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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This article is dedicated to Jim Plitz.


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

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. Modern


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


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. Greater relational stability and enhanced job performance are products of multiplex relationships, and they are replicable by tweaking classroom hierarchies. Members of multiplex groups understand each other’s strengths and weaknesses, so they work together more productively.

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


14 See infra text and notes at notes 105-19.

15 See Feinman, supra note 13, at 271-72.


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).
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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

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

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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

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).


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

Law school classrooms betray many characteristics of other organizations: "social distance" between leaders and followers, and both the "density" and "direction" of the connections within a social network of relationships. Two classroom models exemplify the interplay of these features: the Kingsfieldian "polar" model and the humanizing "multiplex” model. 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 and One-L, is a profoundly stratified status and power hierarchy. The hierarchy contains only two tiers, between the professor and students.

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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); Cathevine 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.\textsuperscript{43}

Student-professor relationships are marked by the professor’s extreme dominance\textsuperscript{44} and the student’s resulting fear and submission.\textsuperscript{45} Deference flows vertically from student to professor, who maintains a “command and control” relationship with students.\textsuperscript{46} The yawning social distance between the professor and students discourages multiplex relationships and denser networks.\textsuperscript{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,\textsuperscript{48} polar model professors risk objectifying students or treating them as interference with their primary research objectives.\textsuperscript{49} The situation is unhealthy for both.\textsuperscript{50}

Yet the model is not without redeeming features. Hierarchy provides expectations about leadership and proper conduct,\textsuperscript{51} and in theory, many are more comfortable in relationships where some parties are dominant and others
Polar model professors' teaching methods are normally "aimed at the transmission of information to the students" cheaply and in large amounts and seems effective to that purpose. Competitive bar examinations make imparting doctrinal principles a priority.

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 ideas and encourages passivity. Even if the professor nurtures a more humanitarian environment, two professorial powers rarely change: the professor controls who speaks — most of what occurs in the law school.

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52 Tiedens et al., supra note 31, at 413.
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).
classroom—and the professor controls who succeeds. This dominance based transactional power relationship dampens creativity and non-conformity. The polar model offers few tools to mitigate this tendency. 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. The power hierarchy leaves little choice: dominance tends to be met happily with submission, 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. Plus, the dirty secret is that law students like the passivity that the polar model fosters, perhaps because it is easy.

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62 See, e.g., *infra* text and notes, at 138-43.


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.”).

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.
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. The operational hierarchy may adjust for different activities, especially when the differential knowledge between student and professor shifts. Shifting knowledge hierarchies almost demand students actively engage to learn how to learn, a crucial skill for future law practice. The model also facilitates teaching methodologies that may stimulate student enthusiasm, study effort, leadership, collaboration, creativity, and ethical inquiry. To the extent these methodologies also increase group creativity, they in turn facilitate training in analysis and application of skills central to legal education.

The multiplex model nods to the emerging reality of a modern, more humanized law school classroom hierarchy. 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. 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.


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. Yammaino, 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)


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

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 links78. 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.
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 6, 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. Students may be uncertain at first about teaching assistants' roles, but their access to the professor does give them apparent status. Therefore, enrolled students will defer initially and then extend continued deference based on evaluation of a teaching assistant's merit. Therefore teaching assistants constitute a middle tier between the professor and student on the classroom status hierarchy like a family that lacks a threatening chain of command.

From that middle tier, teaching assistants mediate between professors and students pedagogically and socially. Their primary role is to support enrolled students' learning of the doctrinal subject matter. 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. They also mark our weekly ungraded "admit slip" problems and hold review sessions toward the end of the term.

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87 Colvin, supra note 86, at 172.
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.

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. 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.” Several have written study guides for critical cases and concepts.

The teaching assistants also play a socializing role by facilitating the flow of information about the professor and school culture. They hold a “TAs and Friends” session on study and test-taking skills for Civil Procedure I. 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).
99 See Becker & Groskery-Roberts, supra note 13, at 280; Feinman, supra note 13, at 273.
100 See Article II, supra note *, at 56-57.
also become role models\textsuperscript{101}: 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!\textsuperscript{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.\textsuperscript{103} Teaching assistants and enrolled students might also have out-of-school connections.

\textit{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,\textsuperscript{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.

\textsuperscript{101} See, e.g., Feinman, supra note 13, at 272.
\textsuperscript{102} Cf. Cole, supra note 8, at 1704 (“[E]ffective role modeling of behavior requires some similarity between leader and follower.”).
\textsuperscript{103} Cf. Deo & Griffin, supra note 47, at 320 (observing informal peer mentoring relationships similar to formal student-teaching assistant relationships).
\textsuperscript{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 context\(^{109}\); 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.\(^{112}\)


\(^{106}\) 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.⁷¹³ A teaching assistant is likely to be more effective delivering the message.⁷¹⁴

In essence, the teaching assistant helps student and professor bridge the “structural hole” between them and form a direct connection.⁷¹⁵ The teaching assistant partly replaces the polar model classroom organization structure as the source of information about “how to behave” and other expectations.⁷¹⁶ A multiplex model teaching assistant may say “Oh, definitely go see the Prof. during office hours; she likes to chit-chat with students.”⁷¹⁷ Students then visit and may enjoy a more meaningful learning or mentoring experience.⁷¹⁸ When everyone knows each other better, students and professor will be more comfortable with non-traditional interaction.⁷¹⁹

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,⁷²⁰ forms of less prestigious personal plight practice.⁷²¹ “Community” – personal and professional – will shape their lives to come.⁷²² A rich, fulfilling and academically productive classroom community experience can prepare students for its virtues and more satisfying career decisions.⁷²³ 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.
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.
and power hierarchies are not conducive to community building.\textsuperscript{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,\textsuperscript{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.\textsuperscript{126} In a classroom “community of inquiry,” students and teachers construct answers to meaningful intellectual problems through supportive, egalitarian, collaborative dialogue.\textsuperscript{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.”\textsuperscript{128}

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

\begin{itemize}
\item \textsuperscript{124} Cf. Adler et al., \textit{supra} note 68, at 360, 365-66.
\item \textsuperscript{126} See, e.g., Ruth Sidney Charney, \textit{Teaching Children to Care: Classroom Management for Ethical and Academic Growth}, K-8, at 69-107 (2d ed. 2002); Halaby, \textit{supra} note 29, at 3.
\item \textsuperscript{127} See Gordon Wells, \textit{Learning and Teaching for Understanding: The Key Role of Collaborative Knowledge Building}, 9 Soc. Constructivist Teaching 1, 6-7, 32-35 (2002); Edwards, \textit{supra} note 10, at 6-7.
\item \textsuperscript{128} Rogoff, \textit{Developing the Understanding}, supra note 43, at 211; Barbara Rogoff et al., \textit{Models of Teaching and Learning: Participation in a Community of Learners}, in \textit{Handbook of Education and Human Development} 388, 397, 401 (1996); Bielaczyc \& Collins, \textit{supra} note 21, at 281.
\item \textsuperscript{129} See, e.g., Bellah \textit{et al.}, \textit{supra} note 3, at 152-62; Robert D. Putnam, \textit{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, \textit{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”).
\end{itemize}
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.” 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 Spirits; and legendary lawyers with unorthodox trial preparation techniques, but still won verdicts against the likes of Melvin Belli. 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.” 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. Such spirit fuels a cultural expectation that we are contributing to a shared knowledge base for the future. 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.” 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).
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.
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 Emilia[38] is located in an Italian province contiguous to the socially integrated, decentralized, guild-like small production units of Modena[39] that resemble communities of practice. Members have varying levels of expertise: ours include students, professor, teaching assistants, and former students, then later, practicing attorneys and judges. Both civic and practice communities honor practices of commitment.142

137 See supra text after note 23 (VOICE: Daniel J. Quijano).
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. 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. Later, students reflect on the real world implications of the same concepts in the two-page essay we call “The Famous Admit Slip Nine,” 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 belong that has “heroes” to which I must sometimes defer.

“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” and “Mottley Crue” 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, Volkswagen logo, and motorcycle tire valve.

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

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).

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

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

See Bellah et al., supra note 3, at 154.

See Goode, supra note 21, at 165.

See Goode, supra note 21, at 166.

Schools intend prizes to “create[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.


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. 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. 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.

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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").