Conducting Constructive Student Conferences

Some of the most important teaching happens in student conferences. Professors Clary and Kosse will discuss the basic goals and structures for mandatory and optional student conferences: diagnosis, prescription, and persuasion stages. Through demonstrations and role plays, they will explore effective conference techniques.

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I. The need for Student Conferences

A. One-to-one training helps identify strengths & weaknesses for individual students.
B. Feedback is immediate.
C. An action plan can be tailored for each student.

II. The Timing of Student Conferences

A. Pre-Assignment – can discuss research strategies, methods of organization, etc.
B. After Draft - students are prepared so your suggestions are more valuable and it is easier to identify real problems and weaknesses.
C. Post-Assignment – students can transfer your suggestions to next project and reflect on the entire experience.

III. How to begin Student Conferences

A. Know your goals for the conference and clearly communicate them to the student before the conference.
   - Large Scale – the big picture
   - Smaller scale – IRAC structural focus
   - Fine-tuning – grammar, style, citation format

B. Decide whether you will review drafts before the conference or read draft while the student is in your office. Also decide if you want to read entire drafts or just portions of a draft.
C. Non-verbal Communication
   - Maintain eye contact.
   - Maybe meet at a table instead of across your desk.
   - Try to be relaxed and show interest in the student.
   - Smile and welcome the student to your office.
   - LISTEN.

D. Verbal communication
  - Avoid monologues and allow the student to do most of the talking.
  - Ask open-ended questions allowing the student to clarify and explain choices – often such questions will help you identify the source of confusion.
  - Acknowledge feelings.

IV. Diagnosis of Issues

A. Is the student having trouble with reasoning and analysis?
  - Has the student properly identified the legal problem(s) with which the paper must grapple?
  - Has the student decided upon one or more recommended solutions to the relevant legal problem(s)?
  - Has the student done the necessary analytical thinking to support that decision?
  - Has the student done the necessary research to support that decision?

B. Is the student having trouble with organization and structure?
  1. Does the paper reflect IRAC on both macro- and micro-levels?
     - Does the student identify all issues to be resolved?
     - Does the student actually synthesize a rule or merely collect case briefs as to each issue?
     - Does the student describe and analyze analogous case decisions (facts, reasoning, holdings) before applying the law to facts for each issue?
     - Does the student make specific case comparisons and articulate the significance of each comparison?
     - Does the student identify counter-arguments and rebuttal?
     - Is there a conclusion for each issue?
  2. Do the components match up (e.g. if the student says the issue/problem to be resolved is X, does the suggested conclusion actually resolve X)?
  3. Within the analysis, can the audience move through the steps in a logical sequence?
  4. Are there appropriate transitions on a macro-level (headings and sub-headings) and on a micro-level (paragraphs)?
  5. Are there thesis and sub-thesis paragraphs to introduce topics?

C. Is the student having trouble with writing?
  - Does the writing flow well? Is it concise and precise?
  - Are there simple grammar difficulties?
  - Does the student use plain language?
  - Are the citations correct?
  - Are there proof-reading difficulties?

D. Ask the student for his or her own take on identifying the troubles with the paper; try not to do all of the diagnosis yourself in the conference.

V. Prescriptions for Dealing with the Troubles

A. Do not use conferences simply to identify troubles; the student needs to walk away with at least one example of how to address the major troubles.
B. Try to find out WHY the student is having a particular kind of trouble; finding out WHY will help you identify an appropriate prescription.
C. Try to avoid being simply an authority figure as opposed to a mentor.
D. Try to use analogies to explain concepts.
E. Think process, not simply end-product.
F. Suggest helpful resources for additional guidance.

VI. Persuading a Student to Work with the Prescriptions

A. Checklists and highlighters are often helpful to have at the conference table to reinforce your points.
B. Concrete examples are more helpful than conclusory generalities.
C. Do not start sentences with the accusatory-sounding "you failed to . . . ."
D. Writing is hard work; remind the student to focus on the developmental process.
E. If the paper illustrates multiple troubles, focus on the biggest ones in the conference; trying to fix every problem in one stage can be overwhelming.

VII. Survival Tips

A. Do not plan too many conferences in one day – allow breaks.
B. Make sure your schedule allows time for follow-up conferences.
C. Determine how you will address late and no-show students.

VIII. Bibliography

A recent comprehensive treatment of student conferences can be found in Robin S. Wellford-Slocum, *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. Tex. L. Rev. 255 (2004). The article contains extensive references to other publications. A few of the many articles that workshop participants may find helpful include:

- Maureen Arrigo-Ward, *How to Please Most of the People Most of the Time: Directing (or Teaching in) a First-Year Legal Writing Program*, 29 Val. U. L. Rev. 557, 586-91 (1995).

- Anne Enquist, *Critiquing and Evaluating Law Students' Writing: Advice from Thirty-Five Experts*, 22 Seattle U.L. Rev. 1119 (1999).

- Linda L. Berger, *A Reflective Rhetorical Model: The Legal Writing Teacher as Reader and Writer*, 6 Leg. Writing: J. Legal Writing Inst. 57 (2000).

- Philip C. Kissam, *Conferring with Students*, 65 UMKC L. Rev. 917 (1997).