THE SECOND DRAFT

ARTICLE

Strategies For Dealing with Students Who Ignore Feedback

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One of the most frustrating challenges for legal writing professors is preparing detailed feedback on a student's draft, only to see the same problems pop up again in the rewrite. Not just similar problems. The *same* problems, the kind that leave us muttering, "I know I must have commented on this on the first draft." The kind that if they appear often enough, we go back to the first draft to confirm we commented on them—and we *did*.

While it's tempting to focus on students who are more responsive to feedback, effectively addressing feedback is crucial for all students' development, not just in legal writing classes, but for their entire legal careers. Even the most well-intentioned students can struggle to incorporate feedback effectively. This article discusses some techniques we've found helpful to increase the odds of students engaging with feedback and continuing to grow as legal writers.

1. Some common reasons why students don't respond to feedback—and how you can diagnose which applies to your students

We take as a given the value of well-designed feedback to a student's development. Yet students might not respond properly to feedback for numerous non-exclusive reasons. Some students may not grasp feedback's fundamental purpose. Instead, they might view feedback as a punitive exercise highlighting their shortcomings, rather than a valuable tool to help them improve. Receiving critical feedback can be emotionally challenging. Some students might find it discouraging or even take it personally, leading them to resist or dismiss the feedback altogether. Students might also simply be overwhelmed by the work needed to respond to feedback, especially given competing obligations and personal lives. Law school is demanding, and students often feel overloaded with assignments and deadlines. In this situation, they might prioritize completing revisions quickly. They might not carefully consider and incorporate all feedback, particularly if it seems complex or time-consuming to address. A common consequence is that students tackle the straightforward edits but neglect the more intricate or substantive ones. And, finally, the fault may not entirely lie with the student. Unclear, cursory, or jargon-filled feedback can leave students confused and unsure about how to implement the suggestions.

All law students are likely to encounter at least some of these challenges to varying degrees. And any particular student might also have idiosyncratic reasons unique to that student, such as disabilities or personal situations impacting their ability to focus on the feedback.

The likelihood of success for any intervention will be higher if we tailor that intervention to the cause(s) of a student's failure to respond to feedback. We've found several strategies to be particularly useful to help us

identify the specific challenges students are facing, as well as for identifying where we can improve the clarity or effectiveness of our feedback practices:

Meet with Students: Often, the best way to understand why a student isn't responding well to feedback is simply to talk to them. Professors can broach this subject in the one-on-one conferences that are almost certainly on the syllabus and are set up precisely to discuss feedback in person. But, of course, much of the time spent in those conferences will likely be addressing the substance of feedback, not meta-questions about the need to incorporate feedback or problems some students might be having when dealing with feedback. While discussing the substance of the feedback might help professors understand the problems that students are having with implementing the feedback, separate meetings or more targeted discussion might be needed for some students.

Analyze Returned Work: Take a close look at patterns in how students (whether the class as a whole or specific students) are neglecting feedback in their rewrites or subsequent assignments. For instance, are they consistently missing certain types of technical edits, like misplaced modifiers or citations? This might suggest, for example, challenges in the later stages of the editing process, a lack of attention to detail, or insufficient time allocated to making revisions. Or are they overlooking substantive feedback on a particular legal concept, suggesting a knowledge gap?

Discuss with Student Assistants: We are fortunate to have upper-level student assistants (SAs), and they can provide valuable insight into how students are experiencing our feedback. The SAs may have noticed common topics of student confusion during office hours or heard grumblings that our comments and suggestions are sometimes unclear. We encourage our SAs to pass along these reactions.

Assign Short Reflections: Assigning short written reflections can help illuminate students' thinking and writing processes. These could be assigned in the middle of the writing process—for example, requiring students to answer reflection questions that they submit with their rewrites–or at the end, after students have received the final grade for a project. Whatever the timing, specifically ask about feedback by encouraging students to reflect on what they found most challenging about incorporating comments and what resources would be helpful for them in the future.

Survey Students Anonymously: Not surprisingly, some students might hesitate before telling a professor about ways in which they think the feedback they're receiving falls short. Anonymous surveys are a great way to overcome this understandable reticence. These surveys can ask students about the clarity of comments, the helpfulness of class resources, and their overall satisfaction with the feedback process. A similar technique, using an anonymous online forum, allows students to share their frustrations and ask clarifying questions. It also helps students see that they're not alone and that other students are facing similar challenges.

2. Bridging the feedback gap before the first paper is due

While diagnosis is crucial, proactive measures can prevent some of these issues from arising in the first place. Rather than wait for the first set of papers to arrive, we try to fend off those problems in advance. Early in the Fall semester, before our students submit their first drafts, we carve out class time to explain what students should expect when we return their papers to them and to clarify our expectations for how students should react to our suggestions and respond to them in rewrites or other assignments throughout the rest of the course. (And, as needed, we return to this subject in later classes as the year progresses.) We explain what we hope to accomplish when we (figuratively!) cover a student's paper in comments, connecting our feedback to what they'll need to succeed in their upcoming summer internships and later in their legal careers.

Here, we emphasize the importance of feedback when actually practicing law. Lawyers routinely receive feedback on their work from supervisors, judges, and clients. We ask students to imagine themselves as young lawyers who can confidently assess feedback from a senior attorney, identify areas for improvement, and then implement changes to produce a stronger legal document. And we make a promise to help them turn that distant dream into something concrete: over the course of the year, they'll learn strategies for actively analyzing feedback, identifying key takeaways, and then strategically applying those takeaways to revise their work. Equipping students with the skills to effectively receive, analyze, and incorporate feedback will prepare them for the realities of legal practice and, we hope, help set them up for success.

We also explain that our feedback is not meant to be punitive. Rather, it is intended to help them improve their legal writing skills. Put another way, the formative component of our assessment is much more significant than the summative. We highlight how our comments are meant to both help students identify areas where their writing can be strengthened and provide them with specific guidance on how to make those improvements. A key component of this is encouraging them to view feedback as a valuable tool for improvement, not a source of discouragement. Thus, we explicitly discuss how receiving feedback, both positive and negative, is an inevitable part of the learning process. Positive feedback reinforces what they're doing well and motivates them to continue honing those skills. Negative feedback, while it might sting initially, identifies areas where they can grow and develop as legal writers.

As part of this class discussion, we sometimes draw on our own experience as students and attorneys, describing how we felt after receiving a law school paper or law office memo, brief, or contract that was (literally!) covered in red ink. We want students to know that we understand what it feels like to have our writing ripped apart. This interactive discussion before any papers have been submitted can help students think more reflectively about the feedback process.

3. The details: Specific teaching methods to help students engage productively with feedback

We propose several complementary strategies for ensuring that students engage with feedback. Some of these strategies are proactive steps that can be taken before an assignment is due or when providing initial feedback to students. We also suggest strategies to help professors better track when revisions have (or haven't) been made and offer advice on how to engage when professors identify instances where students have not appropriately responded to feedback.

3.1 Using consistent language and tone in feedback

Our first suggestion should come as no surprise: When talking to students about all these topics, the language we use is essential for student understanding. This applies both to specific comments on graded assignments and the broader topic of how students should respond to that feedback in

revisions and how we'll be assessing their efforts. Consistency is crucial here. For example, a professor who uses specific terminology in class, textbooks, or handouts should carry that over into feedback as well. Most legal writing professors tell students to avoid "artful variation" in their legal writing; the same principle applies to our own communication. Further, consider developing pre-written comments for recurring issues. These can be easily copied and pasted into feedback, guaranteeing we say exactly what we need to on a particular topic and do so consistently from student to student.

Language is crucial in another way: The tone of a professor's feedback significantly impacts how students receive it. Getting frustrated or even angry when reviewing student work can certainly be understandable—we've been there!—but these emotions can easily bleed over into comments in an unhelpful way. In addition to not letting our own frustration come across in the comments, we encourage professors to identify and communicate what the student is doing well, not just what needs improvement. A combination of positive suggestions and constructive (but not withering) criticism can help maintain a professional and encouraging tone.

3.2 Rubrics and criteria for assessing revisions

Rubrics and other resources can further enhance the clarity of feedback and help students understand their professor's expectations. A key component of effective feedback is establishing clear criteria for what constitutes a satisfactory revision. Many legal writing professors develop rubrics that outline the various criteria used to evaluate student work. As part of these rubrics, consider including sections that address how the depth and thoroughness of revisions will be assessed to determine whether students truly grasp the feedback and have used it to improve the final product. Provide students with the rubric in advance so they can use it as a guide while revising.

Several important factors help us measure a student's good faith effort to address feedback. The quality of the revisions themselves is obviously significant, but this can be assessed in different ways. Has the student made substantive revisions to the analysis and organization, or instead made only surface-level changes? Substantive revisions address the core content and arguments of the paper. They might involve restructuring paragraphs

or entire sections, adding new legal analysis, or strengthening the overall clarity and persuasiveness of the writing. Surface-level changes, on the other hand, focus on more superficial aspects of the writing, such as grammar, punctuation, or stylistic choices. To be sure, we're not saying there's no value in surface-level changes. These edits can improve the readability and professionalism of the document. But the balance should weigh toward revisions that show clear thought and effort, not just superficial changes.

It's equally important to distinguish between overall document quality and the specific quality of the revisions. A student might put a lot of effort into revisions but still have a paper that doesn't fully capture the legal analysis, and thus, the paper overall as revised might not receive high marks. However, even in such a case, the revisions themselves could be well-crafted and demonstrate a genuine attempt to improve the work.

Another indicator of good faith effort is consistency throughout the revised document. This means a student isn't only making revisions in sections of the document where issues were explicitly identified, but also applying those changes to other similar instances throughout the paper. It's not our job to flag every single occurrence of a particular issue. Students must learn to identify and correct these issues on their own. A student who takes comments and proactively applies them throughout the document demonstrates a strong effort to improve.

Instructors can take various approaches to account for these good-faith revision efforts in their overall grading. Some might choose to include a specific "Responsiveness to Feedback" category in their rubric, weighting the process of revision as a distinct percentage of the total grade. Others might view the depth and thoroughness of revisions as a decisive factor when a student's work sits on the cusp between two grade tiers. Alternatively, an instructor might frame the ability to proactively apply feedback as a core competency of professional development, evaluating the revision process as a proxy for the student's emerging professional judgment and coachability. Regardless of the specific weighting, explicitly acknowledging these efforts in the grading process ensures that students see revision not merely as a corrective task but as a critical lawyering skill.

3.3 Technology to the rescue?

Technology offers a variety of tools and methods to help quantify the revisions students make between drafts. Professors might require students to use these tools to help them visualize their revisions. Professors might also rely on these tools themselves to track students' edits.

One common approach uses Microsoft Word's "Track Changes" feature. This allows students to mark their edits directly within the document, making it easy to see what changes were made and by whom. An even better approach might be to use the "Compare" feature in Word. Comparing two versions of a document side-by-side provides a clearer visual representation of the revisions. By examining "Track Changes" or "Compare" documents, professors can see the extent of changes students have made, identify patterns in how students respond to feedback, and highlight areas where students may be consistently neglecting revisions. Some tools, like bubble comments, even allow students to explain their revisions in the document itself.

Using redlines can be a bit of a double-edged sword, though. On the plus side, requiring all students to submit their revisions with redlines holds students accountable for incorporating feedback and helps ensure they are engaging with it thoughtfully. A student who uses the redline feature and recognizes that the document they plan to submit has minimal revisions may in turn recognize that they haven't yet put in sufficient effort. A downside, though, is that requiring redlines from all students can penalize those who don't need these sorts of visual cues to effectively respond to feedback. These students are forced to take the extra step of creating a redline to account for the shortcomings of their peers who haven't been as responsive. Ultimately, deciding whether to require redlines requires carefully considering these competing factors. There's no universally correct answer, and the best approach may vary depending on specific teaching styles and course or assignment needs.

While technological tools can provide quantitative data about revisions, professors should interpret this data cautiously. The raw number of changes a student makes doesn't necessarily indicate the quality of those revisions. For instance, a student might make a large number of edits that primarily focus on minor issues like citations, punctuation, or stylistic choices, while leaving more substantive content untouched. Additionally, students who start with stronger drafts will naturally have fewer changes

to make in their revisions. A student with a redline showing a small number of edits might still have effectively incorporated feedback, even if the quantitative data suggests otherwise.

For these reasons, we recommend not adopting specific quantitative tests for revisions. Requiring students to respond to a certain percentage (e.g., 75%) of comments can be difficult to measure and ultimately arbitrary. As instructors, our time is valuable, and it's best not to get bogged down in trying to create and enforce such metrics. Focusing on the quality of revisions, rather than simply the quantity of changes made, will yield more meaningful results.

3.4 Other useful techniques for increasing student engagement—and a key caveat

Professors have other, non-technological options to place some of the responsibility on the students. For example, professors might give students a template checklist that they must submit with their revisions, requiring them to confirm how they addressed the earlier feedback. Alternatively, and as suggested above, professors could develop reflective prompts that encourage students to think critically about the feedback process. These prompts could ask them to identify key takeaways from the graded draft that they incorporated into the revision. Requiring students to conduct self-assessments at key points in the semester or year also encourages them to reflect on the broader trends in the feedback they receive and identify areas for ongoing improvement.

Students often benefit greatly from visual aids. In legal writing, just like in most areas of learning, students frequently learn best by seeing examples. Providing anonymized examples of well-revised and poorly-revised work from previous semesters can serve as a powerful learning tool, particularly if the samples are annotated to highlight the specific lessons the professor would like the students to take away. These samples illustrate the concrete differences between effective and ineffective revision based on feedback.

Samples can be particularly effective when they relate to a project that students have just completed. We sometimes spend time in class discussing common issues that came up on a particular assignment, what the feedback on those issues looked like, and strategies for how to address those

issues. This is another way of showing students sample feedback, reinforcing that they are not alone, and modeling how to think through the feedback together. Plus, after the discussion, students have additional examples they can draw on when responding to feedback on future projects.

Finally, we'd like to think that every comment we make on a student paper is worthwhile—if it wasn't, why would we make it? But over time we've come to recognize that not all feedback will require a specific response from every student. This might apply to some stylistic suggestions that offer an alternative phrasing although the original isn't necessarily wrong (even if we fervently believe that our proposed alternative is better in some way). In these cases, students may not need to make a change, especially if they have an opportunity to explain their reasoning for keeping the original language. The same can even be true for some substantive or organizational points we might make, especially if there are legitimate arguments to be made on both sides.

In sum, while some professors might expect students to respond to every single comment, we believe it's more productive to focus on encouraging students to critically engage with the feedback and make thoughtful decisions about how to apply it to their work. This approach better prepares students for the real world, where they will need to develop their own judgment and not simply blindly follow every instruction from a senior colleague.

3.5 Let students know you know

Once we've decided that a student should have responded to a particular piece of feedback, but didn't, we let them know that they're not slipping something past us. Our time is valuable; if we provided comments on a particular point on a draft, we don't see the need to repeat that same comment on a later paper. Instead, for points students haven't addressed but should have, we recommend using clear and concise comments like "I have the same reaction to this point as I did on the first draft" or even just "see comments on first draft." Additionally, consider including a statement in a cover sheet or end comments like: "You've missed a few/several/numerous opportunities to continue improving your [memo/brief/whatever], as noted on the first draft. Review that draft for more explanation of those points." This approach ensures that students

know their lack of revisions hasn't escaped notice while saving the professor time.

Of course, there will be times when some students struggle to fully embrace feedback. It's important to celebrate improvements, no matter how small, to acknowledge their effort and keep them motivated. However, it might sometimes be necessary to provide some "tough love." This doesn't mean being harsh or critical, but rather emphasizing the importance of overcoming resistance to feedback for their own professional success.

When we've had to have these sorts of talks with students, they can sometimes get defensive, which can in turn keep them from focusing on what they need to do to effectively incorporate suggestions and improve their papers. For these sorts of students, it can be helpful to discuss, without being preachy, how all lawyers have internal hurdles to face when dealing with critical feedback. Not all students need to hear this quite so unabashedly—but some do! When meeting with students who seem to be struggling with defensive responses to feedback, discussing the importance of reframing critical feedback as an opportunity for growth and focusing on the message behind the feedback, not the delivery, has in our experience often proven fruitful. We also reinforce the inescapable fact that practicing lawyers routinely receive feedback from bosses, judges, and clients. And even when students or practicing lawyers receive feedback that they disagree with, it's still important that they think about what they can learn from their audience's feedback that they can use to make their writing better. By learning to effectively receive and incorporate feedback now, those students are setting themselves up for a smoother transition into practice and, ultimately, a more successful legal career.

4. Conclusion

We know how tempting it might be to respond along the following lines to students who seem to ignore our feedback: "Well, I'll focus my attention on the (vast) majority of my students who *do* pay attention and let this slacker slide." It's easy to get discouraged when it feels like we spent more time reviewing and commenting on a draft than the student did when subsequently revising it. But it's a temptation to resist. In our experience, the strategies we've described above can help legal writing professors bridge the feedback gap and empower students to become more effective legal writers.