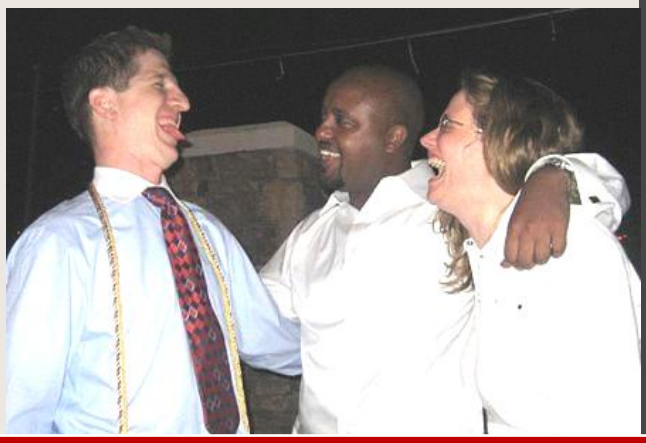


It's All About the People:

Clark v. Jones, The Great Civil Procedure Shootout, *and* Creating Law School Classroom Communities

JENNIFER E. SPRENG

Workshop: Institute for Law Teaching and Learning Summer Conference
"Hybrid Law Teaching"
June 7, 2009

The cover photographs, from top to bottom:

1. September 14, 2011 – Jim Plitz's graduation party, the day after he learned that he had received the second highest score on the February 2011 State of Arizona bar examination.

2. April 2, 2011 – Judges' conference: The Second Annual Great Civil Procedure Shootout.

3. October 2007 – Celebrating "When Scott Took on the Class" in Civil Procedure II.

The pictures throughout the Workshop Description are Jennifer Spreng's display boards about The Great Civil Procedure Shootout.

Presenters:

Jennifer E. Spreng
Associate Professor of Law
Phoenix School of Law
One North Central Avenue
Fourteenth Floor
Phoenix, Arizona 85004
jspreng@phoenixlaw.edu or
jespreng@aol.com
Phone (work): 602-682-6800
Phone (home): 602-595-0312

Jeremy Bland
Class of 2013
Phoenix School of Law
One North Central Avenue
Fourteenth Floor
Phoenix, Arizona 85004

Michael J. Aurit, J.D., M.A. (alt. disp. res.)
Pepperdine University, class of 2012
Assistant Director of Communications and Advocacy
American Jewish Committee

The problem is "how," because "how" for me will not be "how" for you.

Background. Solo- and small-firm practice is an alternate vision of an honorable, fulfilling and even romantic professional role. Personal plight attorneys practice "within concentric 'communities of memory' that present both personal and professional worlds that are less stratified, more culturally respectful and for many rising attorneys, more rewarding, honorable and likely to be their professional future than the large law firm that is paradoxically at once steeped in both individualism and conformity.[1] This professional world defines success as making a living "helping people" as people and recognizes navigating multiplex relationships as a crucial professional skill.

The solo/small-firm world is "all about the people" and their communities of practice and memory.

We should be teaching it.

"[T]he subconscious detachment from 'human beings' in exchange for 'plaintiff' and 'defendant' begins in law school, as students go through cases so rapidly . . . . Will I ever need to remember the name of the family who was burned so severely in World Wide Volkswagen?

I will never forget their names. They were the Robinsons.

I cared about them as people. I learned the law through their story. I learned what "reaching out" really meant and why it is so important in the life of a lawsuit. . . . I learned what it felt like on a gut level. How can you understand what our "traditional notions of fair play and substantial justice" stand for and protect against until you allow yourself to connect to the parties themselves?"[2]

MICHAEL J. AURIT, CIVIL PROCEDURE I & II, 2009
TEACHING ASSISTANT, SPRING 2010

---

[1] *See Article I, supra* note 39, at 215-19; LANDON, *supra* note 43, at 52-53 (observing rural and urban solo and small-firm practitioners' preference for autonomy in their work), 64-65 ("helping people . . . "is seen as important, satisfying, and status enhancing"), 70-78 (showing that dominant deference structure in rural bar is lucrativeness of practice).

[2] The Robinsons were the plaintiffs in *World-Wide Volkswagen v. Woodson*.

Legal education is starting to get the message primary and secondary education experts have known for years: "learning community" models provide pedagogical opportunities unavailable in the regular classroom. They deconstruct the rigid professor-student hierarchy that is the ultimate source of so many law school pathologies. They exploit the potential of learning-as-relationship. They may demand "lawyering for the situation." And they root learning in the more realistic landscape of advice networks and multiplex relationships where lawyers-in-community solve problems, provide counsel, and take on greater responsibility for the common good.

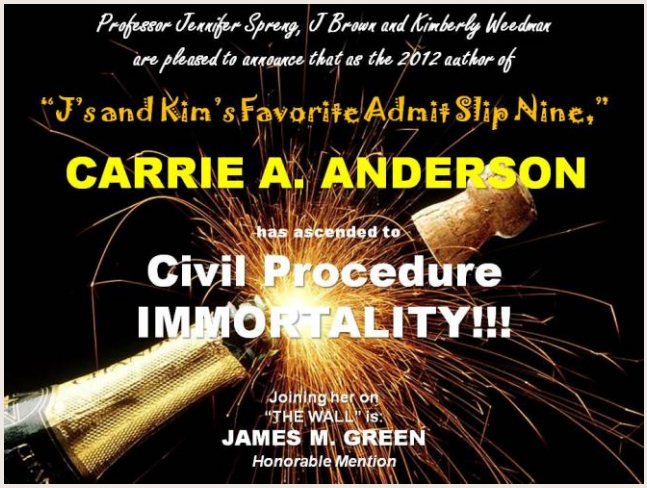
"Community" may even be the learning goal itself. A rich, fulfilling and academically productive classroom community experience can prepare students for its virtues and pitfalls, and of course, potentially more satisfying career decisions.

Learning communities offer students of the present a collective cultural and professional past that is prologue to a future of continued personal connection and commitment.

A civic classroom community or a "community of practice" is one that does not forget its past, and its members "participate in the practices – ritual, aesthetic, ethical – that define the community as a way of life." Those practices are steeped in a rich history, full of traditions and heroes. Students-of-the-present become stewards of something greater than the sum of themselves when they arrive, and they have the responsibility of leaving something of themselves behind when they go.

Humankind's urge to belong is very strong. Many students welcome it. Don't you want to lead it?

The problem is "how," because "how" for me will not be "how" for you.



Goals of the Workshop. The goal of this workshop is to help you find "how" for yourself in the context of what you already do. At minimum, Jeremy, Michael and I will model a community of multiplex

relationships in the process that we hope you will join. Ideally, in that context, you will identify and begin shaping a concrete activity or strategy to harness the pedagogical opportunities inherent to classroom communities during a collaborative, interactive, visually engaging session.

But the signal hallmark of the workshop will be the dynamic of multiplex relationships at work, as the recent graduate presenters give you advice and other feedback in response to your ideas and questions about implementing community.

Of course they are my former students, and of course they have less expertise as professionals. To some extent, we all will outrank them on the professional hierarchy. But I will promise this:

Jeremy and Michael have immense expertise when it comes to how we teach them.

What We Will Do. After briefly consolidating our experience with learning communities we will brainstorm and hone ideas. In a master-class, interactive problem-solving format, volunteers will interact with the presenters to shape your chosen activities. We hope you will take over the lead in the discussion!

Later, we will compile lists of your ideas, opportunities, challenges, and solutions/tactics for you to take with you along a few relevant bibliographic references. We hope these products can serve as foundational resources for your future classroom community building.

"Whenever we talk about the last couple of semesters, Civil Procedure always comes up. It's hard to forget Owensboro, or the Shootout for that matter. It was epic. It wasn't like other classes, where you showed up and read a few cases. It wasn't really a class; it was more like an event. It's more difficult to forget an event."

TUFIK Y. SHAYEB, CIVIL PROCEDURE I & II, 2010

Excerpts from:

IT'S ALL ABOUT THE PEOPLE:
Hierarchy, Networks and Teaching Assistants in a Civil Procedure Classroom Community[3]

IV. WHAT WE TALK ABOUT WHEN WE TALK ABOUT COMMUNITY

Recognized classroom community models assign to professors the collaborator, facilitator, and learner roles,[4] 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.[5] In a classroom "community of inquiry," students and teachers construct answers to meaningful intellectual problems through supportive, egalitarian, collaborative dialogue.[6] 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." [7]

My classroom is a "civic community" with dynamics of a "community of practice."[8] My inspiration was my own solo practice experience in Owensboro, 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."[9] 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[10]; and legendary lawyers with unorthodox trial preparation techniques, but still won verdicts against the likes of Melvin Belli.[11] 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."[12] Teaching assistants obscure those hierarchies and can add a cooperative dimension to the normal classroom social network. "Trust," "relatedness" and "belonging" form

---

[3] Forthcoming 2013 in SOCIO-LEGAL REVIEW.

[4] *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); Bielczyc & Collins, *supra* note 29, at 10; Wells, *supra* note 10, at 20-22.

[5] *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.

[6] *See* Wells, *supra* note 10, at 1; Edwards, *supra* note 10, at 6-7.

[7] 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); Bielaczyc & Collins, *supra* note 21, at "11."

[8] *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").

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

[10] *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).

[11] *See, e.g.*, *Article II*, *supra* note, *, at 228 n.255.

[12] Edwards, *supra* note 10, at 9.

the core of our learning environment and hopefully sublimate into civic spirit.[13] Such spirit fuels a cultural expectation that we are contributing to a shared knowledge base for the future.[14] 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."[15] Teaching assistants operate much as would more senior members of an advice network.

Civic communities and communities of practice share many characteristics: the civic community that is the early childhood school system of Reggio Emilia[16] is located in an Italian province contiguous to the socially integrated, decentralized, guild-like small production units of Modena[17] that resemble communities of practice. Members have varying levels of expertise[18]: ours include students, professor, teaching assistants, and former students, then later, practicing attorneys and judges.[19] Both civic and practice communities honor practices of commitment.[20]

As do my students.[21] 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.[22] Later, students reflect on the real world implications of the same concepts in the two-page essay we call "The Famous Admit Slip Nine,"[23] 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[24] that has "heroes" [25] to which I must sometimes defer.[26]

"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

---

[13] *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.

[14] *Compare* Bielaczyc & Collins, *supra* note 22, at 10, *with* BELLAH ET AL., *supra* note 3, at 154.

[15] 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).

[16] *See* Edwards, *supra* note 10, at 9-11.

[17] *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).

[18] *See* Wenger, *supra* note 136, at 229.

[19] *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*).

[20] *See* BELLAH ET AL., *supra* note 3, at 153-54; Wenger, *supra* note 136, at 229, 232 (observing that communities of practice "share cultural practices to reflect their collective learning.").

[21] 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).

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

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

[24] *See* BELLAH ET AL., *supra* note 3, at 154.

[25] *See* GOODE, *supra* note 21, at 165.

[26] 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.

Substantial Justice Deputies"[27] and "*Mottley* Crue"[28] 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,[29] Volkswagen logo,[30] and motorcycle tire valve.[31]

By the second semester, the community expands from the "classroom" to the profession. Two procedurally convoluted cases from my home in rural Kentucky [*Clark v. Jones* and *Ohio County v. Clark*] link our topics together, and students get to know the attorneys and parties through their depositions and motions.[32] 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."

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.[33] No one knows how to respond[34]: how and when do we talk in class[35]; how do we get graded[36]; what do we do in these groups or with these hypotheticals[37]; or who are "Rob" and "Kim" anyway, and what's the purpose of all this excessive talk about their driving capabilities?[38] In the storm of law school, a friendly port is reassuring; a community-oriented model may not seem so friendly at first.

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.[39] Students may be uncertain at first about teaching assistants' roles,[40] but their access to the professor does give them apparent status.[41] Therefore, enrolled students will defer initially and

---

[27] *See* International Shoe Co. v. Washington, 311 U.S. 457, 463 (1945).
[28] *See generally* Louisville & Nashville R. Co. v. Mottley, 211 U.S. 149 (1908).
[29] *See* International Shoe Co. v. Washington, 311 U.S. 457, 463 (1945).
[30] *See* World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980).
[31] *See* Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102 (1987).
[32] *See Article I*, *supra* note*, at 185-94; *see also Article III*, *supra* note *.
[33] *Cf.* Nathalie Lazaric & Alain Raybout, *Knowledge, Hierarchy and the Selection of Routines: An Interpretative Model with Group Interactions*, 15 J. EVOL. ECON. 393, 397 (2005).
[34] Gardner, *supra* note 59, at 7.
[35] *See* Anderson & Berdahl, *supra* note 57, at 1364, 1373.
[36] *See, e.g.*, Cheslik, *supra* note 16, at 398.
[37] *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).
[38] 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.
[39] *See* Janet W. Colvin, *Peer Tutoring and Social Dynamics in Higher Education*, 15 MENTORING & TRAINING 165, 178 (2007); Bielaczyc & Collins, *supra* note 21, at 12; Kail, *supra* note 79, at 597-98.
[40] Colvin, *supra* note 86, at 172.
[41] *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., Mar. 1995, at [5].

then extend continued deference based on evaluation of a teaching assistant's merit.[42] Therefore teaching assistants constitute a middle tier between the professor and student on the classroom status hierarchy[43] but like a family without a threatening chain of command.[44]

From that middle tier, teaching assistants mediate between professors and students pedagogically and socially.[45] Their primary role is to support enrolled students' learning of the doctrinal subject matter.[46] 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.[47] They also mark our weekly ungraded "admit slip" problems and hold review sessions toward the end of the term.[48]

Some are more innovative or exert more leadership. Kimberly Garde and Daniel Thorup held "virtual office hours" in 2010. Jim posted classwide feedback on our course management system.[49] 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."[50] Several have written study guides for critical cases and concepts.[51]

The teaching assistants also play a socializing role by facilitating the flow of information about the professor and school culture.[52] They hold a "TAs and Friends" session on study and test-taking skills for Civil Procedure I.[53] They also become role models[54]: 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![55]

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.[56] Teaching assistants and enrolled students might also have out-of-school connections.

---

[42] Colvin, *supra* note 86, at 173-78.
[43] 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.
[44] *See* McCulloh, *supra* note 24, at 2-3.
[45] *See e.g.*, Colvin, *supra* note 86, at 178.
[46] *See, e.g.*, Cheslik, *supra* note 16, at 395-400; Feinman, *supra* note 13, at 270-71.
[47] 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).
[48] *Id.*
[49] Memorandum from James P. Plitz, *supra* note 109.
[50] Email from Michael Aurit, former teaching assistant, to Wendy S. Valazquez-Copca, Dec. 19, 2010, 1:22 p.m. (on file with author).
[51] 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*).
[52] *See* Becker & Croskery-Roberts, *supra* note 13, at 280; Feinman, *supra* note 13, at 273.
[53] *See Article II*, *supra* note *, at 56-57.
[54] *See, e.g.*, Feinman, supra note 13, at 272.
[55] *Cf.* Cole, *supra* note 8, at 1704 ("[E]ffective role modeling of behavior requires some similarity between leader and follower.").
[56] *Cf.* Deo & Griffin, *supra* note 47, at 320 (observing informal peer mentoring relationships similar to formal student-teaching assistant relationships).

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.[57] Traditional professors rely mostly on the exchange of grades and the charismatic effect of her scholarship or reputation for student compliance with pedagogical tactics.[58] 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.[59]

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 decisionmaker.[60] Community oriented elements are not impossible in a polar-model context[61]; the mere words, "'let's take a look at . . .' suggest[s] a community working together toward a common goal.'"[62] 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,"[63] such as by suggesting students feel free to drop by the office.[64] Except that students do not just "drop by"; students are nervous, even when the professor makes the invitation.[65] A teaching assistant is likely to be more effective delivering the message.[66]

In essence, the teaching assistant helps student and professor bridge the "structural hole" between them and form a direct connection.[67] The teaching assistant partly replaces the polar model classroom organization model as the source of information about "how to behave" and other expectations.[68] A multiplex model teaching assistant may say "Oh, definitely go see the Prof. during office hours; she likes to chit-chat with students."[69] Students then visit and may enjoy a more meaningful learning or mentoring experience.[70] When everyone knows each other better, students and professor will be more comfortable with non-traditional interaction.[71]

---

[57] *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).

[58] *See, e.g.*, Donetta J. Cothran & Catherine D. Ennis, *Students and Teachers' Perceptions of Conflict and Power*, 13 TEACHING & TEACHER ED. 541, [10] (1997).

[59] Cole, *supra* note 8, at 1721.

[60] *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).

[61] *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).

[62] Steven L. VanderStaay et al., *Close to the Heart: Teacher Authority in a Classroom Community*, 61 CCC W262 W269 (2009).

[63] *See* Cole, *supra* note 8, at 1721.

[64] *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 polar model class could have teaching assistants, of course.

[65] *See* Hess, *Heads and Hearts*, *supra* note 6, at 89-90.

[66] *See, e.g.*, Feinman, *supra* note 13, at 272.

[67] 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.*

[68] *See supra* Part II.A.

[69] *See* Feinman, *supra* note 13, at 271-72.

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

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