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Susan Wawrose

University of Dayton, swawrose1@udayton.edu

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Students' Writing Backgrounds: A Survey

by Susan C. Wawrose, University of Dayton School of Law

We now know that many experienced lawyers think newly-minted attorneys “do not write well.”¹ Law professors complain that students do not write well when they enter law school. Undergraduate professors say their students do not write well when they enter college. I suspect the complaint continues on down the ladder of K-12 education.

Are students learning to write in college, high school, and elementary school? To shed light on the question, I surveyed students in my legal writing class about their writing experience. I wanted to know what kind of writers I was teaching. Had they been taught fundamental writing skills? How much writing had they done? To what extent was writing a component of their classes? What kind of and how much feedback had they received? The survey form I created was three pages long, with room for responses, and took about 15 minutes to complete. Here is what the survey taught me.

Most students learned the fundamentals early.

The majority of the students reported some early instruction in grammar and writing fundamentals. Out of 47 students, 33 reported being taught “writing fundamentals and/or grammar” in elementary, middle, or high school. Only a handful of students (5) said they had never been taught grammar. Another, larger group (9) claimed they had been taught the basics, but no longer remembered specific rules. The quality, depth, and length of instruction certainly varied from student to student, but most of the students have at least a basic foundation to build on. At some point, they learned about the tools of a writer’s trade.

But they have had little recent review of fundamentals.

For many students, however, those tools have had irregular maintenance. Writers learn and improve through close reading and criticism of their writing. Most of my students received criticism of this sort only sporadically in high school and college. For many, their first year in college was the last time a professor commented on their sentence structure.

No one expects undergraduate professors—apart from writing teachers—to line edit every paper a student submits. But 31 of my students reported that their college

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professors gave them little or no feedback on their writing, commenting instead only on the content of their assignments. For some, the experience of a “close read” was linked to only one professor or class over the duration of their four years in college.

Moreover, the job of providing regular critique was not necessarily met in undergraduate writing courses. Although 25 students said they took at least one writing class in college, nine students took only one class. Most commonly this was first-year composition or an equivalent. Fourteen students took none at all. The attention of one good writing teacher can do much to improve a student’s skills. But without reinforcement, even well-learned skills begin to decline.

For many, writing assignments were sporadic. If “practice makes perfect,” then the depth and breadth of students’ writing experience matters. Yet, only half of my students

reported that they came to law school with four years of college-level writing behind them. Another 15 reported that they had completed writing assignments during three of their four college years. These numbers, however, do not indicate the amount of writing done each year. Several students mentioned that in a given year they wrote only in one course or produced only one paper.

Taken together, these responses suggest that many of these students are not “bad” writers, but instead, are “rusty” writers. They have been through the “writing process.” They have brainstormed, outlined, revised, and edited. Thirty-seven students stated that they had handed in multiple drafts in either high school or college. Thirty-one reported having a tough editor at least once since ninth grade. But few have written regularly for a critical and responsive reader. Those who had done so, with one exception, acknowledged that the experience improved their writing.

In this area, law schools can improve on undergraduate education. If legal writing is treated as the equivalent of freshman “comp,” many students will graduate from law school as they did from college. They will have a fundamental understanding of what constitutes good legal writing, but lack the skills, born of repeated practice with meaningful critique, to produce it. Legal education must provide students with opportunities to write regularly for a critical reader after the first year. Only then will more new lawyers step into the profession capable of convincing their more experienced colleagues that they can, indeed, “write well.” ♦

¹ Susan Hanley Kosse and David T. ButleRitchie, *How Judges, Practitioners, and Legal Writing Teachers Assess the Writing Skills of New Law Graduates: A Comparative Study*, 53 J. Leg. Educ. 80, 86 (2003).