



Handling Criticism of Your Writing (after Taking Advil to Handle the Hurt)

When someone criticizes your writing, it stings. However, to quote Aristotle, “Criticism is something you can avoid easily by saying nothing, doing nothing, and being nothing.” If you are a lawyer, odds are that a supervising lawyer, a colleague, or a client will edit your writing. Unfortunately, although authors have written volumes on giving feedback, they have not written much on accepting it.

Frankly, I am not an expert because I am no role model for gleefully accepting criticism. I have received criticism as an associate, a senior associate, and a partner. I teach now, and I still receive negative feedback from colleagues.

To this day, I will never forget the first time a partner reviewed my work and struck fear into my heart. I wrote a motion to dismiss claims on the ground that the Copyright Act preempted them. I was a new associate at an entertainment firm in Los Angeles. I wrote what I thought was a brilliant 10-page motion. A day later, the partner left the motion on my chair. He had crossed out six of the pages and attached a note that said, “See me.” You can imagine my dread. When I met with him—sure that this would be my last appearance at the firm—his comment was, “Let’s not anticipate every argument the other side will make. We’ll have an opportunity to file a reply brief, so let’s see what they come up with.” It is a point I never forgot.

If you have ever felt this pain, it is real, and, if you have not, you should submit your story to Ripley’s Believe It or Not. In fact, negative feedback can be experienced as a form of social rejection, and that rejection hurts emotionally and physically.¹ In one neuroimaging study, psychologists found that some of the same neural machinery recruited in the experience of physical pain might also be involved in the experience of pain associated with social separation or rejection.² Although this study involved exclusion from a virtual ball-tossing game, it has implications for a broad variety of social rejection and loss.³

So, in addition to taking Advil after getting feedback, consider the following steps:

- **Picture the empty chair:** Don’t take it personally. Instead, picture the issue with your writing and place it in an empty chair. If it is problems with organization and clarity, put those issues in the chair. Tackle the issues in the chair instead of the person giving feedback.
- **Do not argue or be defensive:** You are better off spending your time listening to the comments so you understand how to implement them instead of defending every choice you made. Do not be the basketball player who argues with a ref over a bad call; the ref never changes the call and instead may call a technical foul.
- **Seek clarity:** Lawyers are notoriously bad at giving feedback. Think of a comment such as, “This is unclear. I’m confused.” My mother was an English teacher (so my difficulties with feedback started early), and she would ask, “You call this a

sentence?” I learned not to insist that it was a sentence but instead to ask, what is missing? Seek clarification.

- **Assess feedback⁴:** Resist the urge to start revising as soon as you receive feedback. Read all the comments and sort the feedback into categories. What are the big-picture issues? Overall organization? What are the small-picture issues? Missing or objective topic sentences that don’t help persuade your reader? Paragraphs that do not stick to one idea? What are the sentence-level issues? Did you struggle with grammar and punctuation or missing citations? Then, as you revise, start with the big-picture issues, move on to the small-picture issues, and then address the sentence-level issues.
- **Be thankful:** Most busy lawyers do not have the time to provide detailed and meaningful feedback.⁵ In fact, recently, large law firms have been making changes because associates are demanding more feedback. They want to shed annual appraisals and force input that is more frequent. One firm recently launched tracking software that will prompt partners to complete a feedback form when an associate finishes an assignment.⁶ Therefore, if someone takes the time to help you become a better writer, consider yourself lucky! **AZ**



Diana J. Simon

Diana Simon is Assistant Clinical Professor of Law and Associate Professor of Legal Writing at the University of Arizona, James E. Rogers College of Law. Prior to teaching at the law school, she spent 25 years as a commercial litigator in Tucson and Los Angeles.

endnotes

1. Naomi Eisenberger, Matthew Lieberman & Kipling Williams, *Does Rejection Hurt? An fMRI Study of Social Exclusion*, 302 SCI. 290-92 (Oct. 10, 2003).
2. *Id.* at 292.
3. *Id.* at 291.
4. ALEXA CHEW & KATIE PRYAL, *THE COMPLETE LEGAL WRITER* 419-20 (2016) (explaining steps for implementing feedback).
5. Lizzy McLellan, *Young Lawyers demand more feedback, and firms deliver*, PITTSBURGH POST-GAZETTE, June 5, 2017, www.post-gazette.com/business/legal/2017/06/06/Young-Lawyers-Demand-More-Feedback-Firms-Deliver/stories/201705300001
6. *Id.*