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Seek Feedback on Your Work for a Fresh Perspective

When you give feedback, make sure it is received

By Kenneth F. Oettle

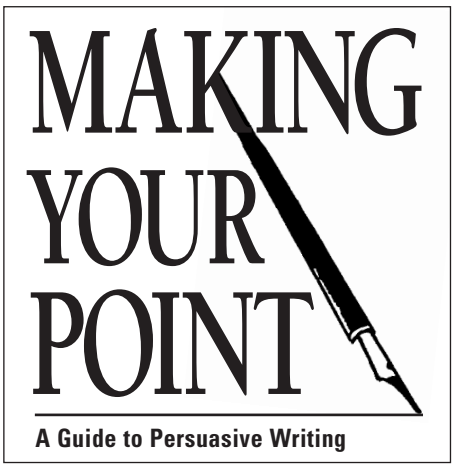
One of the most extraordinary phenomena in the writing process is the power of feedback. I'm not speaking of actual red-lining or of highly specific suggestions such as, "You need a comma there," or, "Don't you think the phrase 'failed to' would be stronger than 'did not'?"

I'm speaking of comments that identify a problem but only hint at a solution, such as, "I felt the writing lagged about the middle of page two"; "The first page didn't get right down to it"; "You lost me in the detail on page three"; or, "I might have said something about X before getting into Y." Even a broad expression of taste such as "I don't like it" can send a resourceful writer back to the drawing board with good results.

If a reader says my draft preliminary statement "bogs down" in the second paragraph, then I ask myself why. Is the first sentence dull? Does the paragraph fade after a good start? Does it stray off message? Re-examination almost always, magically, produces results.

When a reader expresses confusion or doubt, I resist the urge to believe the reader is missing it. Any reader intelligent enough to pass the Bar probably doesn't "miss it." They might not write well (which is a ready excuse for me to pretend they can't read well, either), but they know what works and what doesn't. I don't like falling short of the mark, and I don't like extra work, but I expect it, plan for it, and as best I can, handle it.

Few writers like being told that a brief or memo could have been better. Those who disavow pride of authorship are probably fooling themselves or just posturing. Generally, we grin and bear it. We endure the discomfort of criticism because it's our job and because responding to criticism is not without its rewards.



A writer who improves a product after feedback receives nearly all the credit for the final version. The positive impression created by the stronger product and by the writer having improved the work in response to criticism — which means they are a functional member of the team — overrides the potentially deflating fact that the writer didn't do it alone. Team members understand team play.

What, then, is the lesson?

Seek feedback. Don't be a hero. Don't try to prove you are Mr. Turnkey and can produce a finished product entirely on your own. Seek another perspective. Sure, it's depressing when you are told, correctly, that you overlooked the significance of a case, put something last that should go first or (hopefully not) missed the point. But as drafter, you are prone to such mistakes. Have someone tell you if you are making them.

In doing the research, analyzing the cases and tooling the sentences, you become expert in the trees. In focusing on the trees, as you must, you sometimes miss the forest. Feedback shows you the forest. The reader, after all, does not have to study the trees.

The value of feedback is magnified when a reader comments on a passage that already troubles the writer. The synergy can be powerful. I make some of my best changes when a single remark, oral or written, calls attention to a passage about which I already had doubts.

Unfortunately, the magic of the critical comment doesn't work for everyone all the time. I have told associates that they didn't write up a case well or that a long paragraph was too hard to follow. The next draft was no better, and the convolutions the associate went through to try to fix it were embarrassing.

I think I know why. The associate didn't understand the point. Not understanding the point, the associate couldn't write it clearly. That may be a truism (a self-evident truth too obvious to mention), but assigning attorneys often lose sight of

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If we fully understood this truth, would we insist that an associate who wrote a weak draft "try again with more discussion of the case law?" Would we write "unclear" in the margin and leave it at that? Would we tell the associate to rewrite without helping them rethink? How frequently do we spew our analysis as the associate writes furiously, trying to capture the words in the hope of later filling in the thought?

Admit it — showing how smart we are is fun; it takes less time and energy than helping an associate see the point; and it resonates with our sense that if we pay them so much, they ought to be able to develop the idea once we state it. Join these dubious motivations with the more healthy perspective that an associate needs to be challenged to grow, and we easily persuade ourselves that associates can and should make the quantum leap from frantic scrivener to articulate author.

I remember being afraid to ask for guidance. The fear was a tremendous barrier, and it wasn't imaginary. As one member of my informal polling group says, with only slight exaggeration, "Getting a rep for being 'stupid' is the quickest way out the door in a law firm."

Experienced writers are better trained and less afraid. They have more confidence in their image and their ability to cope, and thus they are more receptive to criticism (except when they become uncritical of their gut response and Go Stubborn, which is another issue). Being less fearful of looking stupid, they are more willing to show ignorance. They understand that ignorance is transient, merely an embryonic phase in the development of a memo or brief.

Experienced writers hear more because they know more; they force themselves to accept criticism; and they make sure they understand it, restating the criticism to confirm it. They are also better at testing alternative solutions and getting to the point. They know — from experience — that the point is the only place worth getting to.

The perception of many partners is that some associates can respond to criticism, and some cannot. That is true, but in degree, not in kind. Understanding comes later for some. I have faith that feedback works if received.

But feedback sent isn't feedback received. One way to find out if it has been received is to ask — not merely, "Do you understand?" which almost always generates a nod, but "How would you restate the point we just discussed?"

Try that. Having a listener restate a thought is a powerful way to confirm receipt of a message, to see if the listener has truly embraced it. [1]

Puzzler

How would you improve the following sentence?

He expressed dissatisfaction and disdain for the settlement negotiations.

Dissatisfaction and disdain take different prepositions. We speak of dissatisfaction "with" and disdain "for" negotiations. For clarity or emphasis, you may wish to set off the second phrase with commas.

The revised version: He expressed dissatisfaction with, and disdain for, the settlement negotiations.

Alternate version: He expressed dissatisfaction with and disdain for the settlement negotiations.

Footnote:

1. An attorney I know carries this to an extreme. If I suggest that we argue, for example, that a plume of contamination could not possibly have traveled 200 feet from ABC Co.'s property in one year, he then says, with vigor, "A plume of contamination could not possibly have traveled 200 feet from ABC Co.'s property in one year," as if he'd just had the thought. Depending on my mood, I'll say either, "That's what I just said" or "Good idea." ■