

IT'S ALL ABOUT THE PEOPLE: HIERARCHY, NETWORKS AND TEACHING ASSISTANTS IN A CIVIL PROCEDURE CLASSROOM COMMUNITY

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In Spring 2009, I embarked on a project to introduce the students in my first year, six-credit Civil Procedure sequence to the life of the lawyer in community, representing people, as most of them would ultimately live it.¹ My inspiration was my eight-year practice experience in Owensboro, Kentucky (pop. 50,000).² My tools were course design elements rooted in the lived experiences of individual litigants and prior students' contributions, which would demonstrate that our classroom was a "community of memory" with a past, present, and future.³

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- 1 See, e.g., Randolph N. Jonakait, *The Two Hemispheres of Legal Education and the Rise and Fall of Local Law Schools*, 51 N.Y.L. SCH. L. REV. 863, 874-76 (2006-2007). See generally also DONALD D. LANDON, *COUNTRY LAWYERS: THE IMPACT OF CONTEXT ON PROFESSIONAL PRACTICE* (1990); CARROLL SERON, *THE BUSINESS OF PRACTICING LAW: THE WORK LIVES OF SOLO AND SMALL-FIRM ATTORNEYS* (1996); JOHN P. HEINZ ET AL, *URBAN LAWYERS: THE NEW SOCIAL STRUCTURE OF THE BAR* (2005) [hereinafter "URBAN LAWYERS"]; Jennifer E. Spreng, *It's All About the People: Creating a Community of Memory in Civil Procedure II, Part One*, 4 PHOENIX L. REV. 183, 189-90 (2010) (hereinafter *Article I*); Jennifer E. Spreng, *It's All About the People: Personal Jurisdiction, Lord of the Rings and Classroom Community in Civil Procedure I*, available at http://works.bepress.com/jennifer_spreng/12 hereinafter *Article II*.
- 2 See *Article I*, *supra* note 1, at 189-90.
- 3 See *Article I*, *supra* note, 1, at 228 (quoting ROBERT N. BELLAH, *HABITS OF THE HEART* 153 (1996)), 232. A community of memory is one that "'does not forget its past' and is made up of people who 'participate in the practices—ritual, aesthetic, ethical—that define the community as a way of life.'" ROBERT N. BELLAH, *HABITS OF THE HEART* 153-54 (1996).

Result: My most engaged class yet; vibrant reforms of my course design and delivery; improvements in my own knowledge; and many students who have remained closely attached to me even after graduation. I did not expect that in creating community we would upend the classroom hierarchy and create dense, complicated interpersonal networks. The teaching assistants and prior students who participated in class activities demonstrated that the past and therefore the future were very real. They shortened the distance between the classroom organization's status tiers and formed dynamic multiplex relationships with students. Our community became a living, breathing, evolving institution, just like the communities I had hoped to mimic.

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I. INTRODUCTION

Although he has explained to me that I am dead to him because I am not doing [Phoenix Law Review] next semester, dude is good people and I know will still help me if I ever need it.

– Daniel C. Quijano

Critics of traditional law school education bemoan the stratified professor-student status hierarchy,⁴ because it provides such an impoverished preparation for practice.⁵ Many believe the combination of extreme professor-student status disconnect and relentless grade competition produces students who are pathologically anxious, isolated, alienated and hostile,⁶ and who experience almost precisely the opposite of the “foundational human needs” of “self-esteem, relatedness to others, authenticity, competence and security.”⁷ Unsurprisingly, legal education reform literature pleads for shortening “social distance” between student and professor.⁸

A classroom hierarchy with a more carefully negotiated social distance between professor and students can be a more communitarian classroom, positioning the professor for potentially transformative teaching.⁹ Modern

4 A “status hierarchy” describes a flow of benefits (deference) to some individuals in which most acquiesce. See Joseph Henrich & Francisco J. Gil-White, *The Evolution of Prestige: Freely Conferred Deference as a Mechanism for Enhancing the Benefits of Cultural Transmission*, 22 *EVOLUTION & HUM. BEHAV.* 165, 166 (2001).

5 E.g., Duncan Kennedy, *Legal Education as Training for Hierarchy*, in *POLITICS OF LAW* 54, 66-72 (David Kairys ed., 3d ed. 1998).

6 See, e.g., Connie J.A. Beck et al., *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 *J.L. & HEALTH* 1, 44-60 (1995-1996); Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 *J. LEGAL EDUC.* 75, 75-80 (2002) [hereinafter Hess, *Heads and Hearts*]; Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 *J. LEGAL EDUC.* 112, 117-19 (2002); Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 *YALE J. HEALTH POL'Y, LAW & ETHICS* 357, 375-80 (2009).

7 Krieger, *supra* note 6, at 119-20.

8 E.g., Susan B. Apel, *Principle 1: Good Practice Encourages Student-Faculty Contact*, 49 *J. LEGAL EDUC.* 371 (1999). Social distance is “the hierarchical distance between the senior level managers and the rank-and-file memberships of an organization.” See Michael S. Cole et al., *Social Distance as a Moderator of the Effects of Transformational Leadership: Both Neutralizer and Enhancer*, 62 *HUMAN RELATIONS* 1697, 1699 (2009).

9 See, e.g., *infra* text and notes at notes 125-35; Cole et al., *supra* note 8, at 1721.

education theory emphasizes relationship.¹⁰ Greater relational stability and enhanced job performance are products of multiplex relationships, and they are replicable by tweaking classroom hierarchies.¹¹ Members of multiplex groups understand each other's strengths and weaknesses, so they work together more productively.¹²

Teaching assistants have a dynamic, community-enhancing effect on the classroom hierarchy.¹³ They divide the hierarchical distance between the isolated, individual student and the font of all power, the professor.¹⁴ Teaching assistants are also "role models,"¹⁵ "mentors,"¹⁶ "mediators,"¹⁷ and sometimes "classmates."¹⁸ Professors take their advice, exploit their expertise and may begin

- 10 See, e.g., generally Lesley Bartlett, *Dialogue, Knowledge, and Teacher-Student Relations: Freirean Pedagogy in Theory and Practice*, 49 COMP. ED. REV. 344 (2005) (Paulo Freire); GORDON WELLS, *DIALOGIC INQUIRY: TOWARDS A SOCIO-CULTURAL PRACTICE AND THEORY OF EDUCATION* 24-26 (2004) (Lev Vygotsky); Carolyn P. Edwards, *Democratic Participation in a Community of Learners: Loris Malaguzzi's Philosophy of Education as Relationship*, FAC. PUBS, DEPT OF CHILD, ; YOUTH & FAM. STUD., Paper 15, at 9-11, available at <http://digitalcommons.unl.edu/famconfacpub/15> (Loris Malaguzzi).
- 11 See Seungyoon Lee, *The Coevolution of Multimodal, Multiplex, and Multilevel Organizational Networks in Development Communities*, unpublished Ph.D. dissertation 2008, U. So. Cal. 16-17 (2008).
- 12 See Roy J. Lewicki et al., *Trust and Distrust: New Relationships and Realities*, 23 ACADEMY MGT. REV. 438, 442-43 (1998); see also Pamela Hinds & Mark Mortensen, *Understanding Conflict in Geographically Distributed Teams: The Moderating Effects of Shared Identity, Shared Context, and Spontaneous Communication*, 16 ORG. SCI. 290, 292, 302 (2005).
- 13 See Ted Becker & Rachel Croskery-Roberts, *Avoiding Common Problems in Using Teaching Assistants: Hard Lessons Learned from Peer Teaching Theory and Experience*, 13 LEGAL WRITING INST. 269, 269 (2007); cf. Jay M. Feinman, *Teaching Assistants*, 41 J. LEGAL EDUC. 269, 269 & n.4 (1991). Cf. IRVING J. SPITZBERG & VIRGINIA V. THORNDIKE, *CREATING COMMUNITY ON COLLEGE CAMPUSES* 166-67 (1992) (recommending more teaching assistantships and professor-student collaboration to promote community).
- 14 See *infra* text and notes at notes 105-19.
- 15 See Feinman, *supra* note 13, at 271-72.
- 16 E.g., Julie M. Cheslik, *Teaching Assistants: A Study of Their Use in Law School Research and Writing Programs*, 44 J. LEGAL EDUC. 394, 400 (1994); Feinman, *supra* note 13, at 273; Leon E. Trakman, *Law Students as Teachers: An Untapped Resource*, 30 J. LEGAL EDUC. 331, 339 (1979).
- 17 See Becker & Croskery-Roberts, *supra* note 13, at 280; Cheslik, *supra* note 17, at 400.
- 18 At Phoenix School of Law, a number of upperclass students will be taking first-year courses and may be classmates in one class with their teaching assistants in another class. See also Paul Goldstein, *Students as Teachers: An Experiment*, 23 J. LEGAL EDUC. 465, 465-66 (1970-1971); Joe C. Magee & Adam D. Galinsky, *Social Hierarchy: the Self-Reinforcing Nature of Power and Status*, 2 ACAD. OF MGMT. ANNALS 351 (2008).

to consider them “friends.”¹⁹ As heroes of classes gone by, teaching assistants add an intergenerational dimension characteristic of primary and secondary school “learning communities.”²⁰ They connect students with a past and suggest the possibility of a collective future beyond the immediate semester.²¹ The shared experience of belonging is a profound contrast to law school’s isolating individualism.²² At minimum, a teaching assistant’s very existence proves that classroom hierarchy is not all about the vertical.²³

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VOICE: DANIEL C. QUIJANO

Jim [Plitz] set an example for leading students in our class and the classes coming in. Although I had a great interest in Civil Procedure, I had no idea how to assist in the teaching. Jim told me to just apply the knowledge I had acquired, and that really we were only a semester ahead of our students; we were not supposed to know everything. Jim has a way of bringing out what you know. If you know something, but are unsure about it, he instills a confidence in you by portraying his own confidence in the issue and highlighting your insight. He asserts the compassion for his students as his own professor does for him, all the while ensuring the students that he has been there before. Although it all seems to come easy to him, I know that Jim’s work ethic and dedication to his work places Jim among those students excelling in law school. All the students were

19 See Becker & Chesley-Roberts, *supra* note 13, at 280; Tania Smith, *Integrating Undergraduate Peer Mentors into Liberal Arts Courses: A Pilot Study*, 33 INNOV. HIGH. EDUC. 49, 62 (2008).

20 See *infra* text and notes at notes 125-29.

21 See WILLIAM J. GOODE, THE CELEBRATION OF HEROES: PRESTIGE AS A SOCIAL CONTROL SYSTEM 165 (1979); Katerine Bielaczyc & Allan Collins, *Learning Communities in Classrooms: A Reconceptualization of Educational Practice*, in INSTRUCTIONAL DESIGN THEORIES AND MODELS, II 26912 (C. M. Reigeluth ed, 1983).

22 See Barbara Glesner, *Impact of Expectations on Teaching and Learning*, 38 GONZ. L. REV. 89, 109-10, 121-22 (2002-2003); Paula Lustbader, *Walk the Talk: Creating Learning Communities to Promote a Pedagogy of Justice*, 4 SEATTLE J. FOR SOC. JUST. 613, 633-35 (2006); MONA HAJJAR HALABY, BELONGING: CREATING COMMUNITY IN THE CLASSROOM 1-4 (2000) (describing the teacher’s experience, the same as that of her elementary school students, sharing three personal items from home in a class meeting).

23 See, e.g., *infra* text and notes at notes 99-103.

so amazed by how Jim wrote sample answers and explanations. Jim has worked to earn that.

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In Spring 2009, I took a chance on a mere second-semester, first year student, Jim Plitz, as a teaching assistant. My Civil Procedure courses would not be what they are today without him, because Jim did form the relationships and play the roles that transcended the mere horizontal and vertical of hierarchy and infused the dimension of time. He was a gentle but very human authority figure to the enrolled students, and he illustrated how teaching assistants may contribute to each other's' personal and professional development. Jim's contributions are a parallel narrative in this article. By living his humanity, he more vividly revealed mine.

This article shows ways teaching assistants contribute to building a classroom community by virtue of their residence in a hierarchical halfway house. Part II presents the dynamics of two law school classroom organization models: the "polar model" and the "multiplex model".²⁴ Part III explains how teaching assistants' position on the classroom hierarchy enhances community, most importantly by shortening the social distance between student and professor. Part IV describes the established classroom community models and my own hybrid, a cross between a civic community and community of practice, to which teaching

24 I rely primarily on literature from three sub-disciplines, in addition to education theory literature: general social psychology; organizational behavior; and transformational leadership. See Andy Hargreaves, *Mixed Emotions: Teachers' Perceptions of Their Interactions with Students*, 16 TEACHING & TEACHER ED. 811, 812-13 (2000) (explaining methodology of drawing on numerous subfields for analytical context). The general social psychology literature provides insights into individual behavior within hierarchies and networks, particularly as to information transmission. See generally, e.g., Magee & Galinsky, *supra* note 18; Henrich & Gil-White, *supra* note 4; Ian McCulloh, *IkeNet: Social Network Analysis of E-mail Traffic in the Eisenhower Leadership Development Program*, U.S. Army Res. Inst. for the Behav. & Soc. Sci., tech rep. 1218 (2007). Organizational behavior literature is increasingly accepted as a "frame" for understanding and evaluating classroom management. See, e.g., Kelley-Jean Strong-Rhoads, *Transformational Classroom Leadership: Adding a New Piece of Fabric to the Educational Leadership Quilt* (2002) 5-7, 31-34 (unpublished dissertation). Transformational leadership is also an emerging model for a community oriented teacher's role. See generally James S. Pounder, *Transformational Classroom Leadership: The Fourth Wave of Teacher Leadership?*, 34 ED. MGT ADMIN. & LEADERSHIP 533 (2006).

assistants and other former students contribute the shared experience of a past that also exposes a future for the community and members' sense of belonging. This article concludes that teaching assistants provide invaluable assistance for teachers reaping the full pedagogical fruits of a classroom community.

II. LAW SCHOOL CLASSROOM HIERARCHY

All social groups, including classrooms,²⁵ have their peculiar hierarchies²⁶ and methods of allocating prestige,²⁷ power,²⁸ and deference.²⁹ Studies suggest people often prefer hierarchical organization,³⁰ because they can increase contentment,³¹

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- 25 See Magee & Galinsky, *supra* note 18, at 351-52. A classroom is a specific type of organization and like all groups, it has an agreed hierarchy and gives rise to a locus of common behaviors and relationship dynamics. Mikko Erpestad, *Culture and Perception of Power in Teacher-Student Communication* 26-27 (2011) (Mast. thesis, Fac. Hums., U. of Jyväskylä). An "organization" is "goal directed and deliberately structured," and management is "the attainment of organizational goals in an effective and efficient manner through planning, organizing, leading and controlling organizational resources." RICHARD L. DAFT & DOROTHY MARCIC, *UNDERSTANDING MANAGEMENT* 9-10 (2012). "Classroom management" is an education-specific form of organization management and leadership. See, e.g., JOHN R. SCHERMERHORN ET AL., *ORGANIZATIONAL BEHAVIOR: EXPERIENCE, GROW, CONTRIBUTE* 18, 68 (2010); DENNIS WISEMAN & GILBERT H. HUNT, *BEST PRACTICE IN MOTIVATION AND MANAGEMENT IN THE CLASSROOM* 7-8 (2d ed. 2008).
- 26 A "status hierarchy" describes "a rank ordering of individuals or groups according to the amount of respect accorded by others" or "deference." Magee & Galinsky, *supra* note 18, at 354.
- 27 "Prestige" is status that one achieves "by excelling in valued domains" and implies "'influence' – not 'authority,' 'power,' or 'dominance.' Someone with prestige is *listened to*." Henrich & Gil-White, *supra* note 4, at 167.
- 28 "Power" is "the capacity to guide others' actions toward whatever goals are meaningful to the power-holder." See Joe C. Magee et al., *Leadership and the Psychology of Power, in THE PSYCHOLOGY OF LEADERSHIP: NEW PERSPECTIVES AND RESEARCH* (D.M. Messick & R. Kramer eds., 2004).
- 29 "Deference" is "recognition, respect, esteem, endorsement, commendation, approval, liking, honor and support." Matthew S. Bothner et al., *Organizing Contests for Status: The Matthew Effect vs. the Mark Effect*, 57 *MGMT. SCI.* 439, 441 (2011) (quoting Joel M. Podolny & Damon J. Phillips, *The Dynamics of Organizational Status*, 5 *INDUSTRIAL & CORP. CHANGE* 453, 454-55 (1996)).
- 30 Nir Halevy et al., *A Functional Model of Hierarchy: Why, How, and When Vertical Differentiation Enhances Group Performance*, 1 *ORG. PSYCH. REV.* 32, 33-34 (2011).
- 31 Halevy et al., *supra* note 30, at 33-34; Larissa Z. Tiedens et al., *An Unconscious Desire for Hierarchy? The Motivated Perception of Dominance Complementarity in Task Partners*, 93 *J. PERS. & SOC. PSYCH.* 402, 412-13 (2007).

improve productivity,³² and spread important information efficiently.³³ Everyone knows how to behave.³⁴

Law school classrooms betray many characteristics of other organizations: “social distance” between leaders and followers,³⁵ and both the “density”³⁶ and “direction”³⁷ of the connections within a social network of relationships.³⁸ Two classroom models exemplify the interplay of these features: the Kingsfieldian “polar” model and the humanizing “multiplex” model.³⁹ The multiplex model best facilitates building “community” as a learning objective.

1. The “Polar Model” of Classroom Hierarchy and Networks

The “polar model” of the classroom hierarchy between law student and professor, presented at the extreme in *The Paper Chase*⁴⁰ and *One-L*,⁴¹ is a profoundly stratified status *and* power hierarchy.⁴² The hierarchy contains only two tiers,

32 Halevy et al., *supra* note 30, at 37-39.

33 Henrich & Gil-White, *supra* note 4, at 173-80; Stephen Choi et al., *The Rat Race as an Information Forcing Device* (N.Y.U. L. & Econ. Working Paper No. 8, 2005); Catherine C. Eckel & Rick Wilson, *Social Learning in a Social Hierarchy: An Experimental Study* 16-17 (Mar. 20, 2006) (unpublished manuscript).

34 Halevy et al., *supra* note 30, at 38.

35 “Social distance” is “the degree of ‘understanding and intimacy which characterize[s] personal and social relations.’” Cole et al., *supra* note 8, at 1701 (quoting R.E. Park, *The Concept of Social Distance*, 8 J. APP. SOC. 339 (1924)).

36 “Density” refers to “the overall level of interaction of various kinds” between the members of a network.” Raymond T. Sparrowe et al., *Social Networks and the Performance of Individuals and Groups*, 44 ACAD. MGT. J. 522, 527 (2001).

37 Relationships in a network may be horizontal or vertical, analogous to a military chain of command; or non-directional, analogous to those among family members. Family members may hold different ranks (generations), but it is rarely necessary for children to consult first with parents before approaching grandparents. *See* McCulloh et al., *supra* note 24, at 2-3.

38 A “social network” is a collection of individuals related through their connections. *See* McCulloh et al., *supra* note 24, at 1-2.

39 These are my own classifications, but they should ring true to law school professors. *Cf.*, e.g., Simon Bell & Andy Lane, *From Teaching to Learning: Technological Potential from Sustainable, Supported Open Learning*, 11 SYSTEMIC PRAC. & ACTION RES. 629, 630-31 (1998).

40 THE PAPER CHASE (Twentieth Century Fox 1973).

41 SCOTT TUROW, ONE-L, (1977).

42 A “power hierarchy” is a ranking of those by the amount of “control [they have] over valued resources in social relations” where “[t]he low-power party is dependent upon the high-power party to obtain rewards and avoid punishments.” Joe C. Magee & Adam

the “professor” status and the “enrolled student” status. Professors have the knowledge that counts and they dole it out to students who comply in return for grades.⁴³

Student-professor relationships are marked by the professor’s extreme dominance⁴⁴ and the student’s resulting fear and submission.⁴⁵ Deference flows vertically from student to professor, who maintains a “command and control” relationship with students.⁴⁶ The yawning social distance between the professor and students discourages multiplex relationships and denser networks.⁴⁷ Like the high-status attorneys who systemically assign the “dirty work” of people practice to lower-status attorneys in order to pursue “purer” and more prestigious work,⁴⁸ polar model professors risk objectifying students or treating them as interference with their primary research objectives.⁴⁹ The situation is unhealthy for both.⁵⁰

Yet the model is not without redeeming features. Hierarchy provides expectations about leadership and proper conduct,⁵¹ and in theory, many are more comfortable in relationships where some parties are dominant and others

D. Galinsky, *The Self-Reinforcing Nature of Social Hierarchy: Origins and Consequences of Power and Status*, (November 9, 2008), IACM 21st Annual Conference Paper, at 8, available at SSRN: <http://ssrn.com/abstract=1298493>.

- 43 See Barbara Rogoff, *Developing the Understanding of the Ideal of Communities of Learners*, 1 MIND, CULTURE & ACTIVITY, 209, 210-11(1994) [hereinafter Rogoff, *Developing the Understanding*].
- 44 “Dominance” implies control over another or situations. Magee & Galinsky, *supra* note 18, at 553-54; see generally, THE PAPER CHASE, *supra* note 40; ONE-L, *supra* note 41.
- 45 See Henrich & Gil-White, *supra* note 4, at 168-69.
- 46 See Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy*, 32 J. LEGAL EDUC. 591, 603-08 (1982) [Kennedy, *Reproduction of Hierarchy*].
- 47 See Meera E. Deo & Kimberly A. Griffin, *The Social Capital Benefits of Peer-Mentoring Relationships in Law School*, 38 OHIO NORTHERN U. L. REV. 305, 322, 330 (2011) (finding that first-year students tend to form peer mentorships, because they are intimidated by the distance between students and faculty).
- 48 See URBAN LAWYERS, *supra* note 1, at 79-94.
- 49 See Deo & Griffin, *supra* note 47, at 322, 330; Magee et al., *supra* note 28, at 284, 286 (defining objectification as “the process of viewing other people instrumentally, in terms of the qualities that make them useful to the perceiver” instead of “allow[ing] them to be understood as unique human beings.”).
- 50 Magee et al., *supra* note 28, at 286-87; see also Apel, *supra* note 8, at 380 (noting benefits to professors of out-of-classroom contact with students).
- 51 See Halevy et al., *supra* note 30, at 44.

submissive.⁵² Polar model professors' teaching methods are normally "aimed at the transmission of information to the students"⁵³ cheaply and in large amounts⁵⁴ and seems effective to that purpose.⁵⁵ Competitive bar examinations make imparting doctrinal principles a priority.⁵⁶

The polar model classroom is not notable for facilitating group creativity, however. The polar model's atmosphere of professorial dominance/power and resulting student submission/powerlessness also discourages students from contributing stimulating ideas⁵⁷ and encourages passivity.⁵⁸ Even if the professor nurtures a more humanitarian environment, two professorial powers rarely change: the professor controls who speaks⁵⁹ – most of what occurs in the law school

52 Tiedens et al., *supra* note 31, at 413.

53 See John T.E. Richardson, *Students' Approaches to Learning and Teachers' Approaches to Teaching in Higher Education*, 25 EDUC. PSYCH. 673, 676-77 (2005).

54 Cf. Norbert Michel et al., *Active Versus Passive Teaching Styles: An Empirical Study of Student Learning Outcomes*, 20 HUM. RES. DEV. QTY. 397, 415 (2009) (stating that because active learning requires more class time, base knowledge may have to be sacrificed).

55 See Gerald Choon-Huat Koh et al., *The Effects of Problem-Based Learning During Medical School on Physician Competency: A Systematic Review*, 178 CAN. MED. ASS'N. J. 34, 40 (2008) (observing that evaluations of knowledge of medical students' educated with traditional methods versus problem-based methods were similar); Michel et al., *supra* note 54, at 3, 8, 10 (observing that student inattention, etc., associated with passive learning depresses total learning, but active behaviors may not produce more learning).

56 See generally Douglas K. Rush & Hisako Matsuo, *Does Law School Curriculum Affect Bar Passage? An Empirical Analysis of Factors Related to Bar Examination Passage During the Years 2001 Through 2006 at a Midwestern Law School*, 57 J. LEGAL EDUC. 224 (2007) (finding that bar examination results are not dependent on curriculum).

57 See Scott Wiltermuth, *Dominance Complementarity and Group Creativity*, 12 RES. ON MANAGING GROUPS & TEAMS 57, 61, 68-74, 75-76 (2009); Cameron Anderson & Jennifer L. Berdahl, *The Experience of Power: Examining the Effects of Power on Approach and Inhibition Tendencies*, 83 J. PERS. & SOC. PSYCH. 1362, 1363-64, 1373 (2002).

58 See generally Shawn L. Whiting, *Breaking with Tradition: A Two-L's Perspective on the Case Method*, 3 PHOENIX L. REV. 381 (2010). Cf. Tiedens et al., *supra* note 31, at 412-13 (describing effect of dominance as exacerbating submissiveness).

59 E.g., Gerald F. Hess, *Listening to our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F. L. REV. 941, 946-949, 960-61 (1997). Hierarchies define who gets to "display[] anger and interrupt others" versus who must "listen[] to their opinions, ask[] fewer questions, and express[] appreciation." Heidi K. Gardner, *Disagreement About the Team's Status Hierarchy: An Insidious Obstacle to Coordination and Performance*, 2 (Harv. Bus. Sch. Working Paper No. 10-113, 2010).

classroom – and the professor controls who succeeds.⁶⁰ This dominance based transactional power relationship dampens creativity and non-conformity.⁶¹ The polar model offers few tools to mitigate this tendency.⁶² But at least everyone knows how to behave: subserviently.

Status hierarchies are by their nature consensual; students acquiesce or even agree with the professor's position on the student-teacher status hierarchy.⁶³ The power hierarchy leaves little choice: dominance tends to be met happily with submission,⁶⁴ the day when letters of recommendation, research assistant positions, and other markers of prestige within the gift of the faculty needed being always uncomfortably near.⁶⁵ Plus, the dirty secret is that law students like the passivity that the polar model fosters, perhaps because it is *easy*.⁶⁶

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- 60 See generally Barbara Glesner Fines, *Competition and the Curve*, 65 UMKC L. REV. 879 (1997); Phillip Kissam, *Law School Examinations*, 42 VAND. L. REV. 433 (1989).
- 61 Pounder, *supra* note 24, at 537-40.
- 62 See, e.g., *infra* text and notes, at 138-43.
- 63 E.g., Lustbader, *supra* note 22, at 620-24 (describing instances where inappropriate professor conduct went unchallenged by students); Duncan Kennedy, *How the Law School Fails: A Polemic*, 1 YALE L. REV. OF LAW & SOC. ACTION 71, 75 (1970).
- 64 Patrick M. Markey et al., *Complementarity of Interpersonal Behaviors in Dyadic Interactions*, 29 PERS. & SOC. PSYCH. BULL. 1082, 1083-84 (2003); Larisa Z. Tiedens & Alison R. Fragale, *Power Moves: Complementarity in Dominant and Submissive Nonverbal Behavior*, 84 J. PERS. & SOC. PSYCH. 558, 566 (2003).
- 65 Kennedy, *supra* note 46, at 604; Anderson & Berdahl, *supra* note 57, at 1362; cf. Paul V. Martorana, *From System Justification to System Condemnation: Antecedents of Attempts to Change Power Hierarchies*, 7 RES. ON MANAGING GROUPS & TEAMS 285, 290 (2005) (“Since the powerful by definition have control over important resources, . . . [this] can lead the powerless to accept being demeaned in order to acquire these desired resources.”).
- 66 See, e.g., Juliet Perumal, *Student Resistance and Teacher Authority: The Demands and Dynamics of Collaborative Learning*, 40 J. CURR. STUD. 381, 381-83, 387 (2008) (observing student resistance to collaborative learning based on workload); Derrick Bell, *Constitutional Conflicts: The Perils and Rewards of Pioneering in the Law School Classroom*, 21 SEATTLE U. L. REV. 1039, 1043-44 (1998); MARK NEWMAN, PROBLEM BASED LEARNING: AN EXPLORATION OF THE METHOD AND EVALUATION OF ITS EFFECTIVENESS IN A CONTINUING NURSING EDUCATION PROGRAMME 162 (2004) (reporting complaints about workload and difficulty in problem-based learning continuing education).

VOICE: JAMES P. PLITZ

When Prof asked me to be her TA, I was honored. I thought it showed a great deal of respect for a professor to ask someone to help “teach their class.” I wanted to be a complement to Prof’s style. I thought that the students who would be coming to see me would be the ones who did not mesh with Prof’s style. And it seemed that I was right. I like structure and process, and Prof likes ideas and free-flowing conversation. So, a student who is lost coming into class will not get clarity from sitting in class (it is easier to give up and tune out, then try harder to follow and catch up). I would help clarify with process: help the student, step-by-step, walk through the analysis the Court was trying to provide in any given case or subject. The complimentary methods kept the students who “got it” challenged: Prof’s free-flowing style makes you think and challenges you to gain a deeper understanding of the topic; and it enabled those who didn’t “get it” to hear the topic in a different voice. There were several occasions when the student talking with me seemed to hit their “Ah ha” moment; and that made being a TA worth it!

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2. The “Multiplex Model” of Classroom Hierarchy and Networks

The “multiplex model” of the classroom organization is less stratified and more complex than the polar model. The number of hierarchical tiers is negotiable, as is the social distance between them, which tends to be shorter. The social network is also denser, with more non-directional connections. Criteria for prestige and flows of deference may be tailored to facilitate student learning and satisfaction.⁶⁷ The classroom organization model is almost the same as the hierarchy and networks of the solo- and small-firm attorney community within a small geographic/political community.⁶⁸

67 See *infra* Part III.B.

68 See *Article I*, *supra* note *, at 224-32. Cf. Deo & Griffin, *supra* note 47, at 323; Paul S. Adler et al., *Professional Work: The Emergence of Collaborative Community*, 19 *ORG. SCI.* 359, 363-64 (2008).

The structure itself is open to pedagogical benefits unavailable in the polar model. An egalitarian, student-centered classroom is better suited to a more learner-centered, conversational discourse-driven pedagogy compared to the traditional question-response-evaluation dialogue of stratified polar model Socratic teaching.⁶⁹ The operational hierarchy may adjust for different activities, especially when the differential knowledge between student and professor shifts.⁷⁰ Shifting knowledge hierarchies almost demand students actively engage to learn how to learn, a crucial skill for future law practice.⁷¹ The model also facilitates teaching methodologies that may stimulate student enthusiasm, study effort, leadership, collaboration, creativity, and ethical inquiry.⁷² To the extent these methodologies also increase group creativity, they in turn facilitate training in analysis and application of skills central to legal education.⁷³

The multiplex model nods to the emerging reality of a modern, more humanized law school classroom hierarchy.⁷⁴ Enrolled students' ubiquitous relationships with the professor's former students already mediate interaction with professors, such as when former students reveal the "inside skinny" and provide canned outlines.⁷⁵ Team/substitute professors, LL.M and other graduate students,

69 See Rogoff, *Developing the Understanding*, *supra* note 42, at 214. A more student-centered approach would be more typical and effective for this learning outcome. See Richardson, *supra* note 53, at 677.

70 See Bielaczyc & Collins, *supra* note 21, at 281; Penelope Eckert et al., *The School as a Community of Engaged Learners*, Inst. Res. Learning Rep. no. 17.101, at 8 (1996).

71 See Eckert et al., *supra* note 70, at 8 (describing teachers as "model learner[s]" in the egalitarian community-oriented classroom who provide an "apprenticeship in learning").

72 See Shelley D. Dionne & Francis J. Yammarino, *Transformational Leadership and Team Performance*, 17 J. ORG. CHANGE MGT. 177, 188 (2004) (finding that flatter hierarchies led by transformational leaders are more likely to make leadership training available to lower status team members); Bielaczyc & Collins, *supra* note 21, at 277-80; Glesner Fines, *Fundamental Principles*, *supra* note 17, at 322 (ethics); Pounder, *supra* note 24, at 537, 540-41 (study effort); Wiltermuth, *supra* note 31, at 69-76 (creativity); Emily Zimmerman, *An Interdisciplinary Framework for Understanding and Cultivating Law Student Enthusiasm*, 58 DEPAUL L. REV. 851, 907-10 (2009) (enthusiasm)

73 Cf. Wiltermuth, *supra* note 57, at 75-76. To the extent community does keep a lid on competition, it may promote knowledge transfer among students. See Ray Reagans & Bill McEvily, *Network Structure and Knowledge Transfer: The Effects of Cohesion and Range*, 48 ADMIN. SCI. QTY. 240, 247 (2003).

74 See Deo & Griffin, *supra* note 47, at 324-25, 328.

75 See, e.g., Nancy G. Maxwell, *From Facebook to Folsom Prison Blues: How Banning Laptops in the Classroom Made Me a Better Law School Teacher*, 14 RICH. J.L. & TECH. 4, 5 (2007).

guest speakers, support personnel and others work into the network's periphery. Teaching assistants turn a reality into a virtue when they provide mentoring, tutoring, and information the professor would prefer not to present herself.⁷⁶

The teacher's role morphs from knowledge transmitter to director of learning activity and perhaps eventually to manager of a dense, multi-dimensional, social network of learners⁷⁷: in a fifty-person organization – small by first-year law school class standards – there are potentially 2450 friendship links!⁷⁸ Inserting even one teaching assistant produces an explosion in the number, type and direction of possible social connections and obscures the actual social distance between the actors.⁷⁹ The multiplex model is more than multiplex: it is also *complex*!

III. BUILDING COMMUNITY IN A MULTIPLEX MODEL CLASSROOM

Community-oriented philosophy and classroom organization are often inconsistent with student expectations based on traditional education, which creates tension.⁸⁰ No one knows how to respond⁸¹: how and when do we talk in class⁸²; how do we get graded⁸³; what do we do in these groups or with these hypotheticals⁸⁴; or who are “Rob” and “Kim” anyway, and what's the purpose of all this excessive talk about their driving capabilities?⁸⁵ In the storm of law school, a friendly port is reassuring; a community-oriented model may not seem so friendly at first.

76 See generally Feinman, *supra* note 13.

77 See, e.g., Edwards, *supra* note 10, at 9-10 (describing “responsive community” model of dense social networks); Strong-Rhoads, *supra* note 24, at 25.

78 Prasad Balkundi & Martin Kilduff, *The Ties that Lead: A Social Network Approach to Leadership*, 17 LEAD. QTY. 419, 424 (2006).

79 See Harvey Kail, *Collaborative Learning in Context: The Problem with Peer Tutoring*, 45 COLL. ENG. 594, 596-88 (1983).

80 Cf. Nathalie Lazaric & Alain Rayboud, *Knowledge, Hierarchy and the Selection of Routines: An Interpretative Model with Group Interactions*, 15 J. EVOL. ECON. 393, 397 (2005).

81 Gardner, *supra* note 59, at 7.

82 See Anderson & Berdahl, *supra* note 57, at 1364, 1373.

83 See, e.g., Cheslik, *supra* note 16, at 398.

84 See Donald R. Bacon et al., *Lessons from the Best and Worst Student Team Experiences: How a Teacher Can Make the Difference*, 23 J. MGT ED. 467, 479-81 (1999).

85 Many of my course materials star “Rob and Kim,” my former teaching assistants, who are forever suing each other for injuries sustained in car wrecks. See *Article I, supra* note*, at 258-66.

Adding a teaching assistant to a classroom group offers that friendly port while adjusting the class's hierarchies and networks in ways that breathe life into a classroom community.⁸⁶ Students may be uncertain at first about teaching assistants' roles,⁸⁷ but their access to the professor does give them apparent status.⁸⁸ Therefore, enrolled students will defer initially and then extend continued deference based on evaluation of a teaching assistant's merit.⁸⁹ Therefore teaching assistants constitute a middle tier between the professor and student on the classroom status hierarchy⁹⁰ like a family that lacks a threatening chain of command.⁹¹

From that middle tier, teaching assistants mediate between professors and students pedagogically and socially.⁹² Their primary role is to support enrolled students' learning of the doctrinal subject matter.⁹³ My teaching assistants hold two "office hours" per week in a study room or other campus cubby hole to meet one on one with students and they schedule special meetings if needed.⁹⁴ They also mark our weekly ungraded "admit slip" problems and hold review sessions toward the end of the term.⁹⁵

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86 See Janet W. Colvin, *Peer Tutoring and Social Dynamics in Higher Education*, 15 MENTORING & TRAINING 165, 178 (2007); Bielaczyc & Collins, *supra* note 21, at 274, 278-79, 289-90; Kail, *supra* note 79, at 597-98.

87 Colvin, *supra* note 86, at 172.

88 See Matthew S. Bothner et al., *Work in Progress, What is Social Status? Comparisons and Contrasts with Cognate Concepts* 19, 21 (2009) (draft on file with this author); Henrich & Gil-White, *supra* note 4, at 178-79; Eric Roberts et al., *Using Undergraduates as Teaching Assistants in Introductory Programming Courses: An Update on the Stanford Experience*, SIGSE BULL., 5 (Mar. 1995).

89 Colvin, *supra* note 86, at 173-78.

90 Colvin, *supra* note 86, at 178; see also Cheslik, *supra* note 18, at 397-400 (observing student resistance to teaching assistant graders); Smith, *supra* note 19, at 58.

91 See McCulloh, *supra* note 24, at 2-3.

92 See e.g., Colvin, *supra* note 86, at 178.

93 See, e.g., Cheslik, *supra* note 16, at 395-400; Feinman, *supra* note 13, at 270-71.

94 See Memorandum from James P. Plitz, former teaching assistant, to Wendy S. Velazquez-Copca, research assistant (Dec. 19, 2010, 7:44 a.m.) (on file with author).

95 *Id.*

VOICE: EVAN P. SCHUBE

Plitz is a walking Encyclopedia/Wikipedia of Civil Procedure cases. He rattles off case names and rules like Obama spends money. Perhaps another analogy that is less controversial is in order. Plitz is like the Album Cover view option on iTunes. When you ask Plitz a question, he scans his memory for the correct rule and case name and then the analysis just starts playing. It's insane and melodic.

There were a few of us in the study room one day discussing the intricacies of summary judgment. Plitz walked by and our study group decided to pounce on the opportunity. Plitz just started rattling off the Trilogy cases like he just prepped for an oral argument in front of the Supreme Court. Intimidating and motivating.

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Some are more innovative or exert more leadership. Kimberly Garde and Daniel Thorup held “virtual office hours” in 2010. Jim posted class-wide feedback on our course management system.⁹⁶ Michael Aurit held regular marathon group sessions that were “extremely interactive, energetic and fun” where he would “create controversial situations – close calls that would compel student involvement.”⁹⁷ Several have written study guides for critical cases and concepts.⁹⁸

The teaching assistants also play a socializing role by facilitating the flow of information about the professor and school culture.⁹⁹ They hold a “TAs and Friends” session on study and test-taking skills for Civil Procedure I.¹⁰⁰ They

96 Memorandum from James P. Plitz, *supra* note 109.

97 Email from Michael Aurit, former teaching assistant, to Wendy S. Valazquez-Copca (Dec. 19, 2010, 1:22 p.m.) (on file with author).

98 ROBERTO J. ESCOBAR & KIMBERLY GARDE, *GUIDE TO PENNOYER V. NEFF* (5th ed. 2012), with an introduction by Michael J. Aurit (3d ed. 2012); CHAUNCEY C. KIELEY, *A GUIDE TO THE DIET DRUGS LITIGATION* (2d ed. 2012); AARON J. BERKLEY, *A GUIDE TO THE LOWER COURT DECISIONS IN BROWN V. METER AND NICASTRO V. MCINTYRE MACHINERY* 4-7 (2011) (describing lower court decision and reasoning in *Nicastro*).

99 See Becker & Croskery-Roberts, *supra* note 13, at 280; Feinman, *supra* note 13, at 273.

100 See *Article II*, *supra* note *, at 56-57.

also become role models¹⁰¹: when I asked Daniel Thorup to serve as a teaching assistant, he was excited that he would get to do the same job as Jim!¹⁰²

Teaching assistants create multiplex relationships with enrolled students more easily than a professor. During 2009, Jim was an enrolled student in a class with one of my Civil Procedure I students, Danny Mazza. Michael and Jim served together in the Student Bar Association leadership.¹⁰³ Teaching assistants and enrolled students might also have out-of-school connections.

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VOICE: AARON J. BERKLEY

At one point during the semester, I was having a very difficult time understanding the basics of summary judgment. During my weekly study session with the SCAMPS,¹⁰⁴ I explained to Michael Aurit that summary judgment was making my life miserable. The confusion (and panic) had set in. Michael then spent the next fifteen minutes breaking down the legal analysis of summary judgment for me. His explanation couldn't have been any more clear and concise. Everything clicked. As we wrapped up our study session that day, I asked Michael how he was able to explain something so complex in a way that made sense to me. His response . . . Jim Plitz!

Michael spent quite a bit of time speaking with Jim about Civil Procedure II throughout the semester. The understanding that Michael reached through these conversations always trickled down to us SCAMPS during our study sessions. Jim would occasionally stop by during our sessions from time to time and clarify troublesome material as well. We were very fortunate to have a former student with so much ability and effectiveness to help us learn Civil Procedure II.

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101 *See, e.g.*, Feinman, *supra* note 13, at 272.

102 *Cf.* Cole, *supra* note 8, at 1704 (“[E]ffective role modeling of behavior requires some similarity between leader and follower.”).

103 *Cf.* Deo & Griffin, *supra* note 47, at 320 (observing informal peer mentoring relationships similar to formal student-teaching assistant relationships).

104 *See Article I, supra* note 1, at 193 n.39.

Most importantly, teaching assistants create the illusion of shorter social distance between students and professors by dividing one apparently unbridgeable relational gap into two more manageable gaps.¹⁰⁵ Traditional professors rely mostly on the exchange of grades and the charismatic effect of her scholarship or reputation for student compliance with pedagogical tactics.¹⁰⁶ It is easier to project a positive image and inspiring vision in a socially more distant construct; shorter distance, however, facilitates an individually transformative effect on student learning and professional development.¹⁰⁷

The illusion of shorter distance helps the professor stimulate enthusiasm and guide students through transformative community building experiences while maintaining the authority needed to remain the fair evaluator and ultimate curricular decision maker.¹⁰⁸ Community-oriented elements are not impossible in a polar-model context¹⁰⁹; the mere words, “‘let’s take a look at . . .’ suggest[s] a community working together toward a common goal.”¹¹⁰ For a deeper sense of community in the absence of a teaching assistant, however, the polar model professor must shorten the distance between her students and herself by actually “moving,”¹¹¹ such as by suggesting students feel free to drop by the office.¹¹²

105 See Becker & Croskery-Roberts, *supra* note 13, at 280; see also Colvin, *supra* note 86, at 178; Feinman, *supra* note 13, at 272. Cf. generally Daniel J. Brass & Joseph Galaskiewicz, *Taking Stock of Networks and Organizations: A Multilevel Perspective*, 47 ACAD. MAJ. J. 795 (2004) (implying that intermediate interconnections mediate between higher and lower ranked individuals).

106 See, e.g., Donetta J. Cothran & Catherine D. Ennis, *Students and Teachers’ Perceptions of Conflict and Power*, 13 TEACHING & TEACHER ED. 541, 549-50 (1997).

107 Cole, *supra* note 8, at 1721.

108 See Feinman, *supra* note 13, at 272-796. For example, a teacher adjusts social distance when she sits on the floor with her young students. See Alison Mary Sewell, *Teachers and Children Learning Together: Developing a Community of Learners in a Primary Classroom*, diss. Massey U. 121-22 (2006).

109 See, e.g., Bob Fecho et al., *In Rehearsal: Complicating Authority in Undergraduate Critical-Inquiry Classrooms*, 32 J. LITERACY RES. 471, at 472; Edwards, *supra* note 10, at 5-6, 12 (moral community and community of inquiry).

110 Steven L. Vander Staay et al., *Close to the Heart: Teacher Authority in a Classroom Community*, 61 CCC W262, W269 (2009).

111 See Cole, *supra* note 8, at 1721.

112 Cf. *infra* text and notes at 115-19 (describing how teaching assistants may make students comfortable about visiting the professor in her office). A hybrid of a polar model class could have teaching assistants, of course.

Except that students do not just “drop by”; students are nervous, even when the professor makes the invitation.¹¹³ A teaching assistant is likely to be more effective delivering the message.¹¹⁴

In essence, the teaching assistant helps student and professor bridge the “structural hole” between them and form a direct connection.¹¹⁵ The teaching assistant partly replaces the polar model classroom organization structure as the source of information about “how to behave” and other expectations.¹¹⁶ A multiplex model teaching assistant may say “Oh, definitely go see the Prof. during office hours; she likes to chit-chat with students.”¹¹⁷ Students then visit and may enjoy a more meaningful learning or mentoring experience.¹¹⁸ When everyone knows each other better, students and professor will be more comfortable with non-traditional interaction.¹¹⁹

IV. WHAT WE TALK ABOUT WHEN WE TALK ABOUT COMMUNITY

Though some graduates of urban law schools may still join their Ivy League counterparts in silk stocking law firms, most will proceed to solo or small-firm practice and government employment,¹²⁰ forms of less prestigious personal plight practice.¹²¹ “Community” – personal and professional – will shape their lives to come.¹²² A rich, fulfilling and academically productive classroom community experience can prepare students for its virtues and more satisfying career decisions.¹²³ Unfortunately, the typical law school classroom’s rigid polar status

113 See Hess, *Heads and Hearts*, *supra* note 6, at 89-90.

114 See, e.g., Feinman, *supra* note 13, at 272.

115 A “structural hole” exists where one party in a network has a tie with two other parties who lack a direct tie between them. See Brass et al., *supra* note 105, at 799. The hub controls the information flow between the other two. *Id.*

116 See *supra* Part II.A.

117 See Feinman, *supra* note 13, at 271-72.

118 See generally Stephanie A. Vaughan, *One Key to Success: Working with Professors . . . Outside the Classroom*, 29 STETSON L. REV. 1255 (2000).

119 See Lewicki et al., *supra* note 12, at 442-43; see also Hinds & Mortensen, *supra* note 12, at 302.

120 URBAN LAWYERS, *supra* note 1, at 57-60.

121 *Id.*

122 See, e.g., SERON, *supra* note 1, at 23-25, 52-56, 65; see generally LANDON, *supra* note 2.

123 See, e.g., Lucille A. Jewell, *Bourdieu and Legal Education: How Law Schools Reproduce Social Stratification and Class Hierarchy*, 56 BUFF. L. REV. 1155, 2009-10 (2008).

and power hierarchies are not conducive to community building.¹²⁴ By helping to convert a typical classroom to one with the multiplex elements that create community, teaching assistants provide a foundation for a professor to pursue more ambitious pedagogical goals in a classroom community context.

Recognized classroom community models assign to professors the collaborator, facilitator, and learner roles,¹²⁵ all of which require shorter social distance than the polar model permits. The “moral community” model focuses on cooperative rule- and decision-making between teachers and students.¹²⁶ In a classroom “community of inquiry,” students and teachers construct answers to meaningful intellectual problems through supportive, egalitarian, collaborative dialogue.¹²⁷ Moving even farther from the traditional polar classroom, the teacher in a “learning community” facilitates students’ self-directed collaborative activities and projects “with purposes connected explicitly with the history and current practices of the community.”¹²⁸

My classroom is a “civic community” with dynamics of a “community of practice.”¹²⁹ My inspiration was my own solo practice experience in Owensboro,

124 Cf. Adler et al., *supra* note 68, at 360, 365-66.

125 See, e.g., SPITZBERG, JR. & THORNDIKE, *supra* note 14, at 165-66; THOMAS SERGIOVANNI, BUILDING COMMUNITY IN SCHOOLS 120-26 (1994); ETIENNE WENGER, COMMUNITIES OF PRACTICE: LEARNING, MEANING, AND IDENTITY 6 (1998); Bielczyk & Collins, *supra* note 29, at 281; Gordon Wells & Rebeca Mejía Arauz, *Dialogue in the Classroom*, 15 J. LEARNING SCI. 379, 387-88, 413-22 (2006).

126 See, e.g., RUTH SIDNEY CHARNEY, TEACHING CHILDREN TO CARE: CLASSROOM MANAGEMENT FOR ETHICAL AND ACADEMIC GROWTH, K-8, at 69-107 (2d ed. 2002); HALABY, *supra* note 29, at 3.

127 See Gordon Wells, *Learning and Teaching for Understanding: The Key Role of Collaborative Knowledge Building*, 9 SOC. CONSTRUCTIVIST TEACHING 1, 6-7, 32-35 (2002); Edwards, *supra* note 10, at 6-7.

128 Rogoff, *Developing the Understanding*, *supra* note 43, at 211; Barbara Rogoff et al., *Models of Teaching and Learning: Participation in a Community of Learners*, in HANDBOOK OF EDUCATION AND HUMAN DEVELOPMENT 388, 397, 401 (1996); Bielczyk & Collins, *supra* note 21, at 281.

129 See, e.g., BELLAH ET AL., *supra* note 3, at 152-62; ROBERT D. PUTNAM, MAKING DEMOCRACY WORK: CIVIC TRADITIONS IN MODERN ITALY 15 (1993) (“the civic community is marked by an active public-spirited citizenry, by egalitarian political relations, by a social fabric of trust and cooperation.”); Edwards, *supra* note 10, at 1-4 (describing “metaphor of education as relationship” where “the child is seen as interconnected with particular others in nested communities”).

Kentucky, population 50,000, a “community of memory” that “does not forget its past” and has members who “participate in the practices – ritual, aesthetic, ethical – that define the community as a way of life.”¹³⁰ Those practices arise from a rich history, full of traditions and heroes: that you never add a table no matter how many lawyers are gather at Colby’s Fine Foods and Spirits¹³¹; and legendary lawyers with unorthodox trial preparation techniques, but still won verdicts against the likes of Melvin Belli.¹³² My teaching assistants and other former students take the roles of those “legendary lawyers” in our classroom community.

This “civic” model of classroom community consists of “rich horizontal networks of engagement, reciprocity, and cooperation rather than vertical hierarchies of authority and dependency.”¹³³ Teaching assistants obscure those hierarchies and can add a cooperative dimension to the normal classroom social network. “Trust,” “relatedness” and “belonging” form the core of our learning environment and hopefully sublimate into civic spirit.¹³⁴ Such spirit fuels a cultural expectation that we are contributing to a shared knowledge base for the future.¹³⁵ The teaching assistants personify that expectation.

At its best, these classes evolve into vibrant “communities of practice” as well. A community of practice defines competence for a particular domain and works together to help members improve, much like solo attorneys’ “advice networks.”¹³⁶ Teaching assistants operate much as would more senior members of an advice network.

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130 See *Article I*, *supra* note 1, at 228 (quoting BELLAH ET AL., *supra* note 3, at 153-54).

131 Cf. Julie Lindquist, *Class Ethos and the Politics of Inquiry: What the Barroom Can Teach Us About the Classroom*, 51 COLL. COMP. & COMM’N 225, 229-32 (1999) (describing “The Smokehouse” bar as community focal point).

132 See, e.g., *Article II*, *supra* note 1, at 228 n.255.

133 Edwards, *supra* note 10, at 9.

134 See, e.g., David Foster, *Community and Cohesion in the Writing/Reading Classroom*, 17 JAC: J. COMP. THEORY 325, 327 (1997); see also Balkundi & Kilduff, *supra* note 78, at 421.

135 Compare Bielaczyc & Collins, *supra* note 22, at 278, 282, with BELLAH ET AL., *supra* note 3, at 154.

136 Etienne Wenger, *Communities of Practice and Social Learning Systems*, 7 ORGANIZATION 225, 229 (2000); Leslie C. Levin, *The Ethical World of Solo and Small Firm Practitioners*, 41 HOUS. L. REV. 309, 317-18, 328-32 (2004).

VOICE: BERT E. WILLIAMS

Besides being a hard working individual, Jim is also a great person. I knew that if I ever needed help with anything, Jim would sit down with me and help me through it. It wasn't just a quick answer; he would actually take the time to sit with me and explain the law and make sure that I understood it. This wasn't just a product of the two of us being friends, because Jim would also help the first-semester Civ Pro students in the exact same manner. He would always have time available for the students and would ensure that they had a grasp of the material they needed help with.

Jim was also a great motivator. As usual, prior to every test, my nerves would shoot through the roof and I would develop butterflies the size of basketballs. Every test, Jim would tell me to relax and understand that I knew the material and that I was going to do fine.^[37] This may seem like a novel experience, but coming from Jim it meant a lot. It certainly helped me get through a few of those exams.

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Civic communities and communities of practice share many characteristics: the civic community that is the early childhood school system of Reggio Emilia¹³⁸ is located in an Italian province contiguous to the socially integrated, decentralized, guild-like small production units of Modena¹³⁹ that resemble communities of practice. Members have varying levels of expertise¹⁴⁰: ours include students, professor, teaching assistants, and former students, then later, practicing attorneys and judges.¹⁴¹ Both civic and practice communities honor practices of commitment.¹⁴²

137 See *supra* text after note 23 (VOICE: Daniel J. Quijano).

138 See Edwards, *supra* note 10, at 9-11.

139 See Walter W. Powell, *Neither Market Nor Hierarchy: Network Forms of Organization*, 12 RES. IN ORG. BEHAV. 295, 310-11, 324 (1990) (observing large number of small firms resisting vertical integration and expansion that are neither hierarchical nor market-based in Reggio Emilia).

140 See Wenger, *supra* note 136, at 229.

141 See *supra* text and notes at 3-4 (teaching assistants); *Article II*, *supra* note*, at 29 (judges), 32 (litigants and lawyers from *World-Wide Volkswagen v. Woodson*), 40-43 (former students), 64-65 (former students); *Article I*, *supra* note *, at 192 (litigants and lawyers from *Clark v. Jones*).

142 See BELLAH ET AL., *supra* note 3, at 153-54; Wenger, *supra* note 136, at 229, 232 (observing

As do my students.¹⁴³ First semester students learn personal jurisdiction with the “Sedona hypotheticals,” inspired by the in-class questions of a former student who plays the lead role in each.¹⁴⁴ Later, students reflect on the real world implications of the same concepts in the two-page essay we call “The Famous Admit Slip Nine,”¹⁴⁵ an assignment a former teaching assistant originally prepared. A past student chooses her “favorite,” which we announce in class and post on my office door. The author of the “favorite” paper will choose next term’s “favorite,” which gives our community a past and reveals a future to which they will soon belong¹⁴⁶ that has “heroes”¹⁴⁷ to which I must sometimes defer.¹⁴⁸

“The Great Civil Procedure Shootout” is a grander practice of commitment. My Civil Procedure I students host this Saturday evening quiz-bowl style competition. Costumed teams of former students – often teaching assistants – named “Traditional Notions of Fair Play and Substantial Justice Deputies”¹⁴⁹ and “*Mottley Crue*”¹⁵⁰ play “Civ Pong” and “The Balancing Test” for the right to answer complex multiple-choice questions and points. Civil Procedure I students write and perfect the questions, judge the answers, and organize decorations, food, games, cheerleading and music. The winners earn “The Cahoon Trophy,” named for the student who donated and decorated it with a tennis shoe,¹⁵¹ Volkswagen logo,¹⁵² and motorcycle tire valve.¹⁵³

that communities of practice “share cultural practices to reflect their collective learning.”)

143 In community-of-practice-speak, the equivalent of practices of commitment are the community’s shared “language, routines, sensibilities, artifacts, tools, stories, styles.” See Wenger, *supra* note 136, at 229; see also Sasha A. Barab & Thomas M. Duffy, *From Practice Fields to Communities of Practice*, in THEORETICAL FOUNDATIONS OF LEARNING ENVIRONMENTS 25, 36-40 (David H. Jonassen & Susan M. Land, eds., 2000).

144 See *Article II*, *supra* note *, at 38-43.

145 See *Article II*, *supra* note *, at 241-54.

146 See BELLAH ET AL., *supra* note 3, at 154.

147 See GOODE, *supra* note 21, at 165.

148 Schools intend prizes to “creat[e] student allegiance to the school and shape an alternate social system,” but “they may come to command more allegiance than the system they were created to support.” GOODE, *supra* note 21, at 166.

149 See *International Shoe Co. v. Washington*, 311 U.S. 457, 463 (1945).

150 See generally *Louisville & Nashville R. Co. v. Mottley*, 211 U.S. 149 (1908).

151 See *International Shoe Co. v. Washington*, 311 U.S. 457, 463 (1945).

152 See *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980).

153 See *Asahi Metal Industry Co. v. Superior Court*, 480 U.S. 102 (1987).

By the second semester, the community expands from the “classroom” to the profession. Two procedurally convoluted cases from my home in rural Kentucky link our topics together, and students get to know the attorneys and parties through their depositions and motions.¹⁵⁴ Later, we hold a teleconference with my close friend and former colleague, Owensboro, Kentucky attorney Evan Taylor, who represented the plaintiffs.

As a 2010 student explained later, the surfeit of sensation from Civil Procedure was “epic.” “It wasn’t really a class, it was more like an event,” he wrote. “It’s more difficult to forget an event.”

V. CONCLUSION

A two-tiered status hierarchy of students and teachers based on displays of extreme deference from students to professors is no longer adequate to describe a law school classroom. We routinely acknowledge that there are more actors on the classroom stage and certainly waiting in the wings. Among those are teaching assistants whose very job description upends the traditional polar model law school classroom and opens the door to a more humanizing, communitarian model that may be more conducive to fostering students’ creativity and analytical skills than traditional classroom models.

Teaching assistants play a crucial role in classroom community building. They increase the types, number and direction of classroom relationships; and also shorten the social distance and fill in the structural hole in the classroom network between students and the professor. They insert a sense of intergenerational shared experience of belonging to something bigger than one group of students in one academic term that is a defining characteristic of modern learning communities. Therefore, they tangibly facilitate the exposition and teaching the navigation of a fulfilling culture likely to be a hallmark of the students’ professional futures.

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154 See *Article I*, *supra* note 1, at 185-94.

VOICE: BERT E. WILLIAMS

You never know what effect you may have on someone's life. Simple encounters may lead to dramatic changes. I always considered myself a hard worker, until the day I met Jim. And still, to this day, Jim continues to be a huge influence on my life. Prior to every exam I take, I try to know everything I can about that specific area of the law. Even if the professor says we don't need to cite to cases, I learn the cases.^[155] Even if we are told not to read the dissent, I read every line of that dissent. I do this because I know that Jim would do it.

155 See Email from James P. Plitz, Associate, Morris, Hall & Kinghorn, to Wendy Velazquez-Copca, research assistant (Dec. 19, 2010, 7:37 a.m. MST) (“I make sure I ‘cite’ to cases (Profs tends to tell you, ‘You don't need to know cases,’ but that is only if you are ok with a ‘C’ - An ‘A’ essay cites to cases, so don't listen to the professor”).