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Learning to Begin Again: The Rewrite in First Year Legal Writing

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We all know the mantra: writing is *re*writing. When we teach students how to write, we help them develop an editorial sensibility, as much as a compositional one. Yet in an era where students read and write less (except for texting, of course) and increasingly depend on generative AI, revision is harder to master. If students struggle with how to even begin writing, how can we expect they will know how to "begin again"?

It's clear when students are not effectively engaging in the rewriting process. They may simply wholesale cut problematic text rather than editing it in response to feedback. Some students execute superficial edits, perhaps merely adding punctuation or fixing the occasional spelling error rather than recasting awkward sentences, reorganizing paragraphs, or strengthening arguments. Sometimes students ignore comments entirely. And when students do revise, their edits may show they didn't understand the feedback in the first place.

In the last few years, I have seen a curious symptom of students' struggle with revision. Some students retype their entire paper from scratch in a separate document rather than cutting and pasting salvageable text to revise from the original draft. Opening a new document can be a useful tool for rewriting. But wholesale retyping of a draft suggests that students may not know how to identify and extract good text from bad. Are students unable to use cut and paste functions effectively simply because they are overwhelmed by the rewriting process? Or do they lack a fundamental understanding of the uses and practices of rewriting, with its call to reimagine, reorganize, and condense?

If writing is rewriting, it makes sense to ask whether we should approach teaching rewriting any differently than teaching writing. Perhaps it is more effective to simply increase the number of original assignments without requiring students to do a rewrite. I continue to think that a dedicated rewrite assignment has particular merit, as students have limited experience reworking their own text. Rewriting a text to incorporate feedback is the best way to help students internalize the editorial voice we model for them.

While pondering the challenges students face in rewriting, I decided to find out what other legal writing professors do. Using the LWI listserv, I undertook an informal six-question survey of LRW teachers to get a more detailed look at their practice in teaching the rewrite in the first year. I received 64 responses.

About 86 percent of respondents assign a dedicated rewrite assignment. This is the vast majority, certainly, but it is notable that not every 1L legal writing professor feels that a standalone rewrite assignment is necessary. In terms of grading, about 79 percent of respondents weigh the rewrite assignment more heavily than the original assignment, with 13 percent weighing it the same and nine percent giving the rewrite less weight. Rewrite assignments are offered in both the first semester objective writing course and the persuasive course, with some respondents noting students may use an objective writing exercise to draft a persuasive memo, which is a kind of rewrite.

1. My approach

My current strategy for teaching the rewrite reflects four global changes I have made in the first semester writing course over the 20-plus years I have been teaching. First, I provide more instruction regarding meta-skills. Second, I streamline assignments to help students prioritize memo writing tasks. Third, I provide multiple opportunities for students to practice revision techniques. And finally, I more directly intervene in assignments while students are writing.

2. Teaching meta-skills

Students have always struggled with legal writing; we should be wary of imagining pre-Chat GPT days as halcyon. However, the mechanics of a rewrite seemed to be better understood when I began teaching, whereas now students need more explicit guidance. Merely assigning a rewrite after providing students with extensive sentence-level critiques just doesn't cut it anymore.

I now employ a detailed, rewrite-focused rubric. This rubric includes explicit instructions on the rewrite such as:

> *Go through all my comments carefully and make sure that they make sense. If there are any comments you don't understand, note them and bring them into a conference early in the process to discuss with me.*

And:

> *As you rewrite your memo, go through each comment and check it off as you fix it so that you can keep track of your edits. DON'T check something off until you're sure you've* ***fully addressed it****. Some edits may take several sessions of reworking.*

These directions felt unnecessarily obvious a decade or so ago, but my students today seem to benefit from having a detailed, step-by-step guide to rewriting.

In addition, as I discuss more fully below, I introduce the students to time management techniques that help improve their focus on writing assignments. Students practice these techniques during the in-class writing labs I conduct throughout the semester but can use them for a variety of academic tasks in their other courses.

3. Streamlining assignments

Over the years, as students seem more distracted and overwhelmed with commitments, I have embraced a "less is more" approach in the first semester legal writing course. For example, after years of teaching the full formal objective memo as the first graded assignment, I now teach a truncated closed memo, focusing students primarily on the issue statement and discussion section. In addition, I have spun the issue statement off into a separate, pass/fail peer-editing assignment that students complete in groups. Accordingly, a student's sole focus for their first objective memo is the discussion section and a short conclusion section.

Streamlining the closed memo assignment provides two benefits. First, it allows me to concentrate my feedback on the memo's most challenging part: the discussion section. I critique the peer-written issue statement separately, returning comments to the group prior to memo submission, thus reducing time spent grading. (I give no feedback on the abbreviated conclusion section.) Second, narrowing tasks for the memo assignment helps students prioritize work on the rewrite. Now my students direct their energy to the most important part of the memo—the law and its application—rather than diverting attention to less demanding portions like the fact section or brief answer.

In addition, my feedback is specific and targeted. I key my memo comments to three broad areas: analysis, organization, and style. In turn, each aspect of these categories is broken down into one-sentence explanations in the assignment rubric. I weigh and score each category separately, then add the three scores to obtain the final memo score. When the memos for the rewrite assignment are returned, students can see clearly which aspect of their memo needs the most work. They can also collate my targeted comments to the rubric, which thus becomes an answer key for my feedback.

I have also remade the assignment into a "selective rewrite." While I comment on the entire memo, students are not asked to fully rewrite the original but are instead assigned specific paragraphs or sections. So, for example, while I may give feedback on an overview paragraph which introduces readers to the legal standard, I typically do not have students rewrite it because they often do well enough on such a straightforward task. However, should a student not include an overview paragraph where it is required, or include the incorrect legal standard in their overview, they might be asked to rewrite even this simple paragraph. I may ask a student to rewrite only their application of a rule, not the rule itself where the rule is clear and fully supported but is not clearly applied. Sometimes, a student needs to fully rewrite a rule and its application or write a rule and proof that they omitted from their first draft.

While this selective rewrite method may result in some students having more to rewrite than others, this is true of any rewrite assignment, where some students will have a more successful first draft. And often the students with the weakest memos may have only one or two major issues which repeat throughout their memo. Accordingly, the fix for those issues may involve fewer, yet more global tasks.

Breaking the memo down into discrete sections for the rewrite ultimately improves student understanding of C/IRAC organization. But students may initially struggle with compartmentalizing their memo. Thus, while assigning only a selection of text to rewrite is useful, it's important to avoid overly fragmenting the material to be rewritten. For example, I would never assign the occasional isolated sentence to rewrite, but instead assign larger sections, e.g., an entire rule and proof section. In addition, I clearly mark the material to be rewritten on the original draft and specify the sections assigned in my accompanying memo feedback. Finally, my rewrite rubric contains detailed instructions on how to selectively edit.

4. Providing multiple rewrite assignments

To keep my grading load manageable in a large section, I assign several in-class editing exercises using pre-written texts, for which I provide a model answer. For example, I have students work in groups with existing text to complete style and grammar exercises, including a rewrite of a

sample memo application paragraph. Students often perform surprisingly well on these exercises.

However, as noted above, students need to learn how to activate the same editorial eye they bring to outside texts to their own work. So, I also assign an issue writing in-class exercise that uses student writing, albeit within a group setting which provides a lively way to practice this skill. For this assignment, student peer groups compile the key facts to include in the issue statement. We then reconvene as a class to review the small group work, assessing the best responses. The small groups meet outside of class to craft the facts into a complete issue statement. Groups may obtain one round of feedback from me on their issue before submitting it as their final issue statement.

While I do several short, targeted rewrite assignments in-class, I only assign one full memo rewrite assignment. This is in part due to time limitations. But it is also an effort to avoid student burn-out when working on the same hypothetical and document multiple times. Supplementing the major rewrite with an array of short revision exercises is an efficient way to provide multiple opportunities for students to practice the skill.

5. Intervening in the writing process

One-on-one conferences remain a crucial element in teaching the rewrite, and I make one session mandatory. Students are also required to generate two brief self-assessment evaluations for each assignment they turn in. For these comments, students identify and describe two issues they are struggling with in completing the writing assignment. This is especially useful for the rewrite, when students can review their past self-assessments to track their progress.

As I described in my August 2021 Second Draft article "Do the Pomodoro!: Timed Writing Labs in the Classroom,"[1] I conduct one writing lab during class time for each memo assignment. I require students to first watch a training video I created regarding the Pomodoro technique. Students then bring their laptops and set up in the classroom to write during timed sessions.

[1] Cynthia D. Bond, *Do the Pomodoro!: Timed Writing Labs in the Classroom*, 34 SECOND DRAFT, no. 2, 2021, at 1.

I usually provide some direction before we begin the writing lab. For example, I may review a complex, substantive area of law students are struggling with, directing them to revise this rule section. Or I may direct students to use the writing lab to revise or add rule proofs throughout their memo.

During the labs, students are allowed to meet with me for mini conferences during writing breaks. Thus, I can intervene immediately and directly with students while they are working. This is especially useful for the rewrite assignment as they can get timely feedback if they are struggling with my memo comments.

Ideally, writing labs are more than simply a "babysitting" exercise to make sure students devote time to the rewrite. Rather, the idea is to help model the kind of focus and attention that revision takes while being present to guide students who get overwhelmed or confused during the rewrite process.

6. A word on AI

My survey of LRW faculty revealed that roughly 20 percent of respondents allow students to use generative AI in their rewrite assignments. I imagine that AI could be profitably used to help students analyze various iterations of a memo draft. However, I do not use AI in my teaching for several reasons. Crucially, most students I see nowadays come to law school with weak reading, writing, and analytical skills. For beginning legal writers, AI short circuits learning these skills, especially legal analysis, which for most beginning law students is more rigorous than their prior experience.

In our program, AI is introduced to students in their second semester LRW course, after they have developed some foundational skills. I subscribe to the advice of the Director of the Center for Universal Education at Brookings Institution, Rebecca Winthrop, who recommends teachers only introduce AI into the classroom when it solves a pedagogical prob-

lem (e.g., helping to crunch large amounts of data, teaching a second language to a large, under-resourced classroom, etc.).[2] The only pedagogical "problem" in a legal writing class is that students need to learn legal writing. That problem can only be solved by students doing the work.

I balance my prohibition of AI use by providing students an additional avenue to increase my feedback and engagement in their writing process. I now require students to draft all graded assignments using the Google documents platform. I chose Google docs in part because my students were increasingly using it for group writing exercises and seemed more comfortable with it than Word. In addition, Google docs is relatively easy to use and my university provides academic accounts to our students.

The way it works is simple: students must draft graded documents on Google docs, where they add me as an editor. This allows me to monitor a student's draft timeline for any suspicious wholesale "cut and pastes" that may indicate AI use. In addition, it allows me to check student progress on assignments to keep them on track. (How often have you suspected that a student wrote their assignment the night before it was due? With Google docs, you can validate your hunch.)

Shared document platforms such as Google docs are also a useful tool for collaborating with students, especially during virtual conferences, where both the student and I can pull up the document and edit it together. Shared document platforms allow me to more easily annotate, propose an edit, or give feedback on a student's latest edits in real time.

I advise students that part of my goal in using Google docs is to discourage AI use, and I explain in detail my rationale for limiting AI in the first year, including sharing stories of problematic (and sometimes sanctionable) AI use in the legal profession. But I also emphasize that using Google docs allows them to get more constructive and timely feedback on their drafts as they write.

Of course, this method cannot guarantee students won't use AI. And now that Google has joined the AI arms race, adding Gemini as a plug-in on

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[2] THE EZRA KLEIN SHOW, *'We Have to Really Rethink the Purpose of Education'* (N.Y. Times, May 13, 2025).

Google docs, it provides less protection. But it may make students more mindful of using AI, and the ability to track student progress and increase collaboration on documents during the drafting process remains valuable. (GPTZero has created a Google Chrome plug-in called "AI Detection & Writing Replay" that purportedly helps authenticate authorship. I will be requiring that students use this plug-in with Google docs next year.)

7. Conclusion

Students probably won't perfect rewrite techniques in just one semester. But by teaching meta-skills, streamlining assignments, providing multiple rewrite exercises, and more directly intervening in the writing process, we can help students become better editors than when they first began.