

**CONTEXTUAL INFLUENCES ON STUDENT PERCEPTIONS OF TEACHER  
WRITTEN FEEDBACK: THE CASE OF A LEGAL RESEARCH AND WRITING  
(LRW) COURSE IN HONG KONG**

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## **Abstract**

### **Contextual influences on student perceptions of teacher written feedback: The case of a Legal Research and Writing (LRW) course in Hong Kong**

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Research on teacher written feedback (TWF) in tertiary contexts has frequently sought to investigate whether feedback is useful in helping students improve their writing.

Definitive answers to these investigations, however, remain elusive, making it difficult for teachers and instructors to conclude with any certainty that the written feedback they provide on student writing is having a positive effect. Part of the problem is that much research has investigated feedback too narrowly, focusing only on the feedback itself and ignoring the pivotal role of the learning environment and the students' perceptions of it in adopting the feedback.

The current study adopts a socio-cognitive perspective to investigate the usefulness of TWF given to students in a first year Legal Research and Writing (LRW) course in Hong Kong. This exploratory research is based on the belief that students are the central factor in the success of feedback as they are ultimately the agents who choose whether to accept or reject feedback and if and how it is used. The study therefore sought to investigate how student beliefs and perceptions of feedback and writing instruction impact the effectiveness of TWF in this legal writing context.

Semi-structured interviews revealed the feedback practices in this context and identified factors that appeared to hinder adoption of TWF by students. These factors included student perceptions about the usefulness of the feedback itself and student beliefs about the perceived lack of importance of legal writing in their studies. There was also evidence to suggest that students were discouraged by perceptions of their own lack of success in improving their writing autonomously.

The study contributes to existing work on teacher written feedback in tertiary L2 writing settings by attempting to investigate factors that impact on the effectiveness of feedback in a high proficiency, second language (L2) legal writing context.

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## **List of Tables**

Table 4.1 - Summary of feedback practices in the legal writing context

Table 4.2 - Factors in the institutional context that impact the ability of students to learn from feedback

Table 4.3 – factors that influence student noticing of feedback

## **List of Figures**

Figure 1.1 – comparison of current provision of writing courses for law students

Figure 1.2 – 2012 provision of writing courses for law students

Figure 2.1 – Teacher learner collaboration

Figure 2.2 – Dimensions of motivational sources

Figure 2.3 – A socio-cognitive framework for feedback

Figure 4.1- Assessment criteria for LRW final assessment

Figure 4.2 – Factors that impact student noticing of feedback

### **Abbreviations used in the thesis**

CAES – Centre for Applied English Studies

EALP – English for Academic Legal Purposes

ESL – English as a second language

L1 – First language

L2 – Second language

LRW – Legal Research and Writing

SLA – Second Language Acquisition

TWF – Teacher written feedback

WAC – Writing across the curriculum

WID – Writing in the discipline

ZPD – Zone of Proximal Development

# CONTEXTUAL INFLUENCES ON STUDENT PERCEPTIONS OF TEACHER WRITTEN FEEDBACK: THE CASE OF A LEGAL RESEARCH AND WRITING (LRW) COURSE IN HONG KONG

<b>1</b>	<b>Introduction: The effectiveness of teacher written feedback .....</b>	<b>1</b>
1.1	The problem of law undergraduates' legal writing in Hong Kong higher education .....	1
1.2	Focus of the current study and research questions .....	4
1.3	Outline of the thesis .....	6
<b>2</b>	<b>Literature review: Feedback on L2 writing in tertiary contexts.....</b>	<b>8</b>
2.1	Introduction.....	8
2.2	Early research into the effectiveness of feedback .....	9
2.2.1	The influence of process approaches and L1 composition research.....	10
2.2.2	L2 and L1 differences .....	13
2.2.3	The error correction debate .....	14
2.2.4	Student perceptions of feedback .....	17
2.2.5	Summary of early feedback research .....	19
2.3	More contextualized approaches to feedback research .....	20
2.3.1	Social approaches to writing and feedback .....	21
2.3.2	Theoretical support for social approaches to writing and feedback .....	22
2.3.3	The interpersonal aspects of feedback.....	24
2.3.4	Peer feedback .....	27
2.3.5	The use of exemplars and grading criteria .....	29
2.3.6	Summary of contextualized feedback research .....	31
2.4	A socio-cognitive framework for turning research into practice .....	33
2.4.1	Noticing.....	33
2.4.2	Psychological factors – Motivation.....	35
2.4.3	Social factors – the learning environment.....	39
2.4.4	A socio-cognitive framework for investigating feedback .....	41
2.5	Conclusion .....	42
<b>3</b>	<b>Methodology .....</b>	<b>43</b>
3.1	Research approach and design .....	43
3.2	The context of the study.....	46
3.2.1	The students .....	47
3.2.2	The writing context .....	47

3.2.3	The teachers .....	48
3.3	Sources of data.....	48
3.4	The research instrument design .....	49
<b>4</b>	<b>Results and discussion: Students' perceptions of the usefulness of feedback in Legal Research and Writing (LRW) .....</b>	<b>52</b>
4.1	Current feedback practices.....	53
4.1.1	The teachers' focus on feedback .....	53
4.1.2	The variability of feedback .....	55
4.1.3	Lack of opportunities for peer feedback.....	58
4.1.4	Grading practices .....	61
4.1.5	Confusion about the purpose of exemplar answers .....	65
4.2	Summary of feedback practices .....	67
4.3	Factors that appear to influence student noticing of feedback .....	69
4.3.1	Student goals .....	70
4.3.2	Negative perceptions of the instructional context .....	72
4.3.3	Negative perceptions of the usefulness of feedback.....	75
4.3.4	Negative perceptions of success.....	78
4.3.5	Impact of grades.....	81
4.4	Summary of student perceptions.....	82
4.5	Conclusion .....	82
<b>5</b>	<b>Conclusion .....</b>	<b>88</b>
5.1	Suggestions for enhancing student noticing of feedback in LRW .....	88
5.1.1	Clarify the role of writing within the LRW course .....	89
5.1.2	More effectively promulgate best practice .....	90
5.1.3	Give feedback earlier .....	90
5.1.4	Discuss exemplars and criteria in the class .....	91
5.1.5	Make use of collaborative assignments.....	92
5.1.6	Utilize peer feedback.....	93
5.1.7	Summary of suggestions .....	93
5.2	A role for EAP .....	94
5.3	Limitations of the present study.....	95
5.4	Future research.....	97
	<b>References .....</b>	<b>98</b>
<b>6</b>	<b>Appendices .....</b>	<b>104</b>

## **1 Introduction: The effectiveness of teacher written feedback**

Feedback is often seen as central to helping students improve their writing (E.g. Hyland & Hyland, 2006; Leki, 1990; Leki, Cumming, & Silva, 2008) and for this reason teachers spend a great deal of time responding, commenting on and correcting student work. Teachers often intuit that it helps students develop their writing ability (Goldstein, 2005) and research shows students like receiving feedback (E.g. Ferris, 1995; Radecki & Swales, 1988). Yet, research often still casts doubt about its effectiveness, leading to questions about whether or not giving teacher written feedback (TWF) is worth the time and effort.

This study is motivated by a desire to explore an academic legal writing context where some feedback is given, but students' writing does not seem to develop to the levels expected of future lawyers. This apparent lack of improvement is in spite of the fact that the law students enter university with high levels of language proficiency and write extensively during their degree. This apparent paradox is outlined in the next section.

### **1.1 The problem of law undergraduates' legal writing in Hong Kong higher education**

Students who wish to study at a law school are expected to have excellent communication skills, particularly in writing. These demands are no different in Hong Kong where legal study is carried out entirely, for most students at least, in their L2. As Hong Kong has maintained the common law legal system since its handover to China in 1997, English

also plays a major role in the professional legal workplace. Law firms in Hong Kong therefore insist on high levels of written proficiency from law graduates.

The writing proficiency of Hong Kong law graduates, however, is often a cause for concern (The Law Society of Hong Kong, 2001). There is a perception, widespread in Hong Kong, that major Hong Kong law firms do not employ many local law graduates, because of their perceived limits in linguistic ability and their clarity in writing. There is also concern about the writing ability of undergraduates who apply to study the Professional Certificate in Laws (PCLL), the professional training necessary to become a practicing lawyer (The Law Society of Hong Kong, 2001).

Yet, students entering universities in Hong Kong to study law are required to have excellent exam grades in their school-leaving advanced level English exam, known in Hong Kong as the Use of English (UE). Until recently this exam was norm-referenced, meaning that only approximately 8% of all HK advanced level students who took the exam would be able to achieve a grade A<sup>1</sup> or B. A grade A or B in this examination represents a high level of proficiency. A benchmarking study carried out by the Hong Kong Examinations and Assessment Authority (HKEAA) equated a grade A UE exam result to an IELTS score of between 7.41 and 8.30, and a grade B to a score between 6.92 and 7.40 (HKEAA,2008). Both these scores would likely be sufficient for students to study law degrees abroad and are close to the IELTS scores necessary to begin PCLL training.

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<sup>1</sup> Less than 1% of students achieve a grade A in the HK UE exam

Currently, at the University of Hong Kong, two courses are offered that have the explicit aim of supporting and developing student legal writing, shared between two departments: Legal Research and Writing (LRW), which is administered by the law faculty and taught by legal professionals and academic staff from the law faculty; and English for Academic Legal Purposes (EALP), which is administered by the Centre for Applied English Studies (CAES) (see fig1). These two courses are the only ones in the undergraduate legal curriculum where writing is an explicit focus and where feedback is given on writing. In 2012, however, the EALP course will be cut altogether and the LRW course will be the sole course providing support for student legal writing and giving feedback to students (see fig 2).

<b>Legal Research and Writing (LRW)</b>	<b>English for Legal Academic Purposes (EALP)</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/> 2 modules over 2 years (6 credits each)</li> <li><input type="checkbox"/> Taught in year 1 and year 2</li> <li><input type="checkbox"/> Focus on professional legal genres (legal memoranda, letters of advice)</li> <li><input type="checkbox"/> Only law course where feedback is given</li> <li><input type="checkbox"/> Single draft writing context</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> 1 module over 1 semester (3 credits)</li> <li><input type="checkbox"/> Taught in year 1</li> <li><input type="checkbox"/> Focus on writing problem question answers (PQAs) used in legal education</li> <li><input type="checkbox"/> Feedback given on drafts and final writing</li> <li><input type="checkbox"/> Multiple draft writing context</li> </ul>

Figure 1: Comparison of current provision of writing courses for law students

Legal research and writing (LRW)
<input type="checkbox"/> 2 modules over 2 years (6 credits each) <input type="checkbox"/> Taught in year 1 and year 2 <input type="checkbox"/> Focus on professional legal genres (legal memoranda, letters of advice) <input type="checkbox"/> Only law course where feedback is given <input type="checkbox"/> Single draft writing context

Figure 2: 2012 provision of writing courses for law students

Students do receive feedback on their written work from teachers but the effectiveness of the feedback given appears to be questionable. The lack of effectiveness could be a result of one of two things: A problem with the feedback itself or a problem with students' willingness and motivation to use and learn from feedback.

## 1.2 Focus of the current study and research questions

The aim of this study is to investigate why feedback on writing in this context does not appear to be having the desired effect of improving writing. Yet, this study does not only focus on the feedback itself. The literature review that follows (see chapter 2) argues that much feedback research has been narrowly conceived and has adopted a model of student writes, teacher responds, student revises (Goldstein, 2001). Adoption of such a model of student revision focuses research solely on the effect of feedback on student cognition. In

other words it takes no account of the role of the student in choosing whether and how to respond to feedback. Nor does it take account of the learning context itself and how that impacts what students do with feedback. In order to investigate the usefulness of feedback therefore, this study proposes a contextualized approach that places student perceptions at the heart of the research design.

The study adopts a socio-cognitive perspective, which assumes a social and cognitive dimension to a problem that interact (Batstone, 2010). Such a perspective permits a focus on the interactions between student psychological factors, the learning environment, and student cognition. The perspective allows a broader focus on the effectiveness of feedback, and can potentially reveal factors that might hinder student adoption of feedback. A ‘feedback only’ focus would leave these factors hidden from view.

The following broad research questions are proposed to investigate feedback practices in this context and how students perceive the feedback.

1. RQ1 – What are the feedback practices in the context of writing improvement courses for advanced L2 law students?
2. RQ2 – What factors appear to be influencing student noticing of feedback?

It is hoped that the results of this study may have some pedagogical use as investigating student perceptions is often seen as a window into student thinking. As Murphy (2000) notes, a better understanding of students’ perspectives on feedback is likely to enhance tutors’ ability to give feedback that is useful and meaningful. It also allows teachers to understand what learners think they are doing and why.

The informants in this study were L2 undergraduates studying law in English who were taking a 1<sup>st</sup> year LRW course. Most of the informants were Hong Kong Chinese, although two informants were from the China mainland. They were from different classes and had different LRW tutors.

### **1.3 Outline of the thesis**

This introductory chapter has sought to outline the motivation for this study and the context in which this research will take place. The chapter has also argued for a contextualized view of the feedback process, in order to investigate why feedback might not be particularly effective in improving advanced L2 student writing.

Chapter 2 reviews the relevant literature in teacher written feedback. It highlights how early feedback studies failed to account for the importance of the student in the feedback process. It then shows how the work of Vygotsky and the Zone of Proximal Development (ZPD), and other more social approaches to the teaching of writing have led to more contextualized research. The chapter argues that in spite of, and even perhaps because of, these more contextualized studies, the research literature tells practitioners very little about the effectiveness of feedback. It concludes by laying out a socio-cognitive framework adapted from Weir (2005) in which to explore student views and beliefs and their interaction with the context and students' own cognition.

Chapter 3 explains the approach and design of the study. A qualitative research design is outlined that permits an exploratory stance to the data gathered. The chapter further justifies the choice of semi-structured interviews as the main research instrument.

Chapter 4 shows and discusses the results of the two research questions and attempts to discuss findings in relation to existing literature. The chapter focuses first on the learning context, and then on student perceptions and attitudes towards the feedback students receive and the learning context as a whole. The chapter concludes by suggesting factors that are likely to impact on how students notice feedback.

Chapter 5 concludes the study and makes tentative suggestions as to how the law faculty might improve the learning context in order to help students better use feedback. It further tentatively suggests what role an EAP unit might play alongside writing instruction in the faculty. It finishes by discussing the limitations of the current study and suggesting future research.

## **2 Literature review: Feedback on L2 writing in tertiary contexts**

### **2.1 Introduction**

Many studies have been conducted into the efficacy of teacher written feedback on student writing over the past 30 years. Yet, utilizing findings for pedagogical purposes remains problematic as existing studies have been carried out in a myriad of settings and have been underpinned by different theoretical standpoints and approaches to the teaching of writing. Studies have at times been informed by second language acquisition (SLA), first language (L1) writing or second language (L2) writing research, and these studies have often asked different questions and have yielded conflicting findings. This review of the literature argues that little work has been carried out on feedback in a similar L2 context to the undergraduate legal writing one outlined in the introduction.

The review of existing literature is divided into three parts. The first part aims to illuminate RQ1 and give an historical review of feedback studies on writing that have investigated the effectiveness of feedback. Underlying much of the earlier work on feedback is the apparent assumption that there are effective feedback practices that will ‘work’ in any context with any student. The research in this area is reviewed from the early 80s to the late 90s.

The second part of the review focuses on more recent work which has adopted a more contextual view of feedback. This research has begun to acknowledge that individual

differences in students and differences in the learning contexts have an effect on how and whether students adopt the feedback they are given. This more contextualized view of feedback makes it difficult to generalize findings but has begun to shed light on factors that might hinder successful use of TWF. This section aims to outline what prior research has been carried out that is relevant to RQ2.

The third part of this chapter argues for a socio-cognitive perspective to this research. The study is based on the premise that student attention to feedback is necessary for learning to take place, but various factors in the context and within the students themselves affect how and if this attention takes place. There is therefore interplay between student psychological factors, contextual factors (including the feedback) and the cognitive notion of noticing (Schmidt, 1990). A framework, based on Weir (2005), is proposed to help illuminate how contextual and psychological factors influence what students might notice in the feedback they receive. More knowledge about what influences student noticing is likely to help better answer whether feedback is useful in this particular context, and may highlight aspects of the context which are helping or hindering noticing.

## **2.2 Early research into the effectiveness of feedback**

Early research into L2 feedback was predominately influenced by process approaches to writing, and the context of freshman composition. In US universities, with the rising numbers of students, it had become clear that not all students were able to write

effectively (Young and Fulwiler, 1986). Freshman composition classes had the aim of developing student writing and tended to adopt process approaches to writing which encouraged drafting and revising of work in progress (ibid). Early L2 feedback research largely mirrored the research carried out in L1 settings, until teachers and researchers began to question whether what was ‘effective’ for L1 students was ‘effective’ for L2, particularly questioning the need for error correction. The section also reviews early approaches to surveying student views of the feedback they were given.

The early research appeared to imply a purely cognitive view of learning from feedback, whereby students could be told what to improve in their writing and they would then be able to make the necessary improvements. Helping students learn therefore was seen as a matter of giving the right kind of feedback, and so researchers were interested in exploring what the right kind of feedback was. Research involving students was scarce. Student views were sought but often merely to confirm that the right kind of feedback was being given (see section 2.2.4).

### **2.2.1 The influence of process approaches and L1 composition research**

Feedback research conducted into tertiary writing at this time was heavily influenced by process approaches to writing. Process approaches had become common in L1 composition and in L2 English as a Second Language (ESL) contexts. Borrowing from cognitive psychology, process approaches to writing raised awareness of the complexity of writing, and attempted to model what good writers do when they write (E.g. Hayes &

Flower, 1980). This cognitive paradigm conceptualized writing as more than an exercise in formal accuracy, and it therefore encouraged extensive feedback (sometimes orally through student writing conferences), multiple drafts, peer review, and delayed surface correction (Hyland, 2003).

Early work into feedback on writing at tertiary levels was conducted by Knoblauch and Brannon (1981) and Sommers (1982). This early work had a profound impact on later feedback research, in both L1 composition classrooms and in emerging L2 research.

Knoblauch and Brannon (1981, p. 1) summarized early feedback findings thus:

1. Students often do not comprehend teacher responses to their writing
2. Even when they do, they do not always use those responses and may not know how to use them
3. When they use them, they do not necessarily write more effectively as a result

It was assumed that student problems adopting feedback were largely to do with teachers not responding effectively. Zamel (1985, p. 86) in an early L2 study claimed:

ESL writing teachers misread student texts, are inconsistent in their reactions, make arbitrary corrections, write contradictory comments, provide vague prescriptions, impose abstract rules and standards, respond to texts as fixed and final products, and rarely make content-specific comments or offer specific strategies for revising the texts.

The implication in this early research appears to be that if teachers can focus their feedback on the right aspects, student learning will result. This appears to be supported in later studies in L2 feedback which investigated whether students adopted the feedback given by teachers when they redrafted their texts. Ferris (1997) found that 76% of the teacher's responses were taken up by students. The same study also tried to judge whether the changes that were made by students in response to the feedback were positive, mixed or negative. Only half of the comments lead to positive effects on the writing, while 34% of the revisions actually had a negative effect on student texts.

The findings of this study are supported by Conrad and Goldstein (1999). In their study, over a third of attempted revisions in response to teacher written feedback were unsuccessful. Conrad and Goldstein (1999) however, attributed lack of success in revision to the type of problem the feedback was attempting to address, rather than on the feedback itself.

Another preoccupation of early feedback research was on whether teachers should focus their comments on rhetoric-content, sentence-level feedback or a combination of both (Zamel, 1985, 1987). Process writing adherents at the time argued that a focus on sentence-level feedback during the process of writing would distract students from the more important aspects of making meaning (Zamel, 1985) and that accuracy would come after students had made meaning (Krashen, 1984).

Early research questioned the effectiveness of feedback, partly because of the quality of the feedback teachers were giving and partly because teachers were not focusing their feedback on the ‘right’ things. During this time, influenced by process approaches to writing, L2 feedback research had largely mirrored L1. Only later did it start to become clear that different students might have different needs for feedback.

### **2.2.2 L2 and L1 differences**

The widely-held belief that what is useful for L1 learners is also useful for L2 learners began to change when it became clear that L1 and L2 students had different needs for feedback. Several researchers argued that as L2 writers had very real needs to improve accuracy, particularly in university contexts, withholding feedback about error from L2 writers until a final draft would be unfair (Horowitz, 1986; Johns, 1995; Silva, 1997). Work in ESL began to argue that a focus on both content and form was required for L2 learners to meet their needs (Ashwell, 2000; Fathman & Whalley, 1990; Ferris, 1997). Research in L2 settings at this point began to investigate whether students were capable of dealing with error correction and comments from teachers on the content of the writing concurrently.

A quasi-experimental study by Fathman and Whalley (1990) appeared to refute process writing adherents’ widely-held belief that feedback on content and feedback on sentence level concerns should be dealt with separately with primacy being given to content. They found that students were able to attend to both grammar and content in feedback and

reported a positive effect in both areas after student revision, a finding supported by Kepner (1991). Ferris and Hedgcock (1998) also suggested that the content/form dichotomy was a false one. The findings suggest that L2 students can attend to feedback on both content and sentence mechanics and improve both areas in subsequent drafts.

Although research suggested that students could improve both content and form in subsequent drafts of writing, debate began to centre on whether students could actually ‘acquire’ improved grammatical competence through having errors corrected. In other words, the question was asked if students gain long-term benefit from having errors corrected or was error correction really just a way of improving a draft of writing (E.g. Ferris, 1999; Truscott, 1996).

### **2.2.3 The error correction debate**

Error correction involves teachers correcting errors on student writing. This can be done either directly (by writing the correction on the writing) or indirectly (by highlighting where the error occurs and allowing students to correct the errors themselves). Several studies have tried to investigate whether this kind of feedback helps students improve their writing. Much of the research on error correction has been undertaken by researchers from two different sub-disciplines of second language studies who have very often been trying to answer different questions in their research. SLA theorists are interested in whether students can acquire grammatical knowledge through error correction whereas L2 writing specialists have been concerned with whether error

correction actually helps students write better texts in both the immediate and the longer term (Ferris, 2003).

Truscott (1996) argued for the abolishment of error correction for L2 students, stating that existing research findings showed no evidence to support the idea that students learnt from this kind of feedback. He argued that by forcing students to concentrate on form rather than meaning when teachers correct errors, error correction was harming students and their writing. This position has been frequently attacked by Ferris (1999, 2003) from an L2 writing perspective, and Bitchener (Bitchener, 2008; Bitchener & Knoch, 2010) from an SLA perspective, who have demonstrated that students are able to learn from the error correction given by teachers. Ferris (2003), for example, showed that student ability to learn from teacher feedback on error is affected by how the error is corrected by the teacher. She compared direct feedback on errors, where the teacher simply corrected a language error, with indirect feedback, where the teacher only underlined the problem or coded the type of error. She found that while students were able to use direct feedback correctly more often in subsequent drafts of writing, indirect feedback led to longer-term retention of the error by students. Ferris (1999) and Ferris and Roberts (2001) also noted that different types of error appeared to respond differently to different types of feedback. It was hypothesized that certain types of error were more likely to be treatable than others. Articles and subject-verb agreement were 'rule-governed' and so were 'treatable' meaning they responded well to being marked indirectly. Word choice and word order on the other hand were not so rule governed meaning they were untreatable and thus were

likely to be more helpful to students when marked directly. However, the studies did not use control groups which can impact on the credibility of the results.

Studies by Bitchener (E.g. 2008) focused on limited categories of error in experimental conditions, which allowed the researcher to conclude that acquisition of certain forms was taking place. In the study, the students who were given feedback on the functional uses of the English article system, outperformed a control group in immediate and delayed post-tests. But from a L2 writing standpoint, this finding does little to inform teachers how this kind of error correction might help students in the classroom and lead to long-term acquisition of several grammatical forms.

The error correction debate therefore is something of a paradox. In order to be able to compare findings more readily, studies are becoming more and more experimental, with limited numbers of errors corrected, and control groups employed. And yet, the more experimental the studies become, the more difficult it is likely to be to garner findings that are of use to teachers in the classroom, as the conditions of experiments rarely simulate actual classrooms.

Much of the work on error correction in both L2 writing and in SLA has made the implicit assumption that individual students and the wider learning context are inconsequential to learning from errors. This has been a long-standing debate within

SLA between those who think acquisition is an individual cognitive process taking place in the mind of an individual and those who think acquisition is a social process whereby learners acquire the language by participating in interactions with other speakers of the language (Firth & Wagner, 1997). SLA narrowly defined adopts the former view and therefore social factors that influence students are little studied. Ferris (2010), however, argues there *are* substantial individual differences, such as motivation, that are likely to impact on students' ability to use corrective feedback. These differences, including student perceptions of the wider learning context have been little studied within feedback research.

#### **2.2.4 Student perceptions of feedback**

Although much of the early feedback research seemed to ignore the role of the student, survey research beginning in the 1980s did investigate student views of feedback. Most of these studies have been conducted using survey methodology which allowed large numbers of students to be questioned. An early study, conducted by Cohen (1987), found that students did read and attend to the feedback they received from teachers. However, Cohen also reported that students had problems with single word feedback such as 'confusing', reporting that students were unsure how to revise their texts based on this feedback. Also noteworthy from this study was the fact that students did not report any strategies for dealing with the teacher feedback, other than to make a mental note of what the feedback said.

However, the writing in this study was, for most students, a single-draft context. Ferris (1995) reports that students are more attentive to feedback when it is in process, rather than when it is a final version. Ferris (2003) also reported that if teachers returned papers with feedback but did not require students to do anything specific, students were unlikely to rewrite or use other strategies to deal with the feedback given.

Other surveys have shown that students greatly value teacher written feedback (E.g. Enginarlar, 1993; Radecki & Swales, 1988). Yet students typically seem to want more of everything. Hedgcock and Lefkowitz (1994) in an ESL setting found that although students want feedback on grammatical errors, most also want feedback on content and ideas. However, within a disciplinary setting, students reported that they wanted more information about disciplinary expectations for writing (Leki, 2006; Riazi, 1997). Few wished for more feedback on content, preferring more on language and genre.

These later studies appear to underscore the importance of context when interpreting findings. Although survey studies can tell us about what students value, what they need and want is likely to differ from context to context. Another weakness of survey studies is that they are not often triangulated with data that might show whether students were actually revising the way they said they did. Survey methodology does not appear to be a suitable methodology for uncovering how student reactions to feedback might have impacted on what they actually did with feedback.

### **2.2.5 Summary of early feedback research**

Much of the early feedback research implied a cognitive theory of learning that was universalistic. It was assumed that there was a set of processes common to all learners irrespective of the context in which feedback is given or individual differences among students. Several studies during this time appear to have underplayed the importance of context, assuming that the students and factors in the learning context are not significant.

There are however findings that do seem to be stable and supported across different contexts and that may be of relevance to a study investigating feedback usefulness in a legal writing context. Students like receiving feedback from teachers, even though it is clear that they often cannot comprehend what the teacher wants them to do. Students in tertiary settings also seem to want more feedback on disciplinary expectations than on content issues, especially as once an assignment is completed, the content may not be needed again. It may also not be efficient for teachers to correct errors in student writing if students do not appear to be learning from them. These findings can be empirically investigated within the legal writing context to explore the extent to which they hold.

The next section reviews research that has sought to widen the focus of feedback. Earlier studies implied learning from feedback that was an interaction between the feedback itself and student cognition. These more contextualized approaches to feedback research included a social dimension, including the relationship between teacher and student, the broader learning context and the individual differences of the student.

### **2.3 More contextualized approaches to feedback research**

Feedback research began to take more interest in context at the turn of the century, led by developments in writing instruction and more social theories of learning. There was recognition, firstly, that the different contexts of research can play a significant role in the results that a study produces (Ferris, 2010; Goldstein, 2005). It was shown that generalizations could not be made about the effectiveness of feedback with learners from different contexts. Certain error correction for example might work with one group of learners in an ESL setting, but that was no guarantee that it would work with learners in a tertiary setting. Secondly, in trying to judge the effectiveness of feedback, it had become clear that the feedback context was central. Knoblauch and Brannon (1981), for example, argued that if teacher commentary is proven to be ineffective, the fault may lie with the larger context of classroom instruction rather than with the feedback itself, and that teacher comments cannot be isolated from the larger conversation between teacher and student.

The next section of this chapter deals with the two areas that Knoblauch and Brannon identify as possibly being at fault if feedback appears not to be working. Firstly, the shift in approach to writing instruction, particularly at the tertiary level, is reviewed followed by research into the interpersonal aspects of feedback. Reference is made to the Zone of Proximal Development (ZPD), a theory of learning that has relevance for feedback

studies. Lastly research is reviewed that has investigated aspects of writing instruction within a disciplinary context, focusing particularly on the use of exemplars.

### **2.3.1 Social approaches to writing and feedback**

Early feedback research had been heavily influenced by the process approaches to writing which were dominant in many different contexts. However, these approaches began to come under attack from more socially-oriented views of writing. Hyland (Hyland, 2003, p. 18) stated

Because process approaches have little to say about the ways meanings are socially constructed, they fail to consider forces outside the individual which help guide purposes, establish relationships, and ultimately shape writing.

For example, in the late 80s in the US, there was concern that the writing students were doing in freshman composition was not transferring to what students needed to write in their disciplines. It was argued that freshman composition, which focused predominately on helping students develop skills that skilled writers have, could not help students conform to disciplinary expectations for their writing. Solutions included a Writing Across the Curriculum (WAC) movement which attempted to aid disciplinary faculty, through workshops and training, to set writing tasks for content-area learning and advised how to deal with student writing problems (Young & Fulwiler, 1986). A later related movement, Writing in the Disciplines (WID), focused on writing as an act of socializing into a discipline (Carter, 2007), and tried to help students write appropriately within their study contexts.

There was support for these social approaches to the writing and the teaching of writing from social views of learning. Lafford (2007), when comparing social views of learning with more cognitive approaches, stressed that social settings serve as the source of cognitive and affective development, rather than merely providing a context in which individual learning takes place. In other words, students learn while collaborating with others, rather than learning as a result of collaboration. This theoretical support is outlined in the next section.

### **2.3.2 Theoretical support for social approaches to writing and feedback**

Theoretical support for the use of feedback in a social approach is often cited from Vygotsky's work on the Zone of Proximal Development (ZPD) (E.g. Vygotsky, 1978). Vygotsky (1978, p. 86) defines the ZPD as:

The distance between the actual developmental level as determined by independent problem solving and the level of potential development as determined through problem solving under adult guidance or in collaboration with more capable peers.

The zone, in other words, can be seen as the gap between what a student can do now without assistance and what is achievable with guided assistance. Progress occurs not only through input, but through social interaction and the help of skilled, experienced others (Hyland, 2006). Feedback is therefore seen as dialogue between teacher and student.

Further support for feedback comes from a related concept to the ZPD: that of scaffolding or teacher-supported learning. This concept emphasizes the teacher's role in assisting students in developing their level of performance. Hyland (2006, p. 91) argues that the notion of scaffolding assist learners through:

Shared consciousness: the idea that learners working together learn more effectively than individuals working separately.

Borrowed consciousness: the idea that learners working with knowledgeable others develop greater understanding of tasks and ideas.

Feez (1998) shows how, as learners progress, the amount of teacher help and involvement decreases until students are able to perform independently. Figure 2 below shows teacher-learner collaboration in both scaffolding and the ZPD.

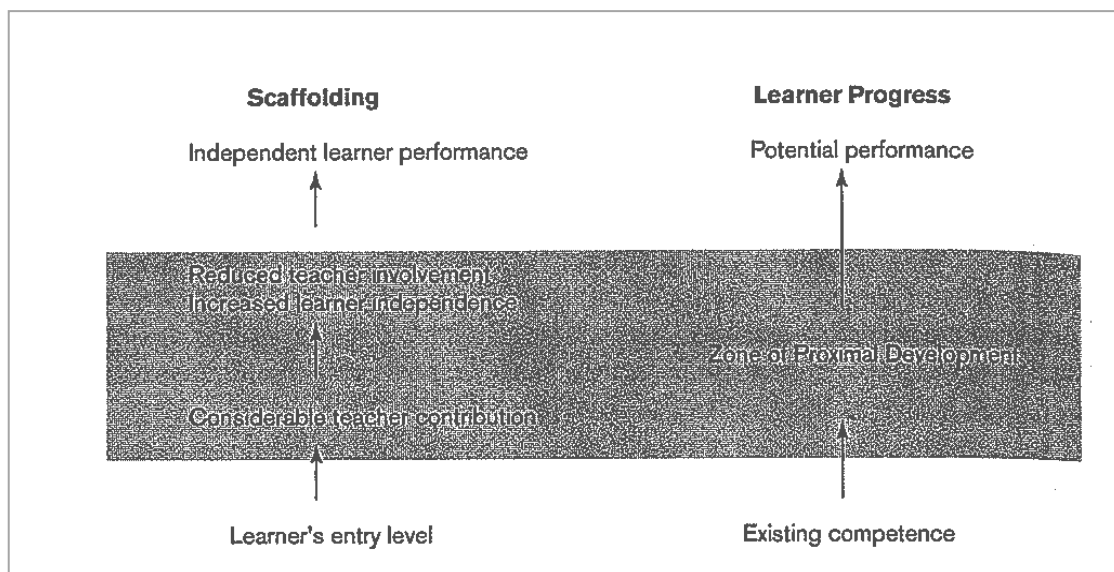


Fig 2.1 teacher learner collaboration

If teachers and students negotiate and co-construct meaning, then feedback research could no longer only focus on the feedback itself. How students respond to feedback and what they respond to are co-constructed with other agents. These agents may include the teacher and the feedback itself, but may also include peers and other elements of the learning context. The next sections review research into the interpersonal aspects of feedback, research into peer feedback and research into using exemplars in the classroom.

### **2.3.3 The interpersonal aspects of feedback**

For learning to take place in the ZPD, the relationship between the experienced guide and the student is an important one and is often manifest in the feedback itself. Feedback research has considered how teacher written feedback is used to create a productive interpersonal relationship (Hyland & Hyland, 2006a). As Hyland and Hyland (2006b, p. 80) point out:

... feedback is not simply disembodied reference to student texts but an interactive part of the whole context of learning, helping to create a productive interpersonal relationship between the teacher and individual students

Hyland and Hyland (Hyland & Hyland, 2006b) conclude that interpersonal considerations influence the construction and interpretation of response. They advise teachers to keep the individual student in mind when giving feedback and claim that the teachers' comments can transform students' attitudes to writing.

Another study that suggested that feedback had the ability to transform student attitudes was carried out by Ivanic, Clark and Rimmershaw (2000). Their study firstly compared feedback given to students by faculty and EAP units in two different universities. They found that the feedback was variable in terms of quantity and speculated that faculty and EAP teachers had different purposes in responding to student work. Ivanic et al (2000) categorized the responses disciplinary and EAP teachers made in their study into 6 different functions:

1. Explain the grade in terms of strengths and weaknesses
2. Correct or edit the student's work
3. Evaluate the match between the student's essay and an 'ideal' answer
4. Engage in dialogue with the students
5. Give advice which will be useful in writing the next essay
6. Give advice on rewriting the essay

They found that most disciplinary teachers' feedback had the first, second and fifth functions so was summative in nature, which was not surprising as the feedback given was on a single draft of writing. Neither the EAP tutors nor disciplinary tutors seemed to engage in dialogue with students in their feedback. They conclude that the nature of the tutor's comments is directly affected by the purpose of responding to the student writing. It would seem that teachers in this study saw their purpose of responding as arbiters of what is right and wrong rather than trying to help students in the ZPD.

The authors also concluded that teacher feedback often performs many functions simultaneously and that these functions are not always intended. They point out that feedback contains messages about

university values and beliefs, about the role of writing in learning, about their identity as a student, and about their own competence and even character (Ivanic et al., 2000, p. 47)

The feedback gives messages to students which the researchers argue impacts on how and if the feedback is adopted. A weakness of the study though, was that teacher purposes for giving feedback could only be inferred from the textual analysis and could not be sought directly from the teachers. Similarly, and arguably more importantly, the study contained no student voices making it difficult to infer whether students were able to detect messages in the feedback, and if they were, what effect it had on their use of the feedback. It is also possible, and maybe more likely, that students perceive messages about the importance of writing through their instruction and from their teacher directly.

The way that feedback is given has been shown to be important in creating a productive relationship between student and teacher which could lead to better use of feedback by the student. As a positive interpersonal relationship is seen as important in encouraging students to use the feedback they receive, support seems to be lent to the idea of peers giving feedback to each other on their writing. Peer feedback is taken up in the next section.

### **2.3.4 Peer feedback**

Peer feedback aims to help student writing by allowing students to comment on each other's work. Liu and Hansen (2002) combine the terms peer feedback, peer review and peer editing into a single term; peer response. They define peer response as:

the use of learners as sources of information and interactants for each other in such a way that learners assume roles and responsibilities normally taken on by a formally trained teacher, tutor, or editor in commenting on and critiquing each other's drafts in both written and oral formats in the process of writing (Liu & Hansen, 2002, p. 1)

Peer response is not new and had its early roots in process approaches. In process writing theory, peer response affords multiple feedback on drafting and revision, allowing better audience awareness to be fostered. Students also develop reading-writing connections (Liu & Hansen, 2002) allowing learners to develop a reader-oriented view of writing.

The ZPD is normally conceived as a novice being helped by a master, but work in L2 settings has suggested that students collectively help and support one another in group work using peer response. Donato (1994, p. 46) states

the speakers (in a group work peer response situation) are at the same time individual novices and collectively experts, sources of new orientations for each other, and guides through this complex linguistic problem solving

Despite the theoretical support for peer feedback, several studies have shown that students have an affective preference for teacher feedback over peer feedback (E.g. Carson & Nelson, 1996; Nelson & Carson, 1998; Zhang, 1995). Hyland and Hyland (2006a) argue that student beliefs about teacher and peer feedback and which is more useful, may impact on student use of feedback. Students may not take peer responses seriously and instead will wait for their teachers to comment on their work. They also point to the quality of peer feedback in L2 settings, stating that some research has shown students are overly critical in their feedback and may have problems detecting errors and providing quality feedback.

There is often resistance to peer feedback from students who feel it is the teacher's job to give feedback on work and that peers are not 'experts' and so have nothing to offer. Nelson and Carson (1998) have suggested that Chinese students and students from other 'collectivist' cultural groups (e.g. Korea and Japan) avoid harming group cohesion and so are unwilling to suggest changes to student texts.

Zhao (2010) however, directly compared student *use* of peer and teacher feedback with their *understanding* of peer and teacher feedback and found that although students used more teacher feedback, they frequently did not understand it. In contrast, students actually understood more of the feedback from peers. First language was also found to play a facilitative role in peer interaction and seemed to aid student comprehension of the feedback they were receiving.

The findings of Zhao's study suggest a complimentary role for peer feedback alongside teacher feedback. This is not the case in many contexts, probably due to mistrust of its effectiveness on the part of teachers and students. Research findings on peer feedback appear to underscore the importance of student attitudes to feedback if feedback is to work. If students hold negative views towards peer feedback, it seems unlikely that they will feel they will learn much from it.

### **2.3.5 The use of exemplars and grading criteria**

In addition to feedback from teachers and peers, students can also use artifacts such as grading criteria and exemplars to revise their own texts. Students need to know how their work will be judged and therefore need to know, explicitly or implicitly, what the criteria are for assessment. According to Hendry, Bromberger and Armstrong (2009), students often feel that feedback is unrelated to assessment criteria and does not contain guidance on how they can improve. Criteria in the form of marking rubrics are often too abstract for students and so exemplars are often used to make the criteria more tangible for students. Exemplars are examples of students' work that highlight various qualities that are desirable in writing and are often used in conjunction with grading criteria. For students to be able to use grading criteria and exemplars to revise their texts themselves, they need to develop meta-cognitive skills (Hyland & Hyland, 2006a).

Research has suggested a link between lack of revision on texts and the lack of skills to critically self-assess one's work (Beach & Eaton, 1984), a finding which suggests a lack of training and instruction in self-assessment techniques. Sadler (2009) argues that students need to develop the ability to monitor their own work during its actual production. He identifies three main components necessary for students to be able to achieve this. Firstly, students need to know what work of higher quality looks like, secondly, they need to be able to compare the quality of their own work with the higher quality and thirdly, students need to use a store of strategies to modify their own work as necessary (Sadler, 2009).

In discussing what students need in order to effectively use exemplars, Johns (2006, p. 162) points out that

writers need a meta-knowledge of a variety of contextual and personal factors as they plan and execute their drafts and revisions, working towards a successful written product

The implications are that knowledge of content, language and other features are not sufficient to adequately use a model to improve students' own drafts. Students need to increase their awareness of the need to "balance purposes, processes, target genre, audience and context" (Johns, 2006, p. 162). There has not been much research in the area of how students interact with exemplars and what effects this has on student work.

Two pieces of research that have looked into students using exemplars are Hendry et al. and Handley and Williams (Handley & Williams, 2009; Hendry et al., 2009). Hendry et al.'s study looked at exemplars as ways of making criteria and standards more understandable to students. In comparing the effectiveness of exemplars as opposed to marking sheets that gave feedback on work, the researchers concluded that exemplars that were marked and discussed in class were more useful than marking sheets that did not feature any discussion. Handley and Williams found that exemplars were highly valued by students, but could not find quantitative effects of using exemplars such as improved student writing evidenced through marks.

Although students reported positive feelings about exemplars, merely making them available to students is unlikely to be enough to help students self-assess and monitor their work in production. As with peer feedback, students are likely to prefer teacher feedback to using criteria and exemplars in class.

### **2.3.6 Summary of contextualized feedback research**

The more recent research into feedback has begun to look at areas beyond merely the feedback itself. The research has shown that students, feedback, peers and other factors in the learning environment can and do all impact student learning and student improvement as writers. Arguably the most important factor in feedback is the student, and yet so much research on feedback has ignored their perspective. Whether or not peer feedback is successful or whether or not students are able to use criteria and exemplars to improve

their own learning appears to come down to student beliefs and attitudes. Little work has been carried out within feedback research to account for student psychological characteristics that are likely to play a significant role in whether or not students use feedback to improve their writing.

This section of the chapter has outlined research that has investigated more social dimensions of feedback. It has suggested that inter-personal aspects of feedback giving may encourage or work against students using feedback. Factors such as the learning context and student psychological factors such as motivation need to be systematically researched in a particular setting if research is to be of use in enhancing learning. In SLA more generally student psychological factors and social factors have been shown to influence one another (Ellis, 1994). The classroom context can influence student motivation making students more or less likely to engage with feedback.

The next section of the literature review argues that feedback research needs to consider the context that feedback is being given in more systematically if it is to be useful for informing practice within a particular context. It suggests the use of a socio-cognitive framework to help illuminate the legal writing context in this study. Such a framework highlights the interplay of contextual factors, cognitive factors and psychological factors that are likely to facilitate or hinder student use of feedback.

## **2.4 A socio-cognitive framework for turning research into practice**

Ellis (2010) has called for more feedback research that goes from “theory to practice”, that is, research that can help illuminate how feedback should be given so that students get the maximum learning from it. For Ellis (2010), the kind of research that might be able to explain how and for whom feedback works, needs to incorporate psychological, social and cognitive dimensions.

This section of the literature review aims to focus on the contextual and psychological factors that are likely to facilitate or hinder student cognition of feedback. The section begins by outlining the SLA notion of attention, or noticing. It then attempts to piece together into a coherent framework student attention, student motivation and the social factors previously reviewed in this chapter. Such a framework, it is hoped, will be of use in investigating the LRW context that feedback is given in.

### **2.4.1 Noticing**

What is missing from early feedback studies is any cognitive notion of how students take in or acquire grammatical competence or literacy from feedback. Schmidt (1990) argues that for language learning to occur, learners must be aware of the language or ‘notice’ the language to be learned and that some degree of consciousness is necessary for ‘noticing’ to take place. Schmidt (1990) distinguishes between different kinds of awareness: perception, noticing and understanding. Perception is low level awareness and can take place unconsciously. Noticing, however, requires focal awareness, requiring a student to

actively engage with input. Understanding is a higher level awareness and involves comparison with what has been noticed on previous occasions. Noticing then allows for learning but does not guarantee it.

Ellis (1994) notes that noticing is of significant theoretical importance as it accounts for the features in the input that become ‘intake’, that is, which knowledge is stored in temporary memory. Schmidt and Frota (1986) argue that for noticed input to become intake, learners have to carry out a comparison of what they have observed in the input and what they themselves are typically producing.

It has been argued that the notion of noticing is a factor in why students often fail to use or adopt feedback. Sachs and Polio (2007) found that in a revised draft of writing, learners were most likely to make changes to text where feedback had been noticed and understood. They used think-aloud protocols to see if students were able to verbalize what needed to be changed (noticing) and could give a reason for it (understanding). Storch and Wigglesworth (2010) report similar findings and state whether students accommodate, accept or reject the feedback, is a matter of student agency. Tardy (2006) also claims that teachers’ feedback which does not resonate with learner’s beliefs may be rejected or transformed. Noticing is clearly desirable but what remains unclear is how feedback can resonate with student beliefs.

#### **2.4.2 Psychological factors – Motivation**

There is a body of SLA research devoted to individual learner differences which has sought to account for the variability in language acquisition (See for example Larsen-Freeman & Long, 1990; Skehan, 1989). Variability in learners' proficiency can be explained by psychological factors such as language aptitude, learning style and motivation, but these factors are in part socially determined (Ellis, 1994), meaning each setting can be seen as a context in which constellations of social factors typically figure to influence learning outcomes.

This review limits itself to one particular psychological factor – that of motivation, to try and explain how it might help student agency. Although motivation has been widely studied in SLA, there has been little attempt to link findings to feedback research. Work by Gardner (1985) attempted to incorporate motivation into a model of L2 learning. Motivation, according to Gardner is a key variable that determines learning behaviours. The main determinant of motivation in this model was integrative, that is students were motivated by how much they wanted to integrate with a target language culture and the extent to which they held positive attitudes towards the learning situation.

Gardner's model has been criticized for not fully focusing on the L2 instructional context and for overstating the importance of integrative motivation (Crookes & Schmidt, 1991; Dornyei, 2001). Crookes and Schmidt (1991) argued for a focus on motivation more related to the learners' immediate learning context rather than their overall attitudes

towards the language and culture in general. Gardner's work (1979, 1983, 1985) was largely carried out in bilingual settings where attitudes towards the L2 are likely to be very different from contexts such as Hong Kong.

Crookes and Schmidt (1991) argue for a broader conceptualization of motivation, more similar to the construct of motivation in education and psychology research. Keller (1983, p. 389) defined motivation from a psychological perspective:

the choices people make as to what experiences or goals they will approach or avoid, and the degree of effort they will exert in that respect

Keller (1983) identified four distinct determinants of motivation: Interest, relevance, expectancy, and extrinsic motivation. Interest is a positive response to stimuli. Students who have positive attitudes towards the writing they are doing, and in this study, the feedback they received, will have interest. Relevance was defined by Keller (1983, p. 406) as requiring the learner "to perceive that important personal needs are being met by the learning situation". Expectancy focuses on the likelihood of success or failure in a setting and is linked to the notion of locus of control (Brown, 1986). The main premise behind this determinant is that learners who feel they are likely to succeed are more motivated than students who expect to fail, and those students who believe they have control over their learning are more likely to feel motivated than those who do not. The final determinant is closest to extrinsic motivation (see Deci, 1975 for intrinsic/extrinsic distinction) and involves rewards and punishments. Students would be motivated by the

grades they get from their tutors and their motivation to improve their language in order to develop future careers.

Skehan (1989) put forward four hypotheses of motivation which significantly expanded on Gardner's integrative-instrumental distinction and were similar to the determinants of motivation of Keller.

1. The intrinsic hypothesis: motivation derives from an inherent interest in the learning tasks the learner is asked to perform
2. The resultative hypothesis: learners who do well will persevere, those who do not do well will be discouraged and try less hard
3. The internal cause hypothesis: the learner brings to the learning situation a certain quantity of motivation as a given
4. The carrot and stick hypothesis: external influences and incentives will affect the strength of the learner's motivation

Skehan (1989) arranged these motivational aspects in a matrix to highlight which forms of motivation are likely to be caused by external factors and which by internal.

	<b>Within the learning context</b>	<b>The results of learning</b>
<b>External (outside the learner)</b>	Materials  Teaching	Constraints  Rewards
<b>Internal (inside the learner)</b>	Success	Goals

Fig 2.2 Dimensions of motivational sources (Skehan, 1989, pg 50)

This matrix emphasizes that motivation could result from external factors such as more stimulating materials and activities in the classroom, or the chance to be rewarded for learning with grades (matrix top row). The matrix bottom row emphasizes the individual. In this row the students' perceptions of their success within the learning context, and their goals outside the learning context are the motivational sources. Students' perceptions of success are closely related to the notion of the 'locus of control' (Skehan, 1989). When students feel they have more control of their learning, they are likely to feel more successful.

There is a clear difference between Skehan and Gardner in the direction of causality in terms of motivation in language learning. In Gardner's model (Gardner, 1985) positive motivation is a causal variable, meaning that success comes to those who are positively motivated. However, for Skehan (1989) the perception of success leads to more motivation.

### **2.4.3 Social factors – the learning environment**

The previous sections have emphasized the importance of student agency and motivation in researching the effectiveness of feedback. The feedback itself is likely to be just one factor that influences whether students are able to notice and use feedback. Other factors that affect student motivation and subsequently what they choose to notice are likely to be related to the learning environment.

Ellis (1994) argues that social factors do not directly influence L2 proficiency but their effect is mediated by other variables such as learner attitudes. He points out that:

1. Social factors help to shape learner's attitudes, which in turn influence learning outcomes
2. Social factors determine the learning opportunities which individual learners experience.

Students use of feedback appears to be determined by the learning environment indirectly, and the ways that the learning environment motivates students more directly.

Within the context of the proposed study into the learning context of LRW there are likely to be various factors in the learning environment that will shape student attitudes to the feedback they receive. Many of the likely factors have been reviewed earlier, including student attitudes to the teaching of writing, attitudes to the feedback including

exemplars, as well as attitudes to the learning with the course and programme within university.

Studying this particular context and investigating what might be hindering student use of feedback requires a systematic investigation. Yet it can be difficult to know what is affecting what in a complex learning context. In order to study context and student attitude, a framework borrowed from language testing is proposed. In language testing it is acknowledged that contextual influences and the psychological characteristics of test takers influence the kinds of cognitive processing that takes place (E.g. Weir, 2005). For example motivation may affect the way a test task is dealt with. The purpose of the writing task is also likely to alter the way a test candidate goes about drafting a response. Test tasks can even be shortened or lengthened to prompt a particular kind of processing to take place. This is essentially a socio-cognitive model.

A socio-cognitive theoretical model stresses the importance of the relationships between psychological, contextual and cognitive processing and allows for these relationships to be empirically investigated and in testing terms ‘validated’. Such a framework would seem to have some utility for investigating influences that affect whether or how students notice feedback they have been given.

#### 2.4.4 A socio-cognitive framework for investigating feedback

The framework adapted from Weir (2005) (see fig 2.3) aims to illuminate how different elements of the learning situation in which feedback is being given interact with individual student psychological characteristics to shape student attitudes to feedback. The framework highlights the likely influences on whether or not the feedback is adopted by students. It is hoped that the results of a study will show how students perceive the feedback in this context, and more importantly, which factors in the learning environment appear to be working against successful use of the feedback.

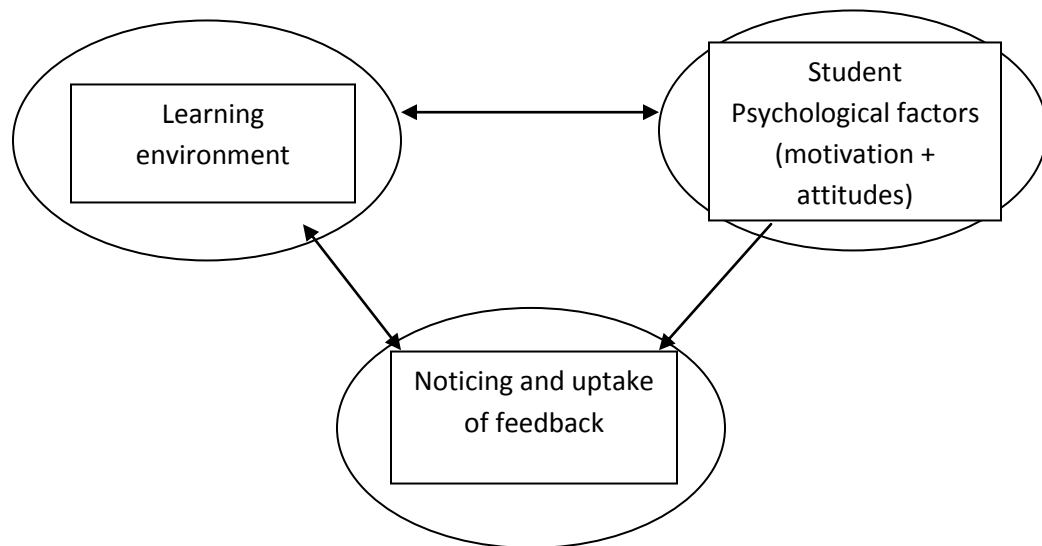


Fig 2.3 A Socio-cognitive framework for feedback

(Adapted from Weir, 2005)

The framework above attempts to show what might affect student noticing and understanding of feedback. Noticing might be affected directly by strong student motivation which has nothing to do with the learning context. It could however be that

the learning environment is the apparent cause of student motivation, or is a factor in demotivating students.

## **2.5 Conclusion**

Despite the abundance of literature on feedback research, much of it is of limited value for helping the course in this context that aims to help students improve legal writing (LRW and EALP). Early research implied a cognitive framework, which assumed that effective feedback was a question of finding out how to write feedback correctly and what to focus on in order to develop student writing. Later research has begun to investigate contextual influences on what students do with feedback, but in many contexts it has still been more concerned with what teachers do than with what students do. This later research highlights the importance of more situated studies that will reveal factors in the context that might be impacting on how feedback is adopted and used by students. There has also been little work done that might suggest who is best placed to give feedback on student writing in an advanced L2 setting – an EAP unit, disciplinary teachers or even peers. It is hoped that a study in this area might help shed light on these aspects in this context.

### **3 Methodology**

The approach and design of this study are shaped by the research questions, particularly the need to explore the context and student attitudes. The literature review questioned whether the effectiveness of teacher written feedback can be evaluated without investigating what is in the students' heads. Individual students bring their own motivations and goals to a learning situation that are likely to differ from context to context. For this reason, a qualitative study in the naturalistic research tradition is proposed in order to explore student thinking, and explore student motivation and student attitudes towards their learning environment. The following sections of this chapter outline the approach and design of this study, provide more detail of the context of the study, and explain the sources of data that will be used to generate findings for the study.

#### **3.1 Research approach and design**

Experimental studies or textual analyses of feedback reviewed in the previous chapter have often neglected the role of the student and the learning context where feedback is given. Typically, feedback research has relied on a narrow range of methodologies in order to answer specific research questions. Studies on teacher written feedback have most often performed a textual analysis. This has often been either of the feedback itself to see how the tutor is responding (Ferris, Pezone, Tade, & Tinti, 1997) or of students' revised texts to note if students have made use of the feedback correctly (Conrad & Goldstein, 1999; Ferris, 1997). Other research has been experimental in design (E.g. Bitchener, 2008; Fathman & Whalley, 1990) to answer a very specific question or test a

specific hypothesis. Both methodologies have shed light on questions such as how tutors respond and whether students can learn from the feedback they are given.

Both methodologies have limitations, however. Experimental studies, particularly the kinds that have been used in error correction studies, have been able to make claims about whether it is possible for students to learn from error correction. Such a methodology however is unable to differentiate between different individual students, or probe in detail what students, in terms of motivation for example, actually do with the feedback. The individual student factor has often been controlled, and yet, as the literature review has argued, the student factor could be the single most important variable in the study (see literature review section 2.4).

Similarly, textual analysis of feedback has been able to show how teachers give their feedback, and how they go about creating interpersonal relationships with students (E.g. Hyland & Hyland, 2006b). But this kind of research methodology does not capture student voices which could reveal how students feel about the feedback. Like the experimental methodology, it tends to narrow the scope of enquiry to just the feedback itself, and is not capable of exploring the surrounding context and the individual psychological characteristics of students. In other words, the methodology does not have much to say about the influence of learning environment and student on whether or how feedback is adopted. Such a limitation makes it difficult to generalize findings to another

setting, where the learning environment is likely to be different and the students will certainly be different.

This study aims to tease out elements in the context that might be affecting how students are engaging with the feedback. The study therefore adopts a qualitative research design that is exploratory in nature, as the literature reviewed in the previous chapter revealed little in the way of hypotheses about how student perceptions might affect the adoption of feedback. Dornyei (2007, p. 39) states that “qualitative methods are useful for making sense of highly complex situations”. The feedback context is likely to be highly complex. There is likely to be interplay of student beliefs and attitudes and factors within the learning situation.

Another feature of the proposed research design is that the data are to be collected in a naturalistic setting. Naturalistic enquiry studies a group in its natural setting, and no attempt is made to control variables (Dornyei, 2007). In this study the various variables are likely to be the points of interest. In contrast to quantitative research that aims for a generalizable ‘correct interpretation’, qualitative research can offer a repertoire of possible interpretations (Dornyei, 2007). The repertoire of interpretations can work to broaden our understanding of the complexity of a learning context. Naturalistic qualitative enquiry has the capacity to reveal complex processes and how these processes interact with each other. Much research on teacher written feedback has conceptualized the feedback process as linear – students write, teacher gives feedback, students revise

(Goldstein, 2001) but there are likely to be, however, multiple factors that intervene and shape this process.

The design and approach of the research are also 'situated'. This means that findings are only interpreted in light of the context in which they were found, meaning that findings from this study may not generalize to other settings. This lack of generalizability is often cited as a weakness of qualitative studies. However, in socio-cognitive circles situatedness is often the norm. If the interest in a study is how cognition is affected by a learning context and individual students, findings cannot be generalized beyond that particular learning context and those individual students.

Having explained the approach of the proposed research, the next section outlines the context of the study and attempts to explain the particular characteristics of this setting. Ferris (2003) argues that an under-specified context is a common area of weakness in many feedback studies and that if findings are to be evaluated in relation to context, it is very important that the description of the context be as full as possible.

### **3.2 The context of the study**

This section of the chapter attempts to lay out the relevant contextual factors in this study. The following sections describe the students who partook in the research, the writing context in which these students were receiving feedback, and finally the background of the teachers who were teaching this group of students.

### **3.2.1 The students**

The students are first year law students in their second semester of legal study. The students were all my own students from previous EALP classes who volunteered to take part in the study. The students are all Chinese, with most of them identifying themselves as HK Chinese. Two of the students were from mainland China. They were all advanced level L2 students, some of whom had had international school experience, although most had been educated in the state school system in Hong Kong. None had IELTS scores.

### **3.2.2 The writing context**

The students all attended LRW classes, which consisted of 4 or 5 lectures a semester, followed by smaller tutorial groups of around 12 -16 students per teacher. The lectures usually focused on elements of legal research, while the tutorial groups tended to discuss a particular case. Writing in the course was usually set as a homework assignment and involved writing a legal memorandum to a senior in a law firm advising on aspects of the case that had been covered in class.

The writing assignments were not counted towards any formal assessment, rather they were given especially for student practice in writing and for the chances it afforded for explicit written feedback. Every piece of writing in this context was a one shot attempt – no opportunities were given for students to rewrite work after it was corrected. Across the course of one semester three memos would be written that would focus on different legal

issues with a case. There was no further writing instruction at all in class – the legal memoranda homework, and the feedback students received from it, were the only formal writing input.

### **3.2.3 The teachers**

The teachers were either full-time law faculty staff who teach other courses in the law program, or they were legal professionals working on a part-time basis. There were approximately 10 different teachers who had classes in the LRW course and students chosen for this study came from a variety of these classes.

## **3.3 Sources of data**

The methodology employed in the study was predominantly semi-structured interview of the LRW students who had volunteered to take part in the study. This methodology was chosen as it was relatively open-ended, but had enough pre-prepared guiding questions to allow for some comparison of different student responses. As Dornyei (2007, p. 136) points out, semi-structured interviews allow the interviewees to “elaborate on the issues raised in an exploratory manner”. Semi-structured interviews therefore are an appropriate research method for when a researcher has an overview of a phenomenon but does not want to limit the breadth or depth of what the respondent wants to say.

The interview protocol was designed to elicit responses on a broad range of areas not limited to just the feedback itself (for full explanation see section 3.4). The protocol was written and then piloted on two law students who were personally known to the researcher and who had taken the LRW course a year previously. Their responses led to the addition of an extra question on grading as this seemed to be something that both students had brought up in their responses.

The semi-structured interviews consisted of interviews of 8 students of LRW, who had completed a writing task that had already been given feedback by their teacher. The interviews were audio-recorded and partially transcribed (see Appendix II for an example of the transcription). The data was then analyzed and coded to investigate student perceptions of the feedback, and how they assessed its efficacy in helping them improve their writing. Ethical clearance was received from the Human Research Ethics Committee for Non-Clinical Faculties (HRECNCf) at HKU, the institution where I work (see appendices III and IV for ethics clearance letter and sample informed consent form).

### **3.4 The research instrument design**

The semi-structured interviews were designed to last around 20 minutes each and the questions were based around four areas relevant to students' legal writing and the feedback they receive (for full questions see Appendix I). The first section probed the type and manner of feedback giving in this context. Students were encouraged to talk about what they felt tutors were focusing on when they gave feedback, and whether the

tutor assigned grades to work. Part of the aim was to uncover a picture of how feedback was carried out in this context.

The second section followed on from this and dealt with the perceived usefulness of the feedback for the students and whether students felt it helped them improve their writing. Students were further asked whether they felt they were able to develop autonomy in writing from the feedback they were receiving.

The third section of the interview focused on the use to which feedback is put. This is a difficult area to ask questions about as students often feel they make use of all the feedback they receive and never ignore anything. I wanted to see if students were able to use feedback received from one piece of writing in the next piece. Although the interview alone would not be able to systematically investigate the context in which feedback was given, it was hoped their responses might help identify some factors that lead to students not adopting the feedback given by their teachers.

Lastly I asked students about their writing goals and beliefs as I felt this was important in illuminating what students did with their feedback. Those who had very strong goals and motivation to improve their legal writing would be expected to make more and better use of the feedback they were receiving. This section also aimed to see whether there was a

mismatch between students' own goals for writing and the goals they thought the law faculty had for them as writers.

#### **4 Results and discussion: Students' perceptions of the usefulness of feedback in Legal Research and Writing (LRW)**

This chapter reports the results and findings from the semi-structured interviews that probed student beliefs and attitudes towards the feedback they received and the context it is given in. The research questions guiding the research were:

RQ1 – What are the feedback practices in the context of writing improvement courses for advanced L2 law students?

RQ2 – What factors appear to be influencing student noticing of feedback?

Qualitative semi-structured interviews were used to obtain data that would help answer both research questions. The first section of the chapter reports on the feedback given to students and discusses the extent to which the existing practices are likely to lead to student writing improvement. The feedback practices are reported through students' perceptions of the feedback. The aim is to reveal how this particular learning context may or may not be helpful in helping students' noticing and subsequent use of feedback.

The second part of the chapter explores the interaction between students' psychological characteristics and the learning context with particular reference to student sources of motivation. Motivation is of interest as positive attitudes are a factor in determining how effective feedback is (Sheen, 2006). The sources of motivation are divided into those that are internal to the student (e.g. student goals) and those that are external to the students (e.g. attitudes to the feedback, course and programme and the impact of grades). These

sources of motivation are likely to aid in teasing out factors that might be affecting student noticing.

#### **4.1 Current feedback practices**

The first part of this chapter reports the current feedback practices in this writing context. Feedback practices here are defined as including all types of feedback information and so include teacher written feedback, peer feedback, grades and grading criteria, and exemplar answers that students can consult after they have submitted their written assignment to the teacher. Each of these feedback practices is dealt with in turn.

##### **4.1.1 The teachers' focus on feedback**

The semi-structured interview first asked students what the teacher written feedback focused on and how this feedback was given. With respect to what was focused on, two students highlighted that only content issues were being addressed:

S1 "... different tutor focuses on different things – comments on content... or nothing

S5 "normally just legal issues, not usually grammar"

Others felt the emphasis was more on the structure of the writing

S3 "the course focuses more on structure of answer and writing concisely... nothing on language issues

One student felt that language was an explicit focus

S2 “Tutor helps try to redraft sentences... usually language issues but some legal content”

Student 8 reported that his tutor gave feedback on “legal content” and that he “seldom had language errors corrected”, but reported that the teacher had also told the class that “they need to improve their grammar”. Out of the 8 students interviewed, only two (student 2 and student 7) reported that their tutors commented on language. Five felt that ‘content’ or ‘legal issues’ were the primary focus of the feedback. Other foci mentioned by students in the interviews apart from content, legal issues and language issues were “more on the formatting and style” and “how you should start an introduction” (S6), as well as the organization and structure of a legal memoranda.

There was also some variability reported in terms of how feedback was given. Seven students reported receiving written feedback on their work, although one reported that often they did not receive any feedback at all (student 1). Students reported that some tutors gave oral feedback on common errors and mistakes in the class in addition to the written feedback. No student received any personal oral feedback. Student 3 reported that the general oral comments given in class were more useful than the written feedback.

S3 “general oral comments are given and are the most useful”

Four students reported that the feedback was given on an electronic copy of their work (in Microsoft Word), while the other four got feedback on a hard copy. Only one student (student 7) reported a preference for one kind of feedback over the other – she preferred comments on a hard copy, while others stated that they had no preference. Students also

commented on where the feedback was written with six students reporting their tutors gave some brief comments at the end of their work. Only one student (student 8) commented that they got feedback in the margins of their work as well as at the end. Two students who received their feedback in Word also received one or two comments or corrections using the 'track changes' feature.

Lastly, five students also mentioned *when* they received their feedback. Student 7, for example, talked about the feedback she received from her tutor as being too late to be able to use:

S7 "My tutor just give (sic) me a very brief comment... it will be a long time after my homework so sometimes I can't get the point where I am mistake (sic)"

#### **4.1.2 The variability of feedback**

The quality of feedback cannot be objectively studied as no direct analysis of feedback was carried out within this study. Student responses to the feedback, however, suggested that the quality of feedback seemed variable with students seeming to express disappointment with various aspects of the feedback they received.

Firstly, there were issues with when the feedback was given, with at least one student complaining that the feedback only came after the work had already been submitted and then it was at least 3 weeks before the feedback came back. In this time, the student (S7)

reported that she had forgotten what the assignment was about. Feedback could not therefore be incorporated in a later answer.

Students also seemed disappointed with what the feedback focused on. At least two of the students for example (S3 and S5) reported that the feedback they received could not be used in other courses apart from LRW. Feedback may not therefore have focused on what students wanted or needed to make improvements to their writing. Earlier studies including Leki (2006) and Riazi (1997) found that students wanted more feedback on disciplinary conventions and less on content. In the context of this study, most of the feedback seemed to be on legal content. There is a suggestion here that student needs for feedback are not being met.

As L2 writers, the students in this study seemed to have a need or wish for less feedback on content and more on helping improve their writing. The evidence in the previous paragraph suggested that students want feedback that is useful beyond LRW. There seemed to be additional evidence for this from student 8 who felt that oral comments on language issues in class was more helpful than the written feedback they received. If student needs or wants are not being met, it is likely that feedback may not be fully noticed and may even be rejected. Further student perceptions of the feedback are taken up in the second section of this chapter (see section 4.3).

The usefulness of feedback might also be impacted by its link to instruction. There appeared to be very little instruction on writing within the LRW course. Students reported that some typical language errors are dealt with in class, but there did not appear to be any other explicit writing focus. Gibbs and Simpson (2005) have argued that to support student learning, it is vital that students are oriented to allocate appropriate time to the most important aspects of the course. If writing is not being dealt with in class, students are unlikely to direct much effort to it.

Overall, the variability in the feedback given to students is suggestive of different teacher beliefs about writing. There were 10 different teachers in this context and it is unknown whether they received any training on conveying feedback. Some teachers may have been unsure of their role in aiming to help students improve their legal writing. Much of the teacher uncertainty is likely to stem from the fact that the primary purpose of the course seems uncertain. It appears that tutors deliberately focused on one aspect of performance at the expense of others, but their reasons for doing so did not appear to be clear, especially for the students. A tutor that barely uses any comments at all may be evidence of a belief about the usefulness of feedback (E.g. Ivanic et al., 2000). This tutor may have felt that helping writing was not their job, or that students do not learn from feedback. Tutors who only focused on content/legal issues are also likely to see themselves as legal experts with little time for helping students with aspects of writing beyond getting the content right. The feedback focus is just suggestive of a teacher belief, as these beliefs could not be probed directly.

#### **4.1.3 Lack of opportunities for peer feedback**

Students reported that there was little chance within the LRW course to give peer feedback. S4 commented:

S4 “... not supposed to collaborate... The law faculty prohibits collaborating with students!”

If this is true, it probably reflects a fear that students might plagiarize one another when submitting work for assessment. Yet students are likely to be able to help each other improve their writing if trained. Zhao (2010) (see literature review section 2.3.4) demonstrated how working with peers appeared to lead to a deeper level of understanding of feedback than was possible from a teacher’s written comments, which suggest that peer feedback can be an important source of feedback. There was some evidence in this context that students did occasionally work together with peers. When they did work together it was most likely to be to help each other learn legal issues or to proofread a final draft of writing.

S3 “...but (I) don’t give advice on legal writing, only content... what the answer should be”

S8 “sometimes when I finish my work I let my friends scan it. It’s useful and can do proof-reading”

The fact that students did still work together even though they were actively discouraged from collaborating, suggests that students were at least open to the idea that learning

could occur in collaboration with peers. There was little evidence that students knew how to, or were willing to adopt peer feedback strategies to help them with their writing.

Student 6 in response to the question of whether they ever worked together with peers commented:

S6 “We discuss the issues, but we don’t discuss the writing. We rarely comment on others. It might be useful if we did...”

And similarly student 1:

S1 “yes (I would use peer feedback) to clarify a main point but not otherwise, if we had time would do that”

Student 1 seems to feel if more time were devoted to writing, or if they had more time generally, then peer feedback might be useful. These excerpts seem to be more evidence that students seem open to the possibility of using peer feedback more widely than they currently do. The data suggest that time and training are the main barriers to more widespread peer feedback on writing. It seems there could be benefit from peer feedback if more class time were devoted to writing issues, and training was given to students on how they might usefully help each other with their writing in class.

Despite evidence that students would use peer feedback if they had time, there was still skepticism from other students about peer feedback being useful in helping improve writing, consistent with earlier findings from Nelson and Carson (1998). There appeared

to be fewer skeptical voices however than those who felt there was learning potential from peer feedback with three students identifying issues.

S2 “Never get help from peers – not useful to improve your own writing because everyone has a different style”

Student 2’s response suggests that peers’ comments are unlikely to be adopted by this student who might seem wary of other students changing the writer’s style. So it did not appear only to be the faculty who were wary of peer feedback.

The feedback given by the teachers and the limited feedback given by peers appears to offer little opportunity to negotiate meaning. What this means is that students have few opportunities to talk with their teachers and classmates about their feedback and to engage in dialogue. Ellis (1994), for example, has noted that comprehension appears to benefit from opportunities to negotiate meaning. Such dialogue might also allow students to work within the ZPD (see literature review 2.3.2). Students’ negotiation of meaning can help them reach a deeper understanding of the feedback they are given, by directing them to notice and engage with the feedback.

Negotiation of meaning was also made difficult by the one-shot nature of writing context. Students wrote their memorandum, submitted it and received feedback on it a few weeks later. Ferris (1995) has noted, however, that students are more attentive to feedback when

writing is in process. They are more likely to negotiate meaning in order to more deeply understand feedback, as they need it to complete work in progress.

#### **4.1.4 Grading practices**

Most students reported that their tutors gave them a grade for their work, alongside whatever feedback they received. Students reported that tutors often gave a mark out of 100, but not every student who was interviewed interpreted these scores in the same way.

S1 “tutors give marks out of 100... 60 is not very well, above 70 is ok”

S2 “the tutor gave a mark out of 100...it is difficult to interpret, don’t know if I’m doing well or not. Fewer mistakes is better, tutor shows less errors then work is better”

S4 “I just compare with friends and see their score”

Other tutors gave comments like “good” or “fair” instead of scores. Some students commented that their tutor did not give a grade because the tutor often did not agree with the grading guidance of the director of the LRW course. Student 6 commented:

S6 “They (tutor and director) have different criteria, so she (tutor) avoids giving grades as the criteria vary.

And student 8 added:

S8 “no marks given as there were no concrete guidelines as to how they would be marked. Different teachers have different standards of writing. They sometimes have great differences.”

Student 7 was unhappy that she was not given a grade for her work. She felt:

S7 “a grade can let me know better where my position is... some tutors don’t want to hurt your feelings...(I) like to hear negative things! When tutor says homework is good I doubt the tutor assessed it attentively”

But student 8 took a different view:

S8 “I prefer this tutor not giving us a score – she’s telling the truth as she doesn’t have a marking scheme. Giving definite scores can be misleading. If I don’t get “very good” then I know I need to improve.”

Interestingly, some students reported positive attitudes towards not receiving a grade for their work. Student 7 seemed to be more typical of the Chinese context, where students apparently are highly motivated to achieve by getting grades.

Although there did not appear to be assessment criteria which guided the grading for these individual writing tasks, criteria were being brought in and were available while the researcher was analyzing the data of this research. Although students (and it appears also teachers) did not have access to the criteria at the time the data was collected, the criteria do give an indication of how the LRW director conceptualizes writing within this course. As Weigle (2002) notes, grading criteria represent an explicit statement about features of

writing that are considered a part of the writing construct. The proposed criteria are outlined in the next section.

The total score for an assignment according to the grading criteria was 88 marks, with 12 marks being given as bonuses (to take the score to 100) for getting the work in on time (for the full criteria please see appendix III). The assessment criteria are divided into two parts; writing skills, and legal analysis, with the legal analysis being weighted more heavily (60 marks for legal analysis and 28 marks for writing skills). The writing skills section is further divided into two parts with the first section worth 18 marks and the second section worth 10 marks. The two areas are not labeled but could probably be best summarized as ‘language’ and ‘organization’. Both domains consist of five criteria as shown below in figure 4.1.

<b>Your legal memorandum should be:</b>	<b>Your legal memorandum should:</b>
I. Written in correct grammatical English	I. Be properly headed and neatly laid out
II. Written in clear, plain language	II. Be divided into an appropriate number of paragraphs
III. Contain no spelling mistakes	III. Make sensible use of headings
IV. Written concisely	IV. Deal with each issue in a logical and structured order
V. Written in a language and in a style appropriate to a Legal Memorandum	V. Give each issue its due weight and significance
<b>18 marks</b>	<b>10 marks</b>

Fig 4.1 Assessment criteria for LRW final assessment

It is probably fair to say that even if tutors had marked this particular writing with these criteria, it might still be difficult for students to interpret their score. Understanding of the criteria seem dependent on students knowing in advance what clear, plain language is and what style is appropriate to a memorandum. The feedback that students received, according to the students' comments earlier, did not seem to focus on these areas. The feedback students reported in LRW seemed to be more geared to the 60 marks available for legal analysis. Some of the feedback given to students implicitly seems to ignore any focus on the 'language' component of the criteria.

It is also unclear from these grading criteria what standard is expected of students to get a particular score or grade level. It is unclear if students who were grammatically inaccurate but stylistically appropriate in their writing would score better or worse than students who were grammatically accurate but stylistically inappropriate. It is not at all clear if these criteria would help students interpret their score much more easily than they did when they did not receive any criteria.

Without criteria to guide both tutors and students there is often second guessing of performance by students as was the case for S2 who felt that if her work did not have too many corrections, it was a good piece of work. This might suggest a widely-held belief among the tutors and students that good writing was about avoiding error. This tends to be the case in secondary schooling in HK where teachers often feel that writing with a

clear purpose and an intended audience using an appropriate register is rare. Students often only deal with writing at this level once their errors have been eliminated from their writing. Students may more easily be able to interpret their grade if they had access to these criteria.

#### **4.1.5 Confusion about the purpose of exemplar answers**

Another form of feedback given as well as teacher comments and a grade was in the form of an exemplar answer that was posted on the law faculty intranet after the legal memoranda had been marked. However, there appeared to be difficulty in interpreting what the exemplars meant and what their use was. S3 commented that

S3 “the good model answers that are posted are not good... the tutor would disagree with other examples... all three she disagreed with”

The student in this example explained that the tutor she/he had was a full-time academic at the university while the course director was a practitioner in the legal field, who worked part-time at the University. The exemplars posted on the website were examples of student work that had been given an A grade. However, students reported the examples very often contained bullet points of information rather than complete paragraphs. A cause of confusion for students therefore, was knowing whether the model answer was a well written one or one that was merely correct in terms of its content. It appears that students (and some teachers) suspected the latter. Perhaps for that reason S3 reported that he/she always ignored the models that were posted on the web.

S3 “some students copy the style but not sure if this is a good thing to do – try to merge their own style and the style of the model. Often the model is just bullet points!”

This student’s tutor disagreed with all the model answers (or at least the best answers in the course director’s class) which suggests that teachers had different beliefs about what was expected from students. The student’s teacher was a legal academic rather than a legal professional.

It is likely that if students are unclear as to what teachers are looking for in their writing, it will have an impact on student uptake of teacher written feedback. The absence of writing criteria and the assumption that all tutors and students would know what good legal writing is appeared to lead to confusion when students were asked if they were able to interpret their level of performance from the feedback or from the marks students were given for their work.

The exemplars and the criteria also appear to be unlinked to the instruction in class. If they had been, it seems more likely that students would have paid more attention to them. It appears the LRW director’s purpose for showing the exemplars was so that students would see what a correct answer looked like. Correct here appears to mean correct in terms of the law correctly identified and had little or nothing to do with the language use of the answer. There were clearly teachers who felt that the quality of writing was an important element of what should constitute a good answer and so their disagreement

with the quality of the exemplars appeared to encourage the students to downplay their usefulness.

In addition there appeared to be little or no discussion of the exemplars in class, which is unsurprising if teachers did not feel they were of a sufficient quality. The exemplars may also have been made available too late for students to notice the gap between their own writing and the exemplar.

#### **4.2 Summary of feedback practices**

The table on the next page (table 4.1) summarizes the feedback practices that appear to be taking place in this context according to the student interviews. They centre on the four feedback areas described in the previous sections, namely the feedback both from the teacher and from peers, and the use of grading and the exemplar answers shown after students had completed their writing assignments.

The feedback practices employed by both teachers and students in this context are likely to play a role in whether or not students are able to improve their writing. There appeared to be factors in this instructional context that are likely to influence student ability to learn from feedback. These factors are outlined below in table 4.2.

<b>Summary of feedback practices</b>	
<b>Students receive teacher written feedback</b>	<ul style="list-style-type: none"> <li>• Different tutors focus on different aspects of feedback with most focusing on issues of structure in memoranda and on content issues</li> <li>• Some students receive very little feedback</li> <li>• Teachers appear to have divergent views on the nature and importance of writing in LRW</li> <li>• Feedback does not appear to be tied to instruction</li> <li>• Some teachers are academic staff while others are legal practitioners</li> </ul>
<b>Grades are frequently given on writing</b>	<ul style="list-style-type: none"> <li>• Reactions to receiving grades are mixed</li> <li>• Students are unaware of writing criteria</li> <li>• Students appear unable to interpret grades as indicators of the quality of their writing</li> </ul>
<b>Students can see an 'A' grade exemplar after they have submitted their writing</b>	<ul style="list-style-type: none"> <li>• Students and some teachers are unsure if the exemplars demonstrate good legal writing</li> <li>• Students seem unaware of a gap between the exemplar and their own writing</li> </ul>
<b>There are few peer feedback opportunities</b>	<ul style="list-style-type: none"> <li>• Peer feedback appears to be actively discouraged</li> <li>• Students did seem open to the idea of peer feedback</li> </ul>

Table 4.1 Summary of feedback practices in the legal writing context

<b>Factors in the institutional context that impact the ability of students to learn from feedback</b>
The quality of feedback
Opportunities to negotiate meaning
Opportunities to develop meta-cognitive skills and self-assessing abilities

Table 4.2 Factors in the institutional context that impact the ability of students to learn from feedback

These factors have been adopted from theory and the literature associated with giving feedback. In socio-cognitive terms, they are likely to be factors which can help make the feedback better noticed and understood. The quality of feedback is likely to be one factor in helping students learn to improve their writing. Other factors are likely to include the chance to work within the zone of proximal development (ZPD) (Vygotsky, 1978) and opportunities to develop meta-cognitive skills necessary to monitor work while it is in production (Sadler, 2009).

### **4.3 Factors that appear to influence student noticing of feedback**

The first section of this chapter, while outlining the feedback practices in this context, also revealed certain factors that are likely to influence student noticing of feedback. The second part of this chapter takes up the role that student perceptions and attitudes play in impacting on what students notice and how these attitudes and perceptions might affect student ability to learn from feedback. The following factors appear to be the most salient

in the responses from students. Each factor is dealt with in turn and its likely effect is presented.

<b>Factors that influence student noticing of feedback</b>
Student goals
Negative perceptions of the instructional context
Negative perceptions of the usefulness of feedback
Negative perceptions of success
Impact of grades

Table 4.3 Factors that influence student noticing of feedback

#### **4.3.1 Student goals**

In this context there appeared to be strong evidence that students brought a high level of motivation to the LRW learning context. This ‘internal cause hypothesis’ type of motivation (Skehan, 1989) concerns the motivation within an individual that is external to the learning context. Students were asked about their goals for writing and responded in similar ways. All were categorical about the importance of writing.

S3 “it’s very important. At school we did descriptive and argumentative essays... legal writing is very different... it’s important to develop this style and difficult to use new legal terms

S4 “of course it’s important. Important for career... to live up to expectations. Grades are important too. Better writing gets better grades. Writing is about getting better over the years. If you can you should”

S6 “very important. What we’re going to be doing in the next 4 years and the rest of our life.”

Students therefore appeared to be strongly motivated to improve their writing because of a future legal career, although both student 4 and student 6 allude to shorter-term goals of doing well at study. Student 8 clearly sees both as important goals but places more emphasis on the career goal:

S8 “Definitely important – in law always have to write. Always useful if I can present myself clearly. Also when I become a lawyer need to present myself. Partly for study but mostly for future work”

All students saw the importance of improving their writing. As first year law students, they were able to see that when they became lawyers there would be a need for high levels of English writing.

Despite very clear motivation to improve their writing for their career, when it came to articulating more precise goals for what students wanted to improve in their writing, students were less clear in their answers. Students verbalized their goals in various ways:

S2 “I want to be able to write a piece of writing without mistakes”

S4 “I want to write more concisely, and spend less time thinking about content.”

S5 “I want to be good enough to be understood”

S6 “I want to be able to express what I think... that’s enough I think”

S2's response might seem typical of many L2 respondents as L2 learners frequently worry about their accuracy (Ferris, 2006; Leki, 2006). This response seemed the clearest goal. Very few students interviewed could articulate precisely what they needed to improve. Student 5, for example, when asked about writing goals stated:

S5 "I've never thought about writing specifically"

One student who was more specific was student one who commented:

S1 "I hope to write a better problem question answer by the end of the semester, year 2 not so much time to focus on writing"

Although student 1 had a more concrete goal for writing, it was both rather short-term in nature, and at the same time quite vague about specifically what to improve. It appears difficult to separate a career goal where writing is very important, from specific writing goals that students have in order to reach their career goal.

#### **4.3.2 Negative perceptions of the instructional context**

There appeared to be evidence from the interviews about the perceived importance of writing in the LRW course and legal study more generally that would likely impact on student motivation. Evidence from the interview suggested that writing was more important to students than it appeared to be for the faculty as a whole. When asked if the writing goals were personal ones or ones that seemed to be shaped by the faculty, S4 commented:

S4: “the goals are much more on my side... (the law faculty) assume language is not really a problem”

For this student at least, writing in the faculty appeared to be conceived of as avoiding error and focusing on content. These comments were further supported by other students:

S2 “they are mostly personal goals (as) there is not much focus on writing skill – only one course in yr 1 (English enhancement) (so) after yr 1 you need to do it independently – find some books. Some law course tutors can help students improve their writing. More practice is better.

S3 “it’s more a personal goal. Want to improve my own writing. Not really any need for writing in the LLB programme. No pressure from the LLB program to improve language.

S8 “Probably the focus on writing skills is not that big... (they) are not concerned if you are a good writer or not”

S6 “we don’t write enough... law generally”

These findings seem particularly surprising as a core goal of the LRW course is supposed to be to help students improve their writing. Yet students appeared to report that writing was not really something the faculty was concerned about. The perception that writing was not that important in LRW was widespread among this group of students, with most students stating that their goals for improving writing were personal rather than shaped by LRW or legal study. Interestingly, students did not seem to think LRW was really a course where writing was focused on especially. Most students referred to “professional

skills” and “skills for researching” when discussing the course. Although an aim of the course is to help develop student writing, it is difficult to know if writing is really as important as the researching and professional skills.

Student beliefs that writing did not matter came from two sources; the feedback and the programme as a whole. Firstly, as outlined in the first section of this chapter, student feedback appeared to mostly focus on legal issues, or structural and organizational issues which were specific to a particular kind of writing (legal memoranda). Secondly, writing development appeared to be put to one side due to institutional factors such as the number of credits given for a course.

More than one student commented that the credits for LRW were low (6 credits each), whereas substantive courses were worth 12 credits each, meaning many more credits for substantive courses each year. Students commented:

S4 “Under time pressure then writing development gets put to one side. Not practical to improve language.”

S6 “not worth spending so much time for so few credits.” “very true that writing development gets pushed to one side due to credits. Something counts for nothing - put in less time.”

Although students are required to do some writing in these courses, they clearly felt that they would not be heavily penalized for poor language or writing. Many of the courses

have end of term exams where students are required to answer 4 essay-type questions in 3 hours. Although in such exams students are expected to write a great deal, the time factor limits the degree to which students can be assessed on the quality of their language or writing.

Although this study was not able to look into tutor beliefs directly, from the student interviews it would seem that there is some mismatch between tutor and student beliefs about legal writing. From the feedback students were receiving, and the credits for the writing course on offer, there was a feeling that writing was not of great importance within the law curriculum. Students, on the other hand, felt that writing was going to be important to them in their careers and they were keen to improve. Tutors would likely be dismayed to hear that students felt writing unimportant in their degree programme.

#### **4.3.3 Negative perceptions of the usefulness of feedback**

When students were asked about the usefulness of the feedback they received in the LRW course, and whether they felt the feedback helped them improve as writers, none of the students were positive. Students felt that feedback given on content was not so useful for developing legal writing because the next legal memorandum they wrote would have different legal content. Results here appear to accord with earlier studies such as Leki, (2006) where no students expressed a desire for more content feedback. Student 1 was quite typical and felt that none of the feedback was helpful:

S1 “pretty useless... talked about how content could be expanded”

Other students found some aspects of the feedback more useful than others:

S7 “when it’s about grammar usage or legal phrase appropriately (sic) I will bear in mind the mistake and use it next time.”

S8 “structuring and organization it’s useful. Did I write it in a correct tone is useful”

There were not many replies from students that identified areas of feedback that they learnt from. The most common finding was that students seemed to find feedback on structuring a legal memorandum most useful.

S1 “... not writing skills, but how to write a legal memorandum – professional skills”

S3 “it improves structure and content of memos but not language or style.

The comments above appeared to show there was little belief among these students that feedback was helping their writing skills. Student 2 also shared the same view:

S2 “(feedback is) not useful in improving writing skill. We get examples but only follow format of example – Only learn one format, better would be to help us develop our own style”

So although some students did find some use from the feedback for improving a memorandum, none seemed to feel that their writing would improve with the feedback they were being given. Some of the likely reasons for this were given in the first section of this chapter. The evidence here suggests students had a very negative attitude towards the feedback which would very likely impact on what students did with it when they

received it. When students were probed about the use they made of the feedback, very few students could respond with anything that would suggest a deep level of noticing. S3 for example said:

S3 “the feedback is not that useful because cases are quite different”

The implication of this comment appears to be that as the feedback is specific to a particular case, there would be little point in doing anything specific with it. When asked the same question S2 just responded that they “try to adopt the suggestions”. The only student who responded to the question of what they do with feedback with a strategy reported that they reread their previous homework before submitting new work.

When students were asked whether or not they always adopt teacher written comments students were very clear:

S2 “no (I never ignore feedback), want to improve my writing, feedback is valuable...

S6 “I always incorporate what she says, always can apply to the next memo”

The reasons the feedback was always incorporated were explained by student 4:

S4 “No choice, tutor will mark it so always incorporate it”

This perhaps suggests a motivational source in the marks and grades given to work, rather than a motivation for learning’s sake.

The attitudes to the feedback situation are complex. On the one hand students report that feedback is valuable and they always try and incorporate what the teacher writes, but in this context all the students generally felt the feedback was unhelpful and could not help improve their writing. It is difficult to know why this might be the case. The contradiction might be evidence that students found feedback useful in achieving grades only (see section 4.3.5). It seems the overwhelmingly negative attitudes to the feedback in this case were a major factor in students not learning more deeply from the feedback.

#### **4.3.4 Negative perceptions of success**

Another possible impact on motivation is the perception of success or failure in a setting. The main premise behind this determinant of motivation is that learners who feel they are likely to succeed are more motivated than students who expect to fail, and those students who believe they have control over their learning are more likely to feel motivated than those who do not. In this category, students' expectations of success in legal writing were investigated as well as the degree to which students felt they had control over their learning.

Much of what students commented on revolved around success stemming from doing everything their tutor instructed. In the interviews students were asked what they thought of the feedback they were receiving and to what extent it helped them develop their writing. They were also asked to what extent they worked with peers and whether they ever ignored teacher comments on their work.

When students were asked whether they could use feedback to independently improve their writing, they reported a lack of success. However, as the concept of autonomy may not have been well understood by the students, this was a very difficult question to ask in a semi-structured interview. I phrased the question slightly differently if students were not clear with the original question which was “in what ways do you feel the feedback given to you allows you to become a more autonomous writer?” The rephrased question was “Are you able to improve your writing skills independently based on tutor feedback?” Despite the differences in meaning between autonomous and independent, students still seemed able to answer the question appropriately. Most students agreed that it was very difficult to become more autonomous just from the feedback they received.

S2 said

S2 “Autonomous (sic) is a good goal... but the tutor can’t do much. Different tutors focus on different things”

The implication appears to be that this student can see that autonomy is a vital part of improving writing, but does not think it is achievable. S1 also agreed that the feedback they were getting could not help them become more autonomous, although did feel they could learn something about organization and structure by looking at a model answer given on the LRW website. S6 felt he was able to improve his writing through his reading on substantive law courses. He felt he was able to “pick up” the legal terms from cases, although whether he could pick up anything else was not mentioned. Other students mentioned:

S5 “the comments I get in LRW I can apply in LRW. I’m learning a specific skill on writing a legal memorandum. Not improving writing”

S7 “still need a lot of tutor feedback and help. Not sure if writing is getting better. Sometimes I’m at a loss as I don’t know what is good to write”

Students appeared to be able to perceive a lack of success in their writing development. The fact that students could not articulate concrete goals for improving their writing appears to be further evidence that students did not know what successful legal writing was (see earlier section 4.3.1).

Students generally adopted all the feedback their tutor gave them. Earlier comments suggested that students generally have little control:

S6: I always incorporate what she (my tutor) says

One student mentions his own initiative and comments that if he has no initiative then he will not be able to improve. He commented that:

S8: “the LLB curriculum gives you lots of things to write and lots of opportunities to write”.

This student appears to have a high locus of control and feels that if he puts the work in and uses the opportunities that the faculty provides, then he will be able to improve. This compares noticeably with student six who feels:

S6: “we should be shown better writing samples”

S6: “The student samples that are uploaded are not that good”

S6: “we don’t write enough in law generally”

For this student (who was more typical than student 8 who appeared very optimistic) there was a feeling that there were many factors beyond his control in setting about trying to improve his writing.

Overall there was not much evidence of students’ feelings about their locus of control.

Student 2 seemed to sum up the majority of opinions

S2 “it is difficult because I need someone to look at my work”

Such a response appeared to indicate that for this student, improving writing would be impossible if a teacher was not on hand to look at their work.

#### **4.3.5 Impact of grades**

Student 4’s mention of grades seemed to point to a different source of motivation – outside the individual. Skehan (1989) refers to this hypothesis of motivation as the carrot and stick hypothesis, where rewards given in the form of grades is the source of motivation for the student. This student was not the only one to have brought up the importance of grades. In fact several students cited having feedback that was exam-focused as highly desirable. Other students commented:

S3 “feedback helps marks improve but not writing”

S4 “tutors add things so the students know to include it next time”

S5 “(the feedback) helped with my final exam”

S6 “good that the feedback is exam-oriented. Tells you how to get the points”

Student 3’s is an interesting comment. He seems to be saying that feedback could be adopted that would increase a final mark but that this same feedback was unlikely to improve his writing.

#### **4.4 Summary of student perceptions**

Students were probed on their perceptions of the feedback and their attitudes to improving their writing. Factors have been highlighted that would very likely impact on student motivation and subsequent noticing of feedback. There appear to be three major factors in this context. Firstly, students do not perceive that the feedback they receive is useful for improving their writing. Secondly, students seem to have a low level locus of control. Thirdly, students were able to perceive messages about the lack of importance of writing from a number of sources. These sources included the feedback itself, the chosen exemplars for students to consult, and the faculty in the form of a lack of credits for writing, and little focus on writing in other law courses.

#### **4.5 Conclusion**

The two sections of the chapter taken together have illuminated aspects of this learning context. The exploratory nature of the study allowed the researcher to probe both

contextual and psychological aspects of feedback. The first part of the chapter outlined the feedback practices in this context and suggested in what ways these practices might not be conducive to deep attention to feedback. The second part of the chapter investigated student attitudes to feedback, student goals and perceptions of their writing success. The semi-structured interview responses uncovered a complex picture of what might be impacting on student attention to the given feedback. Despite students' strong goals for writing improvement, other factors in the learning environment seemed to work against students' deep noticing of feedback.

The biggest factor appeared to be the implicit messages that students received from the feedback, the course and the faculty as a whole about the lack of importance of writing. This message, along with students' negative perceptions of the usefulness of the feedback in helping them improve their writing, appeared to override the strong extrinsic motivation that students brought to the learning context. Finally, students seemed to have little motivation stemming from their perceived levels of success with legal writing. Although evidence here is small, there is a suggestion that the learning context worked against students feeling successful in their learning. Students were not able to engage in dialogue with peers or the teachers about writing from their own assignments or when comparing their work to exemplars. Rather, their work appeared to be judged and shortcomings exposed which may have led to students' lack of confidence in their abilities. In addition the feedback itself did not appear to be helpful in persuading students that they were able to begin improving their writing autonomously.

A complex picture emerges as to how these factors might be hindering students' noticing of feedback. Fig. 4.3 is an attempt to highlight where these factors might fit into a socio-cognitive framework that was introduced in the literature review (see section 2.4.4).

The model has included the factors that this study found to be impacting student noticing of feedback in this context. These factors are shown in the boxes under the learning environment and student psychological factors. There appeared to be factors in the learning environment that are likely to impact noticing directly. If feedback is unclear, non-existent, or not focused on aspects that can help students improve their writing, then there is little for students to notice. Similarly, if feedback is given after a piece of writing is complete, there are unlikely to be opportunities to negotiate meaning with teachers or peers. Other studies have shown that feedback that comes after work is complete is unlikely to be noticed (E.g. Ferris, 1995), a finding that this study seemed to confirm. Lastly, the learning environment seemed to lack opportunities to develop meta-cognitive skills, a factor shown to be important in interpreting and using feedback (E.g. Sadler 1989). If the learning environment does not offer opportunities for students to develop in the future, then feedback may go unnoticed, or may be adopted half-heartedly without being fully understood.

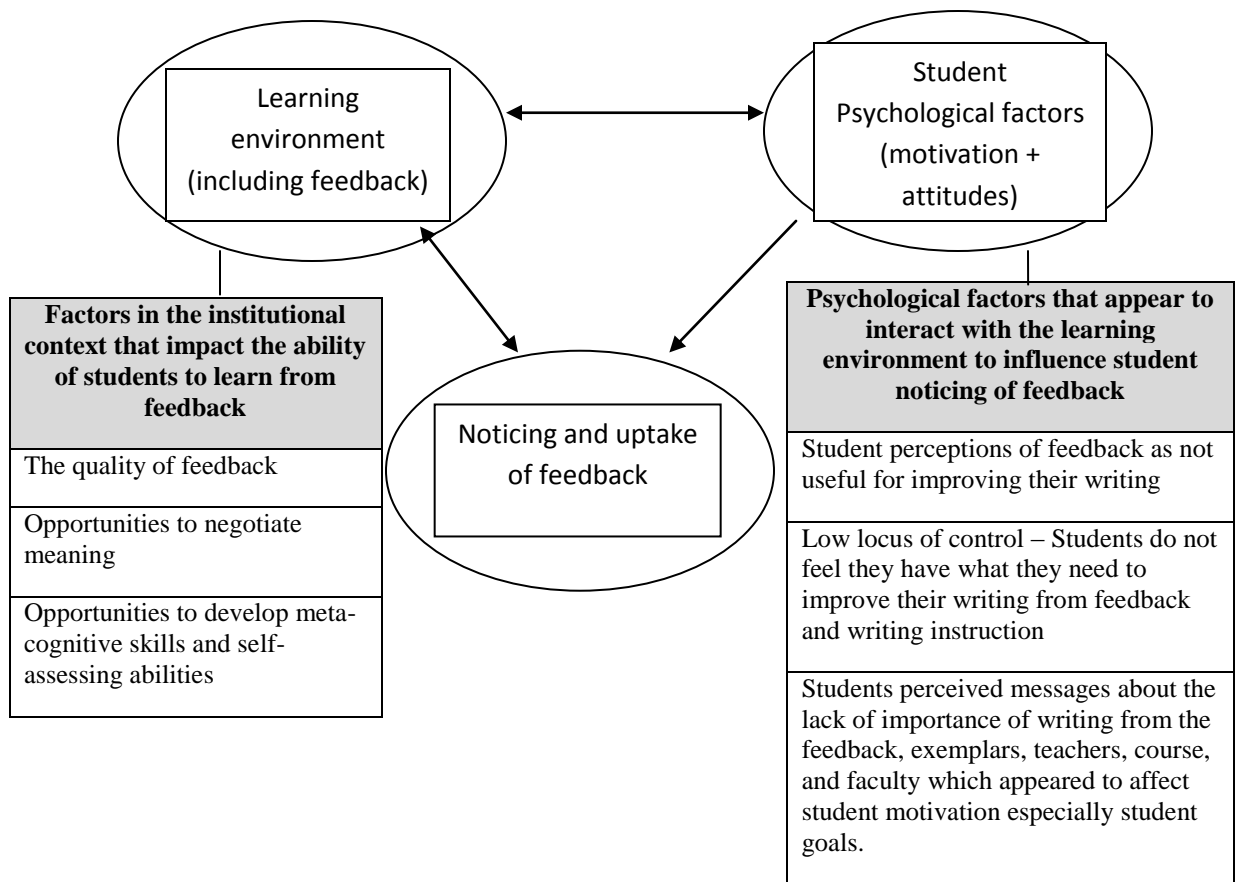


Fig 4.2 Factors that impact noticing of feedback

The two-way arrow between the learning environment and student noticing indicates a symbiotic relationship. If students are not noticing or understanding feedback, it is likely to affect the learning environment directly. Students may, for example, not appear to be learning from the feedback, which might make teachers doubt the effectiveness of their feedback and lead them to give less.

The one-way arrow between student psychological characteristics and noticing indicates a seemingly straight-forward relationship. Students can, for example, bring motivation to

the learning setting which will aid noticing. Students in this context appeared to be highly motivated to improve their writing, which normally one would expect would have a positive effect on students' use of feedback. This study indicated that there was little evidence of this, and that motivation appeared to be affected by aspects in the learning context, which likely affected what feedback was attended to.

The two-way arrow between the learning context and student psychological characteristics demonstrates the rather complex nature of their interaction. It is difficult to see any causal relationship between factors, however. For example, the student perceptions of feedback as not being useful for improving writing might be caused by poor feedback in this context or by other factors such as students' low levels of control over their learning. It does appear, however, that in the vast majority of cases that the learning context had a direct impact on motivation. Because students were not intrinsically motivated, extrinsic motivation appeared not to be significant in encouraging students to notice the feedback.

It is difficult to see the nature of the interaction with regards to the issue of the locus of control. If students do not feel their needs are being met with regard to improving their writing, this could be a result of faults in the learning environment. It could also be that these issues are a result of individual differences between the students. Some students seemed able to identify that there were many opportunities to write in law, and it was their own problem that they were not making the most of these opportunities.

Overall, there were a number of factors identified that seemed to have an effect on how well students were likely to notice and understand feedback. The learning context appeared to be a significant barrier to student motivation for writing. Although individual differences were present, improvements to the learning context would be likely to have an impact on student motivation and also allow students to better notice feedback. Possible directions for improvements are taken up in the final chapter.

## **5 Conclusion**

This study has taken an exploratory approach to investigating student perceptions of usefulness of feedback within a legal writing context. The study has revealed a complex interplay of factors which appear to influence how students use feedback. This conclusion will suggest how, in light of the findings from this study and the literature that has been reviewed, writing instruction and the learning context can be enhanced in order to better meet student needs for feedback.

The first section suggests what the course director and teachers of LRW might do to enhance feedback in this context. The second section tentatively suggests a possible role for an EAP unit supporting a programme which has an explicit writing focus. The chapter closes by acknowledging the limitations of this study, and proposing future research that could be carried out on feedback in the context of tertiary writing.

### **5.1 Suggestions for enhancing student noticing of feedback in LRW**

Drawing on the findings of this study, there are several suggestions that the law faculty might consider adopting to help enhance both the feedback and student engagement with feedback. Many of these suggestions allow students to play a more central role in the feedback process. Other suggestions point to changes at both the course level as well as the programme level.

### **5.1.1 Clarify the role of writing within the LRW course**

The first suggestion is to make sure that all teachers know the specific role of the course. The evidence from the results section suggested that even though all teachers knew the course was called Legal Research and Writing, they had different beliefs about whether writing should be an explicit focus. Some teachers were law faculty members while others were practitioners. This difference may have led to different teachers, among other things, questioning whether exemplars were well written or not. The fact that writing did not appear important for some teachers may have led to a lack of credibility of other students on the remaining teachers. In other words, students did not really trust that writing was that important, especially as they seemed to perceive that it was not for the LRW director.

The purpose of the course could also be more explicitly stated to students so that they know that writing is a focus. With the move to outcomes-based assessment at this particular university, it should be possible to clarify the purpose in an outcomes statement. Up to now, this kind of statement does not appear to have existed. If students see explicit specification of writing in the outcomes statement and can feel all the teachers dealing with writing in a similar way during the course, they are likely to feel that writing is valued.

### **5.1.2 More effectively promulgate best practice**

Evidence in the results section suggested that although students did not see feedback in this context as useful, there were some feedback practices that students benefited from. It is likely that some of the teachers may not have had much experience of giving feedback, particularly those teachers who were legal practitioners. This may have been a cause of the variability that was evidenced in the results section. These practitioners likely had only their own teachers as guides in giving feedback. That is to say, the legal practitioners may have simply adopted whatever style of feedback giving, their own teachers used on them when they were students. Hounsell, McCune, Hounsell and Litjens (2008) recommend teachers try to share their accumulated ‘wisdom of practice’.

### **5.1.3 Give feedback earlier**

The final improvement that teachers in this context can make is to give feedback earlier. The results indicated that some students did mention that feedback arrived too late. Students did not specifically mention not receiving feedback on their work while it was still in production. Evidence from the literature review suggested that students in general are more attentive to feedback in progress and so giving them feedback before they submit any final piece of work is likely to be beneficial.

Some teachers might complain that commenting on drafts and then on final versions would significantly add to workload. This need not necessarily be the case – teachers could tell students that comments would be given prior to submission and not after.

Teachers could also give the whole class a generalized set of feedback on the final draft having given more individualized feedback on an earlier draft. Students seemed less concerned about the correct law content in this context than did the teachers.

#### **5.1.4 Discuss exemplars and criteria in the class**

The previous three sections deal with what can be improved about the quality of the feedback given to students. It might be equally important, as the findings of this study seem to indicate, to find ways for students to become more engaged with the feedback they receive and find ways of helping themselves and each other in improving drafts. There is, in other words, a need to develop students' capacity to engage with and learn from feedback.

In this context, this could be done in several ways. The first way is helping students come to hold a concept of quality roughly similar to that held by a teacher (Sadler, 1989).

Exemplars and criteria can be used to recognize and judge work of varying standards.

Although exemplars were used in the LRW context, the use of them could be enhanced in this setting by:

- Allowing students to discuss the exemplars in class (or even online) with each other
- Ensuring that there are some exemplars of high quality writing so students get a sense of what good quality legal writing looks like

- Allowing students to grade the exemplars using marking criteria, so they get a sense of how they will be judged on their writing
- Using the exemplars *before* students submit final versions of work
- Small group discussions of exemplars or of the feedback on their own essays during class time

### **5.1.5 Make use of collaborative assignments**

Another finding in the results section was that collaboration appeared to be actively discouraged. Every cycle of writing in LRW appeared to follow a similar pattern – namely that a lecture or tutorial would introduce an issue in law and then students would write a memo advising a client on the point that had been taught. A collaborative assignment would be an assignment which would allow students to work together to draft an answer. This would result in fewer pieces of writing for the instructor to mark, but more importantly, would offer a chance for students to collaborate and discuss how the memo should be best written. The final pieces of writing could still be open to display between students by using the versions as exemplars. Such a practice would however require a softening of the law stance that collaborating is cheating.

### 5.1.6 Utilize peer feedback

A point relating to collaborative assignments is the more systematic use of peer feedback. This appeared to be under-utilized in the LRW context. Peer feedback could be used in a variety of ways.

- Students could be encouraged to read and comment on each others' work *before* teachers mark the work.
- Students can work together to try and interpret teacher written feedback. This would take place *after* teachers had commented.
- Students can be asked to generate their own grading criteria for an unfamiliar assignment.

The final example encourages students to develop their awareness of features of quality in a piece of work (Sadler, 2009). Students, for example, would try and 'mark' a few examples of student work, and would try and decide which were the best quality and decide why. The process of deciding the criteria forces students to develop evaluative and meta-cognitive skills.

### 5.1.7 Summary of suggestions

The suggestions outlined above could all be implemented without the need for extra feedback being given by teachers. The focus would be on more formative feedback and on helping students engage with and make the most of their feedback learning opportunities. There is likely to be extra work to begin with while teachers decide the real

role of writing within the LRW programme, and while they share best practice about feedback but after that there should be no need for extra effort. It is conceivable that some of the above suggestions may actually reduce workload, as students begin to take more responsibility for their writing.

## **5.2 A role for EAP**

One motivating factor for students in this particular learning context is likely to be that feedback is given to students by legal practitioners. These are professionals who know what good legal writing looks like and are likely to be best-placed to offer students feedback about what a legal community judges as acceptable. What kind of role an EAP unit might play would depend to a large extent on how capable and sufficiently motivated LRW teachers were in aiding students with their writing. Whatever role an EAP unit plays, they should not aim to duplicate any existing work, but rather find a way to better support the work of improving student writing in LRW.

Assuming LRW teachers are willing to help students with their writing, EAP's support role might best be either supporting LRW teachers, supporting student collaborative efforts to improve writing, or both. An EAP unit might be able to offer assistance by helping law faculty devise suitable writing criteria. It could also help by offering advice on giving feedback to students. A familiarization workshop could be run to help LRW teachers learn to give better feedback.

A more likely scenario would be the EAP unit helping train students directly. This would unlikely constitute a course. A more time-efficient intervention might be workshop training in order to help students peer respond to each other's writing. A finding from this study was that students wanted more help with the accuracy of their writing. EAP teachers could assist students by training them to better peer edit each others' work. With LRW teachers unlikely to be able to offer much help beyond just error correction, students can provide each other with support. Students could also be taught to consult a concordancer when peer response attempts are unsuccessful.

### **5.3 Limitations of the present study**

The above two sections tentatively suggest actions that the Law Faculty might take to improve the learning context in order to help students with their writing, and also suggests what role an EAP unit might play. These suggestions have been necessarily tentative, largely because of limitations to this particular study. The prime limitation is the size and scope of the study. In order to more fully study the context and make more concrete recommendations, a more comprehensive study would be necessary.

The nature of feedback in this study could only be inferred through student responses to semi-structured interviews. This means to some degree the research relies on student responses to illuminate what the feedback looks like and how useful it is. There could be a difference between what students receive and what they think they receive, although this study has attempted to limit this effect to some degree by focusing only on what

students felt the feedback focused on and how it was given. Asking anything more complex may have been harmful to the validity of the study. A more detailed content analysis of the actual feedback students had received might have allowed a focus on interpersonal aspects of response such as whether or not the teacher was using feedback to praise, criticize or make suggestions for improvement.

Another limitation of this study was that it was only able to look into student perceptions and not teachers' perceptions of feedback. In other words, there were no teacher voices in the research. Teachers' perceptions would illuminate the study further, particularly with regard to what feedback they felt they were giving and what they felt that focused on. The study can only infer what teachers' intentions were for the feedback and what they felt students should be able to do with it. Comparing student and teacher perceptions would be enlightening in this context (see section 5.4 on future research).

A final limitation was that the study was cross-sectional and not longitudinal. This means that the research design was unable to investigate how student motivation might be affected over time, and under what influences. Such a study might better hint at causality, that is, what factors in the context were having an impact on motivation and what factors might have been the result of motivation.

Despite these limitations, this study has still been able to demonstrate that student perceptions are a major factor in their not making good use of feedback. It has further demonstrated how these perceptions might reflect elements in the learning context.

#### **5.4 Future research**

The socio-cognitive model adopted in this study could be the source of future research into feedback contexts. What this study was not able to show, for example, was how much of the feedback students are able to ‘notice’. Zhao’s (2010) earlier study used think-aloud protocols in order to gauge the levels of understanding of feedback. Further research could do more to show the relationship of the learning context and student psychological factors to student cognition of feedback.

A broader study combining a feedback analysis and teacher voices would also yield rich data. Such a study might be able to tell us in more detail how teachers respond to students, the role they feel they are playing, and what effect this has on what students do with feedback. This kind of study might be able to offer suggestions for practice. It is to be hoped that future studies into feedback fully take into account the role of the learning context, and individual learners, when researching the effectiveness of feedback on writing.

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## **6 Appendices**

### **Appendix I**

#### **Questions for semi-structured interviews with Students**

##### **How feedback is given**

1. What aspects of your writing does the tutor normally give feedback on? (Legal issues?, organization and structure?, language issues?)
2. What methods did your tutor use to give you feedback on your performance? (written comments after your work, corrections on the work, conferencing)
3. Did the tutor give a grade for your work? If so, how easy was it to interpret what the grade really meant in terms of your performance?

##### **The usefulness of feedback**

1. In what ways did you find the feedback given to you useful?
2. Does the feedback you receive allow you to improve your writing skills? Why? How? Why not?
3. Have you ever sought help from peers in addition to what you find out from your tutors? Why/why not?
4. In what ways do you feel the feedback given to you allows you to become a more autonomous writer? (are you able to improve your writing skills independently

based on tutor feedback?) (example ways: avoidance of language error, better analysis of legal issues)

**The use to which feedback is put**

1. How does the feedback you are given influence your subsequent writing?
2. Do you ever ignore written comments on your work? Why/why not?

**Writing goals/beliefs**

1. How important is it to improve your legal writing? Why?
2. What are your goals in legal writing and writing more generally?
3. What do you feel your tutor's goals are for you in legal writing?
4. To what extent are your goals your own and to what extent are they shaped by requirements of the LLB programme? (what need is there to specifically improve your legal writing?)

## Appendix II

**I** = interviewer

**S5** = Student 5

**I:** Well, thanks for taking part in this interview... I'm just going to ask you a few questions about your... the feedback you've been getting from your LRW specifically... but you can mention also other feedback... in your law programme more generally... err... I'm just going to start by asking a few questions about how the feedback is normally given to you... what sort of methods does your tutor usually use to give you the feedback?

**S5:** well... this semester I only got back one of my LRW homeworks... and basically she just used word to put in 3 comments basically... on the side... and... last semester my tutor just printed out my work and he also wrote notes... and he definitely gave many more comments than my present tutor...

**I:** So do you have any preference for how the feedback is given to you? I mean do you prefer it hand-written on your hard copy or... you just prefer it electronically soft copy?

**S5:** Well... electronic is new for me but I don't mind it... I mean I'm still more familiar, more comfortable with the written one I guess...

**I:** Ok, and is there any other way the tutor gives you feedback, I mean any oral feedback, or oral conferencing, or anything like that?

**S5:** umm... my... I used to ask questions to my previous tutor about his comments like, if I didn't understand what he wanted me to do... and then he would like give me back oral feedback...

**I:** So usually it doesn't happen in the tutorial you get any specific feedback, unless you ask somebody for it?

**S5:** Umm... no he'll sometimes just start talking about all of our work in general... and then after that he'll ask if there's any more specific questions about the comments he's given us... and then we'll have to ask...

**I:** Ok... umm... and what sort of aspects of your writing does your tutor normally focus on?... or give feedback on?

**S5:** Umm... generally not grammar. More on the legal points, like this point is not too clear, it's the evidential burden of proof not the legal burden of proof or something like that... err... I don't really get too much on grammar... but I do know the girl sitting next to me... got grammar points

**I:** Ok, so sometimes there are language corrections, other times they focus on the legal issues...organization and things... umm... ok... and do you get a grade or a mark for your work normally?

**S5:** yeh... and it's not a grade normally... both my tutors have been giving me marks...in the end...

**I:** out of?

**S5:** out of 100... yeh...

**I:** so is it easy for you to interpret what that mark means in terms of your performance?

**S5:** It's not difficult to interpret from the mark itself, you have to like get up the courage to ask your classmates what they got... and then see... because sometimes you'd get 60 and be like oh my god that's so horrible, I did horribly, but then... you find out everyone else got 50 or 40 and so 60 is great already... so you have to work up the courage to ask other people what they got...

**I:** Most people are ok telling you?

**S5:** No... it's very difficult asking them in the first place... but if someone comes and asks you, it's great so you can ask them back

**I:** So... umm... If you got 60 for example, do you think you'd feel confident in knowing how good your work was...or how well you'd performed? ... other than just relative to other classmates...

**S5:** Well, not I know that in law, 60 is pretty good... when I first started out in law I thought 60 was bad... then I found it is more than average, so now I know if I at least got 60 I've done ok,...

**I:** Ok... just turning now a little more to the usefulness of the feedback, err... in what ways do you find the feedback you get useful? In what ways is it not useful?

**S5:** Umm... I got very little feedback from this one... umm... but from my last tutor I found it very useful... He would give me feedback on where I went wrong in my legal reasoning... and it was like those homeworks were not graded... or assessed... and it really helped me in writing my final exam... like how to formulate my argument, and whatever...

**I:** So you kind of used the feedback that your tutor gave you on a later piece of work? It was directly relevant?

**S5:** Like I used the feedback to make a general idea of what a legal memorandum is... and then I made myself a... what do you call it... a template or something... and then I used it at a later time so I didn't have to (inaudible)

**I:** So that definitely helped?

**S5:** Hmm..

**I:** So what about with this tutor... you said you got less feedback... did you find with this feedback that you'd be able to incorporate it into a later answer?

**S5:** Umm... probably not...

**I:** Those are all legal issues there that have been highlighted...

**S5:** Yeh... this is like... it's not really... it's kind of like a format mistake... as I didn't write a citation... so now I know I have to put my citation here, that's helpful... although it's not really in a huge way that would affect how I do in this sort of work...

**I:** ok, and what about the feedback, not just from this course, but more generally from law courses... do you feel it allows you to improve your writing skills?

**S5:** I don't really... there's not much room to get feedback on other courses other than LRW... because like, for example for contract we went in and had midterm last semester.... And we really went in without ever having done... like any practice in answering contract questions, and so... we actually didn't even get feedback on the mid-term I just found out that you have to be active... have to go and find your tutor and ask them to find your mid-term exam and give you feedback... and many people don't know that you can do this...

**I:** ok... so... and maybe if everybody did it the tutors would be too busy... so maybe that's the reason why... err... so... you only get the feedback for the LRW particularly, so do you think the feedback there improves your legal writing more generally?

**S5:** Umm... right now, the LRW is not so much related to our other courses, like we mainly have tort and contract, LRW is like ordinances and the cases are all over the place, like in criminal law which we haven't been learning yet... and so I'm not really applying what I learnt to tort and contract

**I:** Umm... what about the feedback you receive... umm... does it help you become more independent as a writer? So... I mean can you, do you feel your writing is developing though you just doing this yourself, rather than having any courses...

**S5:** You mean courses on what?

**I:** so, on improving writing really, writing more generally, I mean... so does the feedback you get allow you to improve the writing yourself,... without comments from anybody else?

**S5:** Well if you mean exam...

**I:** well...

**S5:** I mean if it's about ECEN, it is specifically about what I've been learning... and I'm getting questions on it in my exam... so I definitely can apply the comments I get in that to... like practice... but for LRW the comments I get, I apply in LRW

**I:** Ok, so I'm thinking without the use of a course, is the feedback you receive enough to write better... so if there was no ECEN you'd still feel confident that your writing would be developing ok?

**S5:** well it's not,... maybe for some people it's not, attending LRW is not helping with their writing, but I mean for me, it's like I'm learning a specific skill on how to write a legal memorandum, so it's just like I'm going there to improve that skill, not going there to improve my writing, or anything...

**I:** hmm... ok... and do you ever get help from your peers when you're doing your LRW work?

**S5:** Well... um... I discussed it sometimes with my friends, not specifically because I needed help but a friend asked me what the hell was going on... I was like giving her my notes from LRW and then we were discussing it, that's all...

**I:** so it's just with one person mainly... it's not something you routinely do... kind of chat with other people about the problem before you write it...

**S5:** Not in detail... just once or twice with one friend mainly...

**I:** So do you think it's a good idea to chat about it beforehand... or is it better to just focus on it yourself?

**S5:** Well I think it's better to talk about it before... it helps you to clarify it in your head... it helps you sit down and actually finish it... yeh...

**I:** Ok... err... thinking a little bit about the is to which feedback is put... when you get teacher feedback or comments on your work, do you ever ignore comments that have been written... maybe because you don't agree with them or you don't understand them...

**S5:** No umm... I generally agree with them, as they are teachers... and I have no idea what is going on in law... I just listen to everything they say... as I don't have any better opinion than them... I'm a science student in school till form 7 so I just like listen to everything they say...

**I:** yeh, so... whatever they do... whatever they suggest you'll definitely do it in your next answer, you'll incorporate it?

**S5:** yeh,

**I:** what about even it's something you're not quite sure why they've put that? You'll still incorporate it anyway even if you're not sure?

**S5:** well for example last semester I wasn't pretty sure with most of the comments he gave me so I just ask him and he gave me, and he explained to me and then I understand why he gave that to me...

**I:** So for you you'll always want to understand it before you put it in your...

**S5:** yeh so if I didn't know it I couldn't apply it...

**I:** So in that case if you didn't understand it you wouldn't put it in... ok, umm... just finally talking about your writing goals... or writing beliefs if you have any... how important is it to improve your legal writing do you think?

**S5:** pretty important I suppose, as I'm going to go into a legal career, I don't really know what you want me to say for this question...

**I:** well, just whatever is in your mind... I mean do you... I mean when you say it's important, is it because whenever you're in the field of... as a lawyer working, you're going to need to have good legal writing, or is there another reason why you think it's going to be important?

**S5:** Erm... legal writing, you know when you know what legal judges write, it's not what legal judges write, I don't understand it often, it's like... everything is so convoluted, and so I think legal writing is for legal career so, it's not really going to help me with anything else... that's my opinion for now, it might change later of course...

**I:** So would you say you had writing goals... like you are good enough to be in the legal profession... do you have any other specific goals for writing, or no goals at all,

**S5:** I've never thought about writing specifically... I just want to be good enough... to be understood or something,

**I:** what about the LLB programme itself, do you think the programme has goals for your writing,... or you don't really see it...

**S5:** I don't see it... because we don't get any practice at all, like, they specifically created this ECEN course to help with our writing, but they don't really incorporate it in the actual lessons, like... so they incorporate it in the tort of negligence, but... I got almost no practice in the subject of contract, so many of my classmates are freaking out after the mid-term, because they've never practiced... I mean they get such questions in their tutorials but they never have to write out answers. .. they just have to think about what the answers could be and just talk about it in class, but they didn't actually write it out and when they did the midterm they didn't have any practice, I mean not even once, so...

**I:** I mean do you see... is there anything that can generalize from doing a PQ in tort, for example in the tort negligence course, is useful in contract PQs or do you think they're completely different really and not much help...

**S5:** Umm... I think there's some relationship... but I think they are really different, umm... I don't know... they have the same format, you know like IPAC or something and then all the possible actions, ... maybe the structure, but that's it...

**I:** ok... so... do you feel your tutor has writing goals in mind for you, or... as you said, umm... you said the LRW was improving certain skills, rather than improving writing, do you think that's the way your tutor would see it as well? Erm... or do you think they've got a specific goal to improve your writing as well?

**S5:** I don't think they have a specific... umm... I mean... well maybe it's just my writing, but I've never gotten much grammar comments,

**I:** you probably don't make many mistakes that's why!

**S5:** yeh... but then you know how my tutor last semester used to give me some general comments first, and then we could ask more specific questions after, ...in the general comments he would sometimes talk about grammar as well... and I don't know if that counts as a specific goal to improve our writing but you did this grammatical mistake in your writing this week so ..

**I:** seems quite interesting... so, umm.. you say... you think in terms of improving your writing it's a more personal goal rather than like a programme goal?

**S5:** yeh...

**I:** so does that mean you spend your own time to do the writing, or... I mean do you spend any time doing it?

**S5:** erm... no... I mean I would do the necessary thing... because I don't like write for fun or something...

**I:** yeh... I mean, those are most of the questions I think I was going to ask... is there anything else that you would comment on, in terms of your own writing or feedback, perhaps that I've not asked about or covered...

**S5:** you mean whether I have any questions?

**I:** any other questions, I mean anything else you'd want to add... some people have one or two questions they want to put...

Ok... so maybe we'll finish it there... so thanks, thanks for your time...

**End of Interview**

**Appendix  
III**

**THE UNIVERSITY OF HONG KONG**

香 港



大 學

March 30, 2010

Mr. Philip Smyth  
Centre for Applied English Studies

Dear Mr. Smyth,

**Reference No. EA1090310: Application for Ethical Approval**

I refer to your application for ethical approval of your project entitled "A preliminary study on the effectiveness of feedback in enhancing student writing in legal research and writing (LRW)".

2. I am pleased to inform you that the application has been approved by the Human Research Ethics Committee for Non-Clinical Faculties regarding the ethical aspect of the above-mentioned research project.

Yours sincerely,

Professor J. Bacon-Shone  
Chairman  
Human Research Ethics Committee for Non-Clinical Faculties

**THE REGISTRY 教 務 處**

POKFULAM ROAD, HONG KONG. TEL: (852) 2859 2111 FAX: (852) 2858 2549

**An Informed Consent Form****A preliminary study on the effectiveness of feedback in enhancing student writing in Legal Research and Writing (LRW)**

You are invited to participate in a research study conducted by Philip Smyth in the Centre for Applied English Studies (CAES) at the University of Hong Kong.

**PURPOSE OF THE STUDY**

The main aim of this small-scale research project is to investigate current feedback practices and the uses students make of this feedback within the context of an undergraduate legal research and writing course.

**PROCEDURES**

As a participant in the study, you will be asked to take part in an interview with the researcher and answer a few questions about the feedback you receive in your Legal Research and Writing course and what use you make of this feedback. The interview will be audio-recorded. It is expected that the interview will last no longer than 30 minutes.

**POTENTIAL BENEFITS**

Your participation can help improve teaching and learning on the LRW program and will allow you the chance to reflect on what you do to develop as a writer.

**CONFIDENTIALITY**

Your answers to the questions in the interview are confidential and will not be passed onto anyone other than the researcher. The information from the research will be used for research purposes only. All records containing your name will be deleted (including audio files) after the data has been transcribed so that all remaining data is anonymous.

**PARTICIPATION AND WITHDRAWAL**

Your participation is voluntary. This means that you can choose to stop at any time without negative consequences.

### QUESTIONS AND CONCERNS

If you have any questions or concerns about the research, please feel free to contact Philip Smyth at HKU, KK Leung 703, 2859 2018, [psmyth@hkucc.hku.hk](mailto:psmyth@hkucc.hku.hk) If you have questions about your rights as a research participant, contact the Human Research Ethics Committee for Non-Clinical Faculties, HKU (2241-5267).

### SIGNATURE

I \_\_\_\_\_ (Name of Participant)

understand the procedures described above and agree to participate in this study.

---

Signature of Participant Date

Date of Preparation:

HRECNCF Approval Expiration date:

## Appendix V

### Assessment criteria

In order to be graded competent or above, you will be assessed on the following:

#### 1. Writing Skills (Total 28 marks)

**Your Legal Memorandum should be:**

- i) written in correct grammatical English
  - ii) written in clear, plain language
  - iii) contain no spelling mistakes
  - iv) written concisely
  - v) written in a language and in a style appropriate to a Legal Memorandum
- [18 marks]**

**Your Legal Memorandum should:**

- i) be properly headed and neatly laid out
- ii) be divided into an appropriate number of paragraphs
- iii) make sensible use of headings
- iv) deal with each issue in a logical and structured order
- v) give each issue its due weight and significance

**[10 marks]**

#### 2. Legal Analysis (Total 60 marks)

**Your Legal Memorandum should:**

- i) correctly state the material facts and procedural history
- [5 marks]**
- ii) correctly identify the legal issues
- [10 marks]**
- iii) correctly state the law
- [5 marks]**
- iv) correctly analyse the issues and apply legal principles with full and sound reasoning to the facts
- [30 marks]**
- v) provide a correct conclusion on the issues
- [10 marks]**

**Total Marks overall: 88 marks**