program-, course-, and individual-assessment design and delivery of pedagogically productive and desirable feedback opportunities and processes.³ The central features are well-structured “feedback loops” providing information from professors, peers, self-assessment, and exemplars that “feed forward” and allow students to close the gap between actual assessment performance and desired course or professional standards.⁴ Students are more likely to use and learn from feedback that “feeds forward” clearly to subsequent assignments because their scores on those assignments or later ones depend on it.⁵

A well-structured feedback loop has the following steps:

- Guidance from the professor about performance expectations;
- Student performance on an assessment;
- Information to the student about gaps between the performance and a reference standard;
- The student’s attention to this information about the performance; and
- A new performance to “close the gap” between the prior performance and the reference standard.⁶

² See Bianka Malecka et al., *Eliciting, Processing and Enacting Feedback: Mechanisms for Embedding Student Feedback Literacy within the Curriculum*, 27 *TEACHING IN HIGHER EDUC.* 908, 919 (2022).

³ See David Carless & Naomi Winstone, *Teacher Feedback Literacy and Its Interplay with Student Feedback Literacy*, 28 *TEACHING IN HIGHER EDUC.* 150, ____ (forthcoming 2023); David Boud & Phillip Dawson, *What Feedback Literate Teachers Do: An Empirically-Derived Competency Framework*, *ASSESS. & EVAL. IN HIGHER EDUC.* 1, 5-6 (2021).

⁴ See D. Royce Sadler, *Formative Assessment and the Design of Instructional Systems*, 18 *Instruc. Sci.* 119, 120-21 (1989).

⁵ See Graham Gibbs, *USING ASSESSMENT TO PROMOTE STUDENT LEARNING* 18 (2010).

⁶ Adapted from Dai Hounsell et al., *The Quality of Guidance and Feedback to Students*, 27 *HIGHER EDUC. RES. & DEV.* 55, 59-65 (2008).

“Draft-redraft” processes are quintessential “feedback loops” when students receive external evaluation or do a self-assessment of a draft paper that “feeds forward” to when the students revise/redraft and resubmit the paper. When a “new performance” receives its own feedback, attention, and close-the-gap opportunity, feedback loops connect and “spiral” forward to power student learning.⁷

A feedback-literate professor designs the assessment structure with the purpose of providing a smooth, productive close-the-gap opportunity while achieving other feedback-related goals. Productive feedback loops can morph into dialogues where students, professors, and peers, in effect, discuss improvement and performance standards, both oral and written and in and out of class.⁸ Loops may involve numerous methods of evaluation and communication: written comments, oral conferences, class discussion, peer evaluation, self-assessment, and exemplar provision. Student “improvement” is important, but the ultimate goal is to hone students’ understanding of professional standards so students can eventually evaluate their own work in practice.⁹

A good way for professors to improve their feedback literacy is to try new tactics and strategies and take “feedback” from subsequent student work product and behaviors. When I decided to improve my “feedback game” with a self-assessment component, a former colleague offered a powerful instrument, requiring that students assess their work based on typical standards for “good” student legal writing such as I/CRAC structures, substantive issue coverage, citation quality, and format, sometimes with exemplars.¹⁰ After inserting a similar self-assessment after first drafts and observing student understanding improve dramatically even without my own feedback, I adjusted the instrument to guide students through revision before I gave feedback. Students often did make significant improvements at the self-assessment stage, which enriched my feedback.

⁷ See, e.g., David Carless, *Feedback Loops and the Longer-Term: Towards Feedback Spirals*, 44 *ASSESS. & EVAL. IN HIGHER EDUC.* 705, 712-13 (2018). The venerable constructivist “spiral curriculum” is similar, where concepts return over and over at higher levels of sophistication and authenticity. See Jerome S. Bruner, *THE PROCESS OF EDUCATION* 12-13, 52-53 (1961).

⁸ David Nicol, *From Monologue to Dialogue: Improving Written Feedback Processes in Mass Higher Education*, 35 *ASSESS. & EVAL. IN HIGHER EDUC.* 501, 503-04 (2010).

⁹ See, e.g., Sadler, *supra* note 4, at 126, 142.

¹⁰ The presentation was Danielle Copes, *Self-Assessments that Work: Methods, Practices, and Examples to Empower Student Success*, presented at AASE Conference (St. Mary’s Univ. Sch. of Law, May 25, 2022). Our subsequent conversations further enhanced my understanding of self-assessment’s power.

Revision after self-assessment anchors a feedback loop around the students' own feedback to themselves. My later comments on students' self-assessed versions create a feedback spiral when students revise again in response, without imposing much more of my own work.

Moreover, after self-assessment, students seemed to understand my written comments better and had more insightful questions in office meetings about not only how to improve but also how to meet the professional objectives embedded in the assignment. To enhance those dialogues and give students more active control of their learning, I added a coversheet to the self-assessment, which solicits questions, requests for specific feedback, and the students' assessments of strengths and weaknesses. I make sure my written feedback responds to students' priorities, thereby creating a direct, active, purposive dialogue between the student and me about both the student's improvement and "what makes a paper 'good.'" That dialogue continues face-to-face during required office visits, where students and I can explore the deeper "whats" and "whys" of achieving often higher-order writing objectives more like two professionals.

Shifting from one-on-one dialogue to group conversation about what high-quality work is and how to produce it adds more feedback information and feedback spiral opportunities. Students inevitably share many questions and opportunities for improvement that make sense to address in whole-class feedback. A portion of a class period during the spiral may start with: "Michael and I were talking yesterday in his individual meeting about how to make a counterargument in Part II.B – who has ideas?" A range of ideas will emerge that we can all hear and assess based on course and professional standards. If I time such a conversation to occur before the redraft or another assignment, students can close the gap with the benefit of peer contributions as well.

Three years ago, I rejected self-assessment as "too much" in a busy course; today, it is vital to my legal writing course's feedback program and a salutary reminder of how much my feedback literacy can still improve.

Professor feedback literacy could take a career to perfect but also produce dramatic results among feedback-literate students. If the best way to learn something is to teach it, maybe another way writing professors can improve their feedback literacy and harness its powerful effects quickly is by honing *students'* feedback literacy.

II. Student Feedback Literacy: Active Learning and Information Application

Student feedback literacy is a student's ability to "understand, utilize and benefit from feedback processes."¹¹ Feedback literate students have key attitudes and competencies and do the following:

- Appreciate feedback as an active-learning improvement process;
- Elicit information to improve learning;
- Process feedback information; and
- Use the processed feedback information.¹²

Most law students lack ideal facility in at least one of these categories, but professors can help hone each and improve both their own and their students' feedback literacy at the same time.

A. *Appreciates feedback as an active learning process for improvement.*

Modern law students often openly seek feedback for improvement but still need help appreciating its full power in context. Fortunately, professors can help students appreciate the pedagogical power of feedback processes.

First, professors can create and nurture the feedback culture they hope will stimulate students. Start before classes do: the "start here" module of my Legal Writing I course management site includes a video of me speaking directly to the camera about my philosophy of feedback with the video script. I explain that I consider feedback to be a major part of my teaching and a valuable part of facilitating students' individualized improvement that meets every student where he or she is and will take students as far as each wants to go.¹³ Further, I provide samples of past student papers with feedback markings and comment bubbles. Hopefully the improvement-oriented tone and the reality that even lauded students of the past still received "a lot" of feedback alleviates fears that feedback is a commentary on students personally or as prospective lawyers and instead is just a routine part of professional development.

¹¹ Elizabeth Molloy et al., *Developing a Learning-Centered Framework for Feedback Literacy*, 45 ASSESS. & EVAL. IN HIGHER EDUC. 527, 528 (2020).

¹² Adapted from Molloy et al., *supra* note 11, at 529-34 and David Carless & David Boud, *The Development of Student Feedback Literacy: Enabling the Uptake of Feedback*, 43 ASSESS. & EVAL. IN HIGHER EDUC. 1315, 1319 (2018).

¹³ See Naomi Winstone & David Carless, DESIGNING EFFECTIVE FEEDBACK PROCESSES IN HIGHER EDUCATION 26-27 (2020).

Second, professors should make feedback and its purposes explicit from Day One.¹⁴ A top priority in early individual meetings is clarifying how I expect students to respond to written feedback.¹⁵ I explain the draft-redraft feedback loops embedded in Legal Writing and devote an academic support class period to recognizing and using feedback. Because giving general feedback to a group is unproductive when students do not recognize that suggested improvements apply to their own work, I suggest tests and criteria even novice students can apply, such as “if your paper is under-length, you probably missed a section; go back to the outline and check to be sure you have all the pieces.”

Professors can also teach new law students directly what feedback comments mean and what our discipline expects in response. After an early office memorandum assignment, students and I dissect a teaching assistant’s good but deliberately-not-perfect exemplar of the same assignment. I translate the vocabulary of feedback into what students should do to improve and then illustrate precisely how to respond: “Many of you will probably see ‘insert conclusion sentence’ in my feedback on your next paper; *that* sentence is the type of sentence to insert in places like this” or “when a professor says ‘show application more,’ adding a reference to the rule of law and a ‘because’ *right here* before this fact is a good starting point.”

B. *Elicits information to improve learning.*

Teaching students to elicit feedback starts with creating and maintaining a culture that doing so is welcome and inviting students to practice.¹⁶

The simplest tactic: urge students to request feedback. Many professors require students to bring questions to individual meetings; answer those questions first.¹⁷ Invite students to insert questions into draft coversheets or comment bubbles and then respond to them in written feedback.¹⁸ Written reach-outs via email or written feedback can work: “I love this argument; please set an appointment so we can perfect it!” Some students are shy about asking, so be clear how to obtain your enthusiastic “yes”: “I’d love to chat on Zoom about your drafts Saturday, but I can’t on Sunday, so please organize your work accordingly.” If you agree to meet or review a section of a draft, do it timely and make clear you were glad to help.

¹⁴ See Molloy et al., *supra* note 11, at 537-38.

¹⁵ See Winstone & Carless, *supra* note 13, at 169.

¹⁶ See, e.g., Malecka et al., *supra* note 2, at 912, 914.

¹⁷ E.g., Carless & Winstone, *supra* note 3, at ____.

¹⁸ Malecka et al., *supra* note 2, at 915; Gibbs, *supra* note 5, at 27; Nicol, *supra* note 8, at 507-08.

Students also need to learn what the most productive questions are.¹⁹ Cue questions in class: “If your paper does not include X, ask me about how that analysis works when we meet to review your paper draft.” Notes in drafts such as “remind me to tell you how to make this argument more powerful” save keyboard time and flag productivity but also cue the student to ask this “good” question in a subsequent office meeting. Your feedback does not need to be “perfect”; instead, sometimes imperfect feedback engages the student in understanding what it means and inspires the very good question, “What did you mean by this comment?”

Students should practice recognizing and eliciting feedback from each other, independent of formal “peer evaluation.” Past students say in-class writing assignment discussions that poured out of the classroom and into student lounges and parking lots fueled writing performance. The arguments for “their” clients were “performances,” and colleagues’ responses were immediate feedback they responded to in briefs.

Legal writing professors can ignite informal discussions. For example, I require all students to “chart” legal tests and relevant facts for writing assignments. When teaching assistants lead group charting sessions, the sessions devolve into problem discussion, where students both watch and participate in pro-con debates about the impact of fact interpretations and make application arguments.

Students also must learn how to find useful information and feedback elsewhere. Urge students to consult teaching assistants, librarians, and writing center advisors. Cite citation and style manual rule numbers in written feedback to force students to elicit feedback from those materials. Refer students to videos, articles, and annotated student exemplars you have collected over time.

C. Processes feedback information productively.

“Processing feedback information” has two parts: (a) understanding the “gap” between a student’s performance and another standard; and (2) figuring out how to “close” that gap.²⁰ Unfortunately, that process mostly occurs in a student-only zone, part of students’ “secret lives,” where students on their own at their desks late at night tear their hair out over writing assignment redrafts. In their secret lives, students may not truly understand the reference standard that seemed so transparent in class, and others who tried hard face up to uncomfortable

¹⁹ Malecka et al., *supra* note 2, at 925.

²⁰ *Id.* at 914.

feelings about comments that say they did not meet the mark even in a reassuring culture.

Professors' good self-assessment tools can help students improve their feedback-processing skills. First, self-assessment helps students recognize performance gaps themselves and then scaffolds them through initial close-the-gap responses even before seeing professor feedback.²¹ A student's self-assessment and comparison with a professor's in-class and written feedback begins a dialogue that can invigorate a subsequent student-professor meeting.²² A thoughtful professor response to the self-assessment then builds trust in the student-professor relationship and individualized learning process.²³

Asking students to evaluate past students' exemplar papers is another way to develop feedback-processing skills with less risk than the peer evaluation many feedback experts prefer.²⁴ Past student exemplars clarify expectations such as "how to form a header" and illustrate what "good" work looks like.²⁵ When students apply standards to exemplars of varying quality and suggest ways to improve the less accomplished, ideally in a stimulating peer-dialogue setting, they practice identifying gaps and devising closure options.²⁶ Exemplars also fuel self-assessment: students write the exemplar assignment, build processing skills evaluating exemplar papers, and finally, use their exemplar evaluations to assess their own work.²⁷

D. *Enacts outcomes of processing feedback information.*

Call this attribute "uses feedback well," and the best way for students to learn to use feedback well is to use it. Professors should provide "useful" feedback and explicit close-the-gap opportunities early.

Close-the-gap opportunities "feed forward" from prior activities. Multiple-stage assignments, such as draft-redraft processes, where feedback can inform student performance on the next stage and even explicitly determine grades, produce the highest levels of student feedback use.²⁸ To maximize student

²¹ *Id.*

²² Copes, *supra* note 10.

²³ *Id.*

²⁴ See e.g., David Carless, *From Teacher Transmission of Information to Student Feedback Literacy: Activating the Learning Role in Feedback Processes*, 23 ACTIVE LEARNING IN HIGHER EDUC. 143, 148 (2022).

²⁵ *Id.*

²⁶ *Id.*; Nicol, *supra* note 8, at 505-06.

²⁷ Copes, *supra* note 10.

²⁸ Gibbs, *supra* note 5, at 18.

feedback use, students must see the close association between the original assessment and the gap-closure opportunity.²⁹

A challenge is that students do not always see the close associations between assessments and gap-closure opportunities that professors do. The professor sees two assignments requiring the student to practice conforming to standard document format instructions and producing IRAC structures, clear sentences, and correct citation form/usage. Many students, however, see an office memorandum about constructive possession of a handgun and a subsequent client letter about whether the diamond necklace a father gave his daughter was really a gift. Such students will probably miss the connection between the memorandum assignment's feedback and the client letter assignment and ignore the feedback entirely or be unable to apply it. In the language of knowledge transfer, the "distance" feedback information must transfer across changes in subject and writing-product genre from one assignment to the other may be too great for the subsequent assignment to close prior performance gaps.³⁰ Given these challenges, draft-redraft and more closely related assignments (*e.g.*, a memorandum assignment on the same subject as a later client letter assignment) better promote feedback use.

Additionally, professors can also penetrate students' secret lives to understand their feedback use directly: ask them to explain how they used prior feedback with a close-the-gap assignment.³¹ A downside is that the student-processing information is not part of feedback dialogue until a later paper. Nevertheless, students just knowing they must write about feedback use and then doing so probably makes feedback reflection and use both more explicit and likely to occur.

Finally, professors should avoid unforced errors that depress feedback use. Grading papers, for example, discourages students from reading professor feedback.³² Even my close-the-gap assignments are ungraded, but my assignment sheets say not taking past feedback into account may incur point deductions. I educate on what taking feedback into account means and resist deducting points but doing so gets students' attention.

²⁹ Naomi Winstone et al., *"It'd Be Useful, but I Wouldn't Use It": Barriers to University Students' Feedback Seeking and Recipience*, 42 *STUD. HIGHER EDUC.* 2026, 2034-35 (2017).

³⁰ *Id.*

³¹ Malecka et al., *supra* note 2, at 915-16.

³² Gibbs, *supra* note 5, at 18, 27-28.

III. Conclusion: Professor and Student Feedback Literacy Go Together

In feedback-heavy courses, both student and professor feedback literacy are vital to maximize student learning. They go together: professors improve their own feedback literacy as they hone students', so efforts to enhance student feedback literacy improve both students' and professors' literacy. Feedback literacy is a new movement in education theory, and legal writing professors should get in on the ground floor.