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Julie M. Cheslik

*University of Missouri - Kansas City, School of Law*

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# Teaching Assistants: A Study of Their Use in Law School Research and Writing Programs

Julie M. Cheslik

One of the most prevalent uses of peer teachers in the law school setting is the employment of upper-level law students as teaching assistants in the first-year legal research and writing (LRW) course. Yet we know little about the varying roles of these teaching assistants, or about their effectiveness.<sup>1</sup> Some exchange of information would surely be useful. To that end, this article reports and interprets the results of a survey of the use of TAs in law school research and writing programs.

The survey began with a postcard sent in the fall of 1992 to the dean of each of the 177 accredited law schools requesting information on uses of peer teaching. After 81 reminder letters to nonresponding schools, 152 cards were returned. Of these, 99 reported using TAs in legal research, legal writing, or both. Those 99 schools were sent a 40-question written survey; 79 respondents representing 74 schools returned the survey. After eliminating schools that

*Julie M. Cheslik is Assistant Professor of Law, University of Missouri-Kansas City. This article and the related survey were developed under a grant from the Institute for Law School Teaching; points of view expressed are those of the author and do not necessarily reflect the position or policies of the institute.*

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1. There are only a few published articles addressing teaching assistants in the law school setting. See, e.g., Donald S. Cohen, *Ensuring an Effective Instructor-Taught Writing and Advocacy Program: How to Teach the Teachers*, 29 *J. Legal Educ.* 593 (1978); Jay M. Feinman, *Teaching Assistants*, 41 *J. Legal Educ.* 269 (1991); Jay M. Feinman & Marc R. Feldman, *Achieving Excellence: Mastery Learning in Legal Education*, 35 *J. Legal Educ.* 528 (1985); Kenneth B. Germain, *Legal Writing and Moot Court at Almost No Cost: The Kentucky Experience, 1971-72*, 25 *J. Legal Educ.* 595 (1973); Paul Goldstein, *Students as Teachers: An Experiment*, 23 *J. Legal Educ.* 465 (1971); Leon E. Trakman, *Law Student Teachers: An Untapped Resource*, 30 *J. Legal Educ.* 331 (1979).

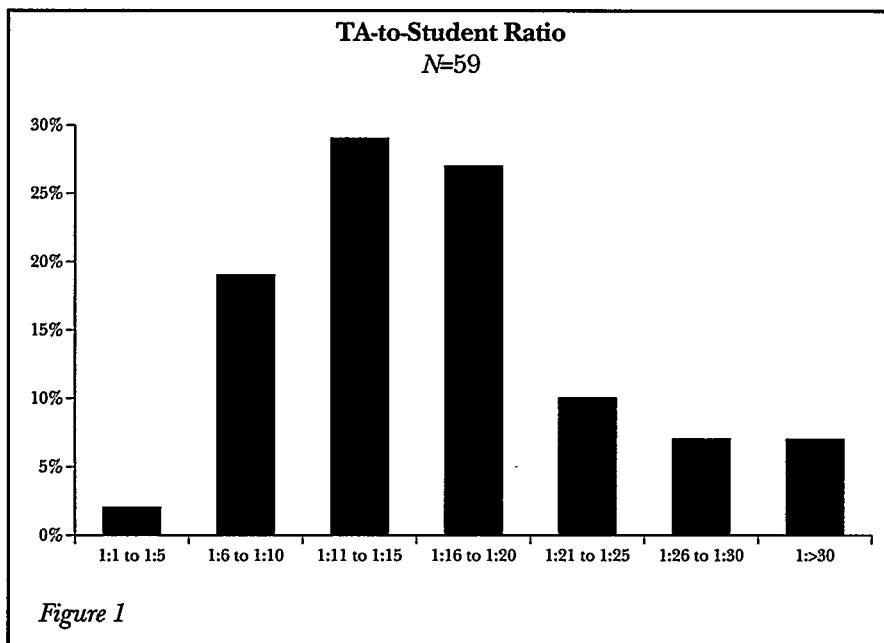
Furthermore, in 1990 Jill J. Ramsfield and the Legal Writing Institute surveyed law schools regarding course structure, content, demographic context, resource allocation, and descriptions of existing legal research and writing programs. This information was gathered in order to provide a mechanism for comparison and communication between legal research and writing programs. See *Legal Writing in the Twenty-first Century: The First Images—A Survey of Legal Research and Writing Programs*, 1 *Legal Writing* 123 (1991). None of these articles widely surveys the use, training, compensation, and effectiveness of TAs in legal research and writing programs.

used student teachers in a very limited role, such as LEXIS or Westlaw trainers, I included 66 schools in the final tabulation. Finally, I conducted a follow-up telephone survey (four additional questions) with 55 of the 66 schools.

This article presents the results of the survey and some preliminary analysis. First, it presents information on the roles of the teaching assistant: classroom teacher, grader or evaluator, mentor, and mediator. It then explores how TAs are selected, trained, supervised, compensated, and evaluated. It concludes with a discussion of the many advantages and the few disadvantages of using TAs in a required first-year law school course.

### The Role of the LRW Teaching Assistant

As part of the survey, the respondents drew a sketch depicting the organizational structure of the research and writing program under their direction. Virtually all of the sketches showed a hierarchical structure: the director (who usually also teaches the course) and other program faculty have a number of TAs under them who serve as peer teachers for first-year students. Although in most schools each TA teaches 11 to 20 students, the TA-to-student ratio varies from 1:5 to 1:48. See Figure 1.



In other instances of peer teaching in the law school setting, a student may choose whether or not to use a student-teacher. But in the vast majority of schools—60 of 64 that responded to this question—the first-year LRW students are assigned a TA by virtue of course design: the student must enroll in LRW, and a TA is part of the course. In some programs, certain sessions with the TA are voluntary, while others are required.

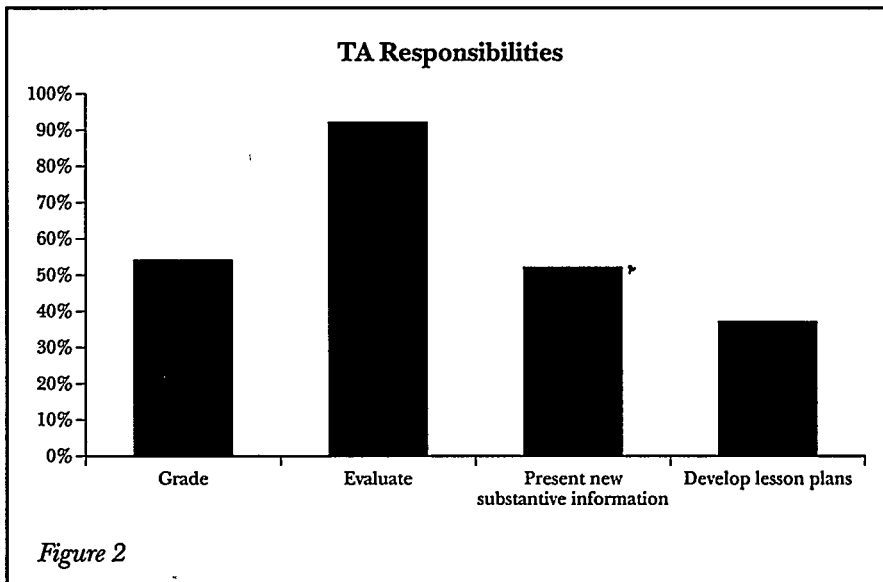
The required meetings between the TA and the first-year student may be part of regularly scheduled class time, a substitute for regularly scheduled class time, or an addition to regularly scheduled class time. They are usually group meetings but may also include individual meetings. In many schools the first-year student is free to solicit as much or as little *additional* assistance from the TA as the student desires: 30 of the 64 responses indicated that TAs were available to students as needed.

The TAs generally meet regularly and often with their students. In the vast majority of schools, TAs meet at least once a week with their students. In five schools students meet with their TAs three or more times per week. Conversely, where meetings between TA and student are voluntary, some students may never meet with the assigned TA. There appears to be no formal limit on the number of times students may ask to meet with the TA.

Just as the type and frequency of meetings may vary, so do the roles of the TA. Some programs use the TA as a *teacher*: the TA presents substantive material or evaluates and even grades written work. In other programs, the TA is a *teacher's aide*, assisting faculty in grading or in problem development or problem testing. Other programs stress the TA's role as a *mentor* serving as an evaluator or sounding board, giving feedback or advice to students on their writing plans. At all times the TAs are students themselves and may be enrolled in a TA course for academic credit.<sup>2</sup>

#### *TA as Classroom Teacher*

The TAs interact in a variety of teaching capacities with their students. Nearly every program uses TAs to evaluate student work; slightly over half use



- In 15 percent of the schools, TAs are enrolled in a graded class. In an additional 32 percent of the schools, TAs are enrolled in a nongraded class.

TAs to grade student work; about the same number use TAs to present new substantive information; slightly over one-third use TAs to develop lesson plans. Some TAs provide peer review of the student's legal writing. Others provide instruction in a lecture, workshop, or tutorial intended to review classroom instruction. Still other TAs supervise role-playing activities such as moot court. See Figure 2.

Often the TA works individually with students, evaluating and critiquing their written work, but in more than half of the responding schools (34 of 65) the TA presents new substantive information, usually in a small-group classroom setting. This traditional teaching is most common in the subject areas of legal research, writing, and citation form. In 18 of the 34 programs in which the TA presents new substantive information, the TA either develops the lesson plan or embellishes a standard lesson plan provided by the faculty director. Whatever the setting of the TA-student contact, the substance of the TA's instruction is typically determined by or in conjunction with the faculty (or in some cases attorney) adviser. In only four schools does the TA alone determine the substance of the material.

#### *TA as Grader and Evaluator*

In addition to serving as traditional classroom teachers, TAs also perform an out-of-classroom role, either evaluating a student's written work (research or writing exercises or both)<sup>3</sup> or serving as graders.<sup>4</sup>

One of the more difficult decisions for a faculty adviser is how much responsibility to give TAs. Whether to allow them a role in evaluating and grading student work is a particularly difficult question.<sup>5</sup> Here the survey shows a nearly even split: slightly more than half the schools (35) give TAs responsibility for some part in the grading decision. Using TAs to evaluate is much more common; all but five schools use TAs to evaluate.

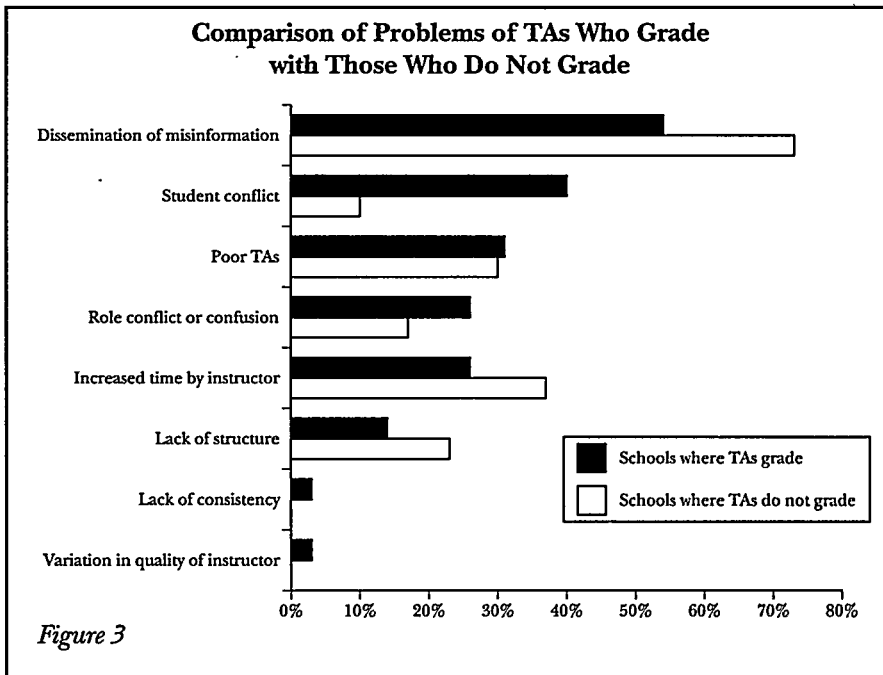
The problem with having the TAs grade is that their grading tends to interject conflict into what would otherwise be a cooperative relationship between TA and student. In fact, as Figure 3 demonstrates, TA conflict with students was four times as likely to be mentioned as a disadvantage or problem by respondents who allow TAs to grade as by those who do not.<sup>6</sup> Similarly, role conflict and confusion was more likely a disadvantage in programs that used TAs to grade.<sup>7</sup>

3. In 37 schools, the TA's is the final critique of the written work, while in 11 schools the TA provides feedback before the work is given to the instructor.
4. The survey and this article distinguish "grading" and "evaluating." I use "evaluate" to mean responding to student work with comments, suggestions, or criticisms. "Grading" goes a step further and involves assigning some number or letter to the student's work. In this sense, grading is an ultimate act of evaluation; and evaluation is a subset or part of grading.
5. See Feinman, *supra* note 1, at 271.
6. Only three of the 30 schools that do not use TAs to grade saw student/TA conflict as a disadvantage or problem, while 14 of the 35 schools whose TAs do grade viewed it as a disadvantage or problem.
7. Some problems, however, are seen with more frequency in programs in which TAs do not grade. Eleven schools where TAs do not grade cited increased time requirements for

If the TA is also the grader or ultimate judge of the student's work, the helper or mentor function is narrowed. Perhaps this problem goes to the heart of the question, *Whom does the TA assist?* If the TA is the ultimate grader, the students see the TA as one of Them—a quasi-professor, or at least as someone whose function is to assist the course instructor. On the other hand, if the TA is an adviser, someone who helps the students improve their work in preparation for the ultimate grader, the TA is likely seen as the students' assistant and ally.

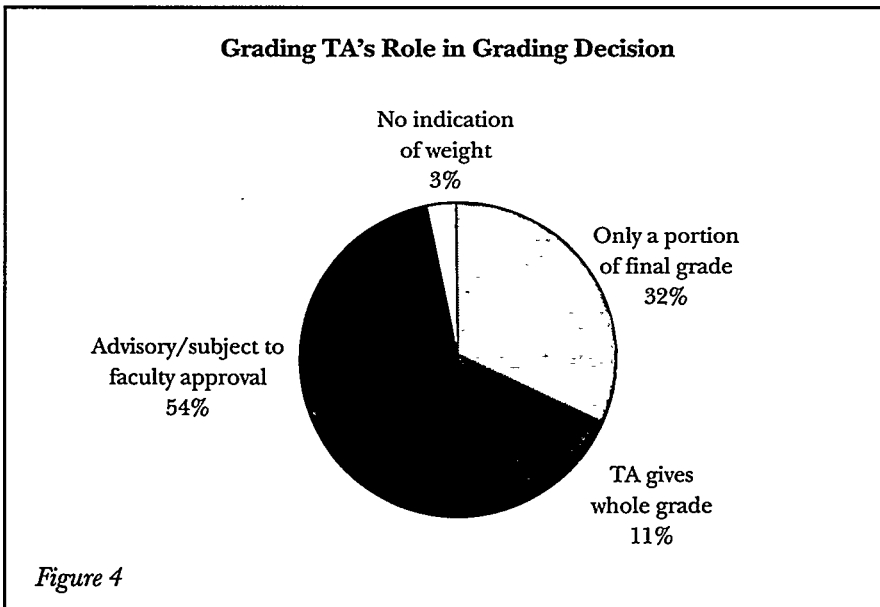
Not only can TA grading hurt the cooperative relationship between TA and student, but it can also cause administrative and pedagogical problems. Some of those surveyed reported having experimented with an expanded role for TAs that included grading but then retrenching because of doubts and complaints about the TAs' grading abilities. Those complaints concerned, among other things, bias, incompetence, and inconsistency.

For those schools that continue to use TAs as graders of student work, a majority report problems with variation in quality, variation in standards, and dissemination of misinformation. See Figure 3. Other programs have mitigated the potential problems by limiting the TAs' grading function. Figure 4 shows that in some programs a TA's grade is only advisory or subject to faculty approval; most of the respondents said that the course instructor would not be



supervisors as a major problem. Nine of the schools whose TAs grade found this to be a major problem.

Both types of programs found dissemination of misinformation to be the number one disadvantage of using TAs—54 percent in schools whose TAs grade and 73 percent in schools whose TAs do not grade.



bound by a TA's grade. In other programs the TA's grade, while final, constitutes only a portion of the course grade. One school uses a TA's grade only if it *raises* the student's grade.

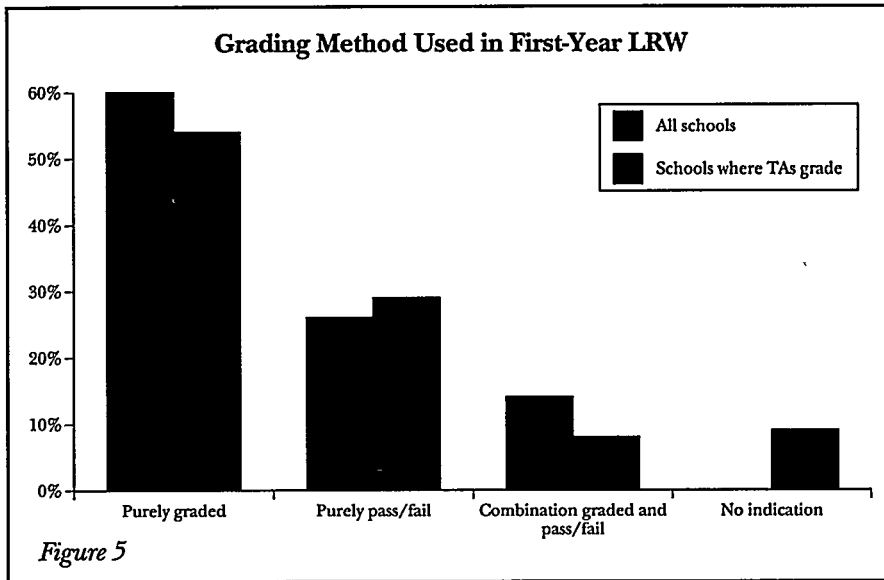
Other programs limit the impact of the TAs' grading responsibility by assigning only pass/fail grades (or some variation of that system) in the first-year LRW course.<sup>8</sup> Schools in which TAs grade are slightly more likely to have some variant of pass/fail grading. Of the 35 schools that allow TAs a part in the grading decision, 19 have a purely letter-graded course and 13 do not (3 did not indicate). See Figure 5.

It is also noteworthy that in many of those schools in which TAs do have some grading responsibility, the grading is largely clerical, with the TA merely checking library research or citation assignments, presumably against an approved key.

In most programs in which TAs grade, they also initially present the information to their students. For example, if the TA grades citation form, the TA has also taught the students citation form. Only five schools report using TAs to grade first-year students' written work even though the TA did not provide instruction in either writing or legal analysis.

Overall the relationship between teaching and grading is somewhat ambiguous. More than half of the schools (24 of 45) that allow TAs *either* to grade *or* to present new substantive information allow TAs to do *both*. Sixty-nine percent of the schools that allow TAs to grade also allow them to present new substantive information to students. Perhaps all that these numbers establish is that schools which give TAs *some* significant responsibility, such as classroom

8. Of 58 schools responding, 23 reported using a form of pass/fail grading (e.g., P/F, P/F/Honors, Honors/Pass/Low Pass/Fail).



teaching or grading, are likely to accord them *other* significant responsibility as well.

While the schools surveyed split nearly evenly on allowing TAs to grade student work, nearly all (60 of 65) use the TAs to evaluate or comment on student work. Eleven schools indicated that this is an initial critique before the student submits the work to the instructor for a final critique and grade, but 37 said that the TA's is the final critique. In some schools the TA has a limited evaluative role such as criticizing the citation form in a memorandum or brief that will be evaluated in full by the instructor.

#### *TA as Mentor and Mediator*

TAs serve an important function as an intermediary of sorts between the LRW instructor and the first-year students. In virtually every school surveyed, the TAs report to their faculty supervisor on student achievement, student understanding of the material, and student complaints. While the reporting may be formal, occurring at regularly scheduled sessions between the TA and the supervisor, it is more likely to be an informal oral report.

The TAs also represent the faculty to the students. Where a TA is vested with evaluation or grading responsibility, the faculty presumably want the TA to help them present a united, consistent front. The TA may encourage a student to talk to a teacher, or may advise a student on what is likely to be a faculty viewpoint.

#### **Selection of TAs**

##### *Identification of Candidates*

In virtually every school that uses TAs in its LRW program, the availability of TA positions is openly advertised to the student body. Behind the scenes, however, certain students are encouraged to apply either because they have done well in the LRW course or because of a faculty recommendation.



Once candidates are identified, there are two common methods for making the final selection. At 37 schools the selection of all TAs is made by the director of the program, often in consultation with the other instructors. At 20 schools the instructors, working independently, each select their own TAs.

The process for final selection almost always includes a written application, often followed by an interview and solicitation of recommendations. Seven schools require a writing sample. Interestingly, a few schools hold a rather extensive tryout to test the applicant's skills in critiquing, writing, and classroom teaching. In one such school, each applicant writes a memo (much like that of a law review writing competition), critiques a paper, and delivers a lecture. At another, each applicant is given an editing test.

### *Qualifications and Characteristics*

The qualifications or characteristics sought vary, as one can imagine, although clear traits emerge as desirable in every TA. It is perhaps easiest to look first at the very few *required* qualifications on which there is agreement.

#### Law School Level and Age

While some schools (Chicago and Stanford, for example) do use graduate law students to teach, or assist in teaching, legal research and writing, the schools responding to my survey use only second- and third-year law students as TAs; no school uses first-year students or graduate students. Most schools (47) use both second- and third-year students; 17 use only third-years. There is no age preference, and many respondents did not know the average age of their TAs.

#### Academic Qualifications

The great majority of schools (63%) do not require that TA applicants have any specified minimum grade point average or class rank. Of those that have some GPA or class rank requirement, some require only a certain minimum grade in the LRW course—usually at least B+.<sup>9</sup> Other schools require a certain minimum GPA overall. Surprisingly, the requirement varies widely from a 3.0 GPA (the highest required at any school, although some indicate “top 10 percent”) to a class rank in the top half.

Not surprisingly, even those schools not requiring a certain minimum GPA or class rank use grades and academic success as a factor in the hiring decision.<sup>10</sup> Some schools indicated that nearly all the TAs selected had good grades even though this was not an expressly stated criterion. Respondents stressed the importance of evaluating the applicant's whole package of skills, with strong academic skills just one part of the package.

9. Four of the 24 schools that have GPA requirements require a grade of B+ or above in the legal research and writing course.
10. Of the 65 schools responding, 37 explicitly report using grades as a factor in the decision even though that option was not listed on the survey. I can only surmise that had I asked whether grades or academic success is a factor in TA hiring, most, if not all, schools would report that it is.

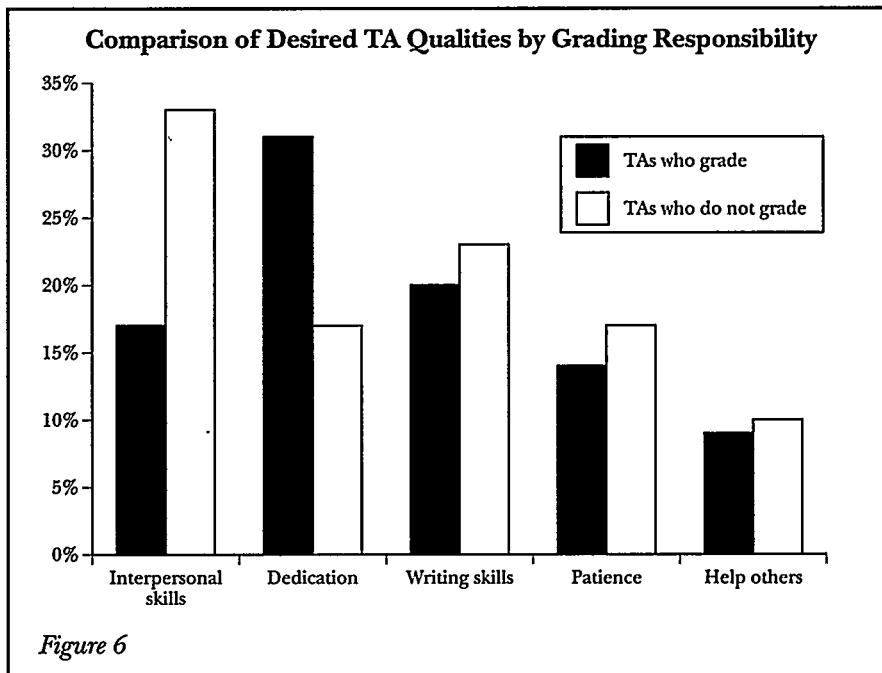
One may suspect that evidence of academic success is more likely a criterion for TA selection in those programs that accord TAs greater responsibility—particularly in classroom teaching or in grading that requires more than checking against a key. But the survey results indicate that in those programs in which the TA has grading responsibility a minimum GPA requirement is only slightly more prevalent (40 percent for schools whose TAs grade, 33 percent for schools whose TAs do not).

### Background Qualifications

Beyond the minority (37%) of schools with specific grade requirements for TAs, few schools require any particular background qualifications. No school surveyed requires that TA applicants have taken certain courses (although two mention a preference for students on law review). No school requires that applicants have prior teaching or instructional experience, but thirteen schools indicated that a teaching background was preferred or helpful. Only three schools require that applicants have some practical legal experience such as law clerking, but nine mentioned it as a positive factor.

### Characteristics Commonly Sought

Although there are few required qualifications for TAs, there is general agreement as to desirable characteristics. An open-ended question asked what single characteristic or quality is necessary in a successful TA, and the responses largely grouped in four distinct areas: strong interpersonal communication skills (16); dedication or willingness to work (16); good writing skills (14); and patience and kindness (10). Six respondents mentioned a fifth quality—the desire to help others. Surprisingly, only a few other qualities were



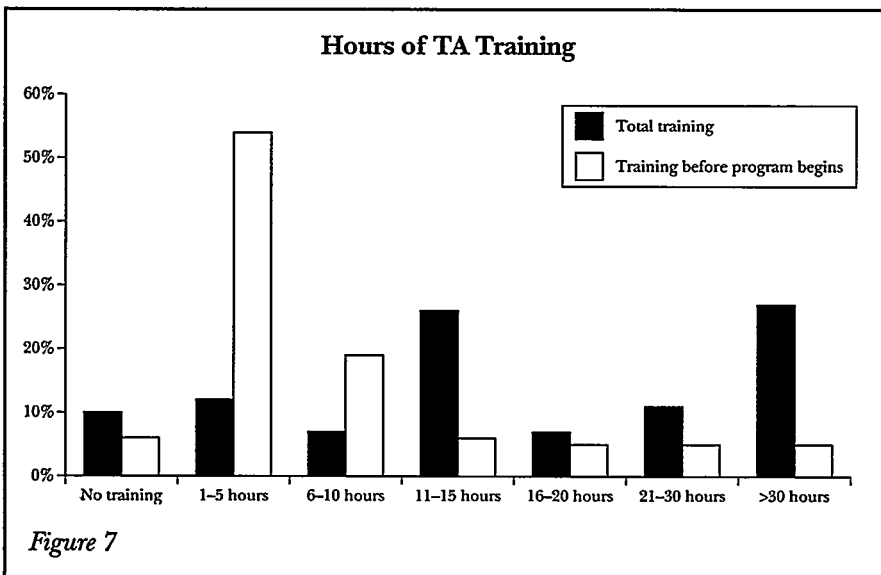
even mentioned, each by only one or two respondents: maturity, courage, the ability to be at ease in a classroom setting, and accessibility. There are some marked differences among respondents in the relative importance of these desired qualities. Respondents whose TAs grade appear to emphasize dedication, whereas those whose TAs do not grade regard interpersonal communication skills as more important. See Figure 6.

### TA Training and Supervision

For most programs using TAs, the training is largely on the job. The number of hours, timing, and type of training vary considerably from program to program, but few programs provide no training at all to the TAs.

Most programs (69%) provide training to TAs throughout the semester, typically in weekly meetings between the TA and the faculty supervisor. In other programs the supervisor is available to the TA as needed for informal consultation. Many programs (40%) train TAs at the beginning of the semester; 25 percent provide training during the summer before the TAs' responsibilities begin.

Generally, training before the program begins is not extensive. Most schools (60%) provide no prior training or no more than five hours. Several schools (19%) provide 6 to 10 hours of prior training, and thirteen schools (21%) provide more than 10 hours. The total number of hours of TA training also varies widely, from none to more than thirty hours. The results are displayed in Figure 7.



As shown in Figure 8, the type of training provided consists of training in the subject area (66%); in teaching or pedagogy (68%); in interpersonal communication skills (54%); in crisis/conflict management (37%); or in group interaction and management strategies (34%). Eight schools (12%) report training TAs in editing and/or grading guidelines, a number that could underrepresent the actual figure if some respondents interpreted this

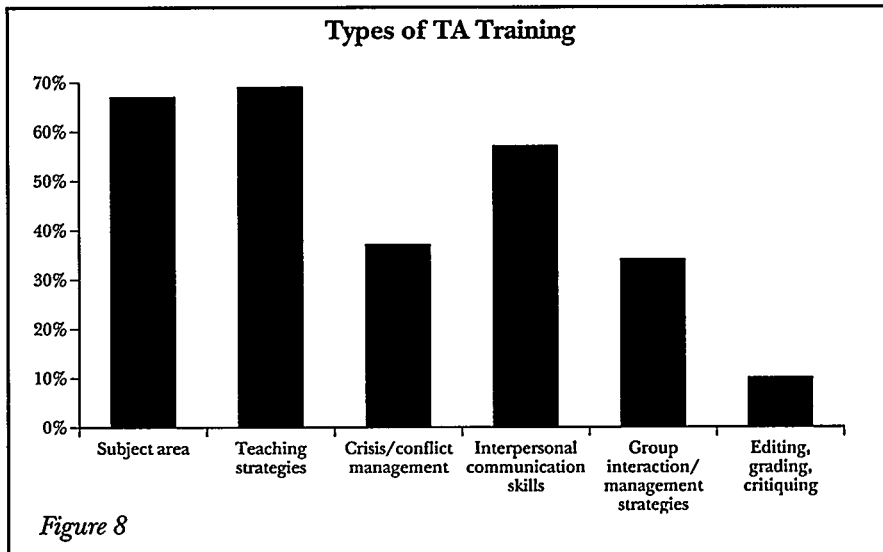


Figure 8

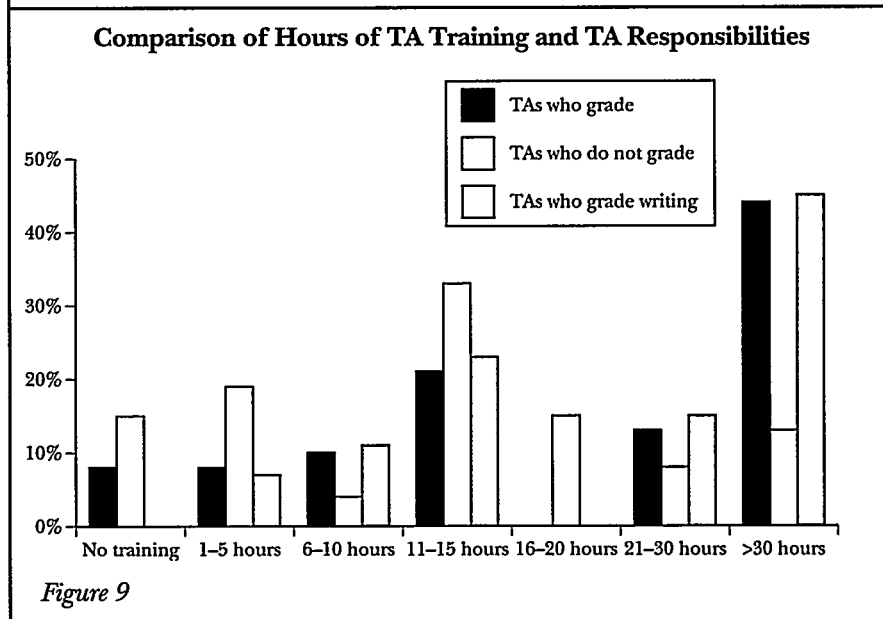


Figure 9

as part of “subject area” training. One school trains in diversity issues. Some schools (39%) provide written manuals for their TAs.

TAs who have grading responsibilities tend to receive more training. This is especially true at the schools with a high number of training hours. Sixteen programs (28 percent of the total responding) provide more than 30 hours of training to their TAs, and 13 of those programs are ones in which TAs grade. Programs in which TAs do not grade are more likely to offer no training<sup>11</sup> or

11. Four programs of the 30 (13%) in which TAs do not grade report no TA training; two of the 35 programs (6%) in which TAs grade report no TA training.

less than six hours of training.<sup>12</sup> In those programs where TAs have more significant (i.e., judgmental rather than clerical) grading responsibility, TAs tend to receive more total hours of training. Furthermore, schools that do not use TAs to grade or to evaluate student work tend to provide fewer total hours of training.<sup>13</sup> See Figure 9.

There is a slight connection between total hours of training and the level of contact with the first-year students. Schools in which TAs have greater student contact are likely to provide more extensive TA training. In all the schools that provide more than 20 hours of training, the TA meets with the first-year students at least once a week. Table 1 compares total hours of TA training with the level of student contact.

*Table 1*  
*TA/Student Contact by Hours of Training*  
*(Number of Schools)*

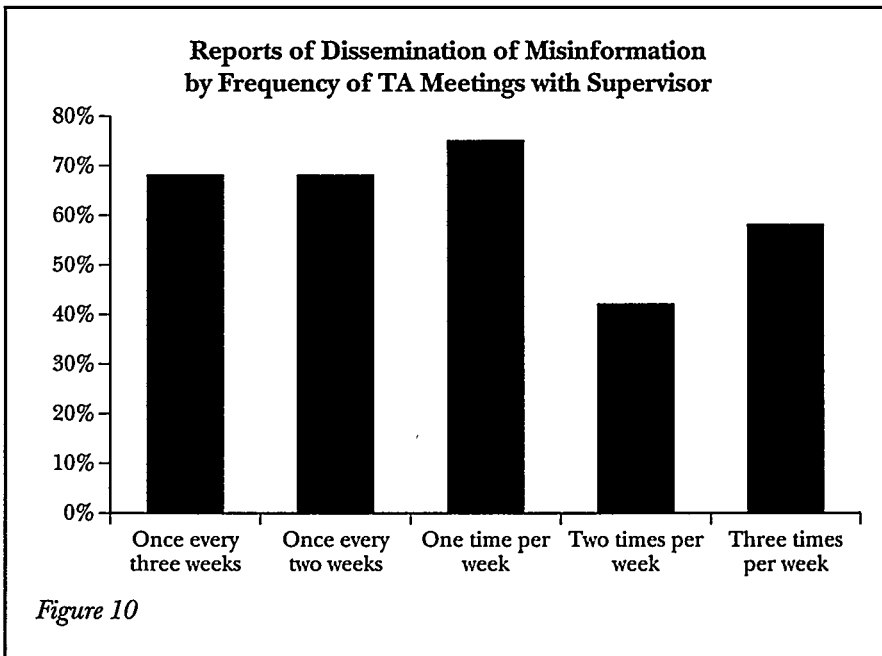
	<i>Varies/ totally voluntary</i>	<i>Less than once a week</i>	<i>Once a week</i>	<i>More than once a week</i>	<i>Other</i>
No training	4	0	1	0	1
1-5 hours	3	1	3	0	0
6-10 hours	0	1	1	1	1
11-15 hours	4	2	5	2	2
16-20 hours	0	1	1	2	0
21-30 hours	0	0	5	1	0
>30 hours	0	0	7	7	2
No answer	0	0	4	2	2

Most programs provide regular and constant supervision of the TAs. In the vast majority of programs (80%), a supervisor meets with each TA at least once a week. Many schools (about one-third) reported more frequent meetings either individually with some TAs or as a regular part of supervision. In only a few programs (9%) does the TA meet with the supervisor less frequently than once a week.

Despite frequent meetings and other attempts to supervise and instruct TAs, by far the most often mentioned disadvantage of using TAs—cited by more than 70 percent of respondents—is that TAs disseminate misinformation. Some schools report this as rarely occurring; others report it as a major problem.

One might expect that TAs' disseminating misinformation would be a greater problem in the programs where TAs meet less frequently with a faculty supervisor, but Figure 10 does not show this to be necessarily the case.<sup>14</sup> It does appear, however, that meeting with TAs two or three times a week reduces the

12. Two programs of the 35 (6%) that allow TAs to grade provide 1 to 5 total hours of TA training; five of the 30 programs (17%) that do not allow TAs to grade provide 1 to 5 total hours of TA training.
13. Informal, additional training, as opposed to formal training, is often used to assist the TA who is having problems or whose performance does not meet expectations. Typically, someone meets individually with the TA; 31 schools clearly indicated that individual meetings are used.
14. Of the 40 schools reporting dissemination of misinformation as a disadvantage or problem, 33 (83%) meet with their TAs at least once a week.



problem of dissemination of misinformation. Furthermore, among those programs reporting TA dissemination of misinformation as a problem were those providing the highest number of training hours *before* the program began: all three of the schools providing 21 to 30 hours of prior training. Over half (54%) of the schools that provide five hours or less of prior training report TA dissemination of misinformation as a disadvantage.<sup>15</sup> See Figure 11. Perhaps the better time to train TAs is on the job or shortly before a specific task, rather than during the summer or early in the semester.<sup>16</sup> Or perhaps increased worry about misinformation leads to increased training.

15. A comparison of the responses to the two relevant questions reveals the following:

- 23 of the 38 schools (61%) that provide 0–5 hours of TA training before the program begins report TA dissemination of misinformation as a disadvantage of using TAs;
- 6 of the 12 schools (50%) that provide 6–10 hours of training before the program begins report TA dissemination of misinformation as a disadvantage of using TAs;
- all 4 schools (100%) that provide 11–15 hours of training before the program begins report TA dissemination of misinformation as a disadvantage of using TAs;
- 2 of the 3 schools (66%) that provide 16–20 hours of training before the program begins report TA dissemination of misinformation as a disadvantage of using TAs;
- all 3 schools (100%) that provide 21–30 hours of training before the program begins report TA dissemination of misinformation as a disadvantage of using TAs.

16. Telephone follow-up conversations confirmed that many program directors thought this might be true.

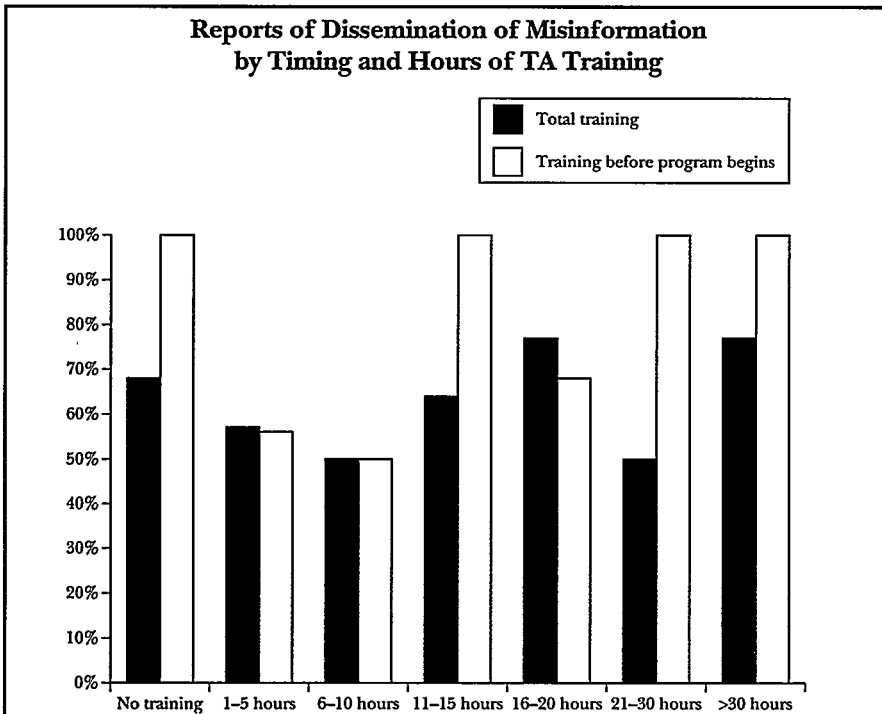


Figure 11

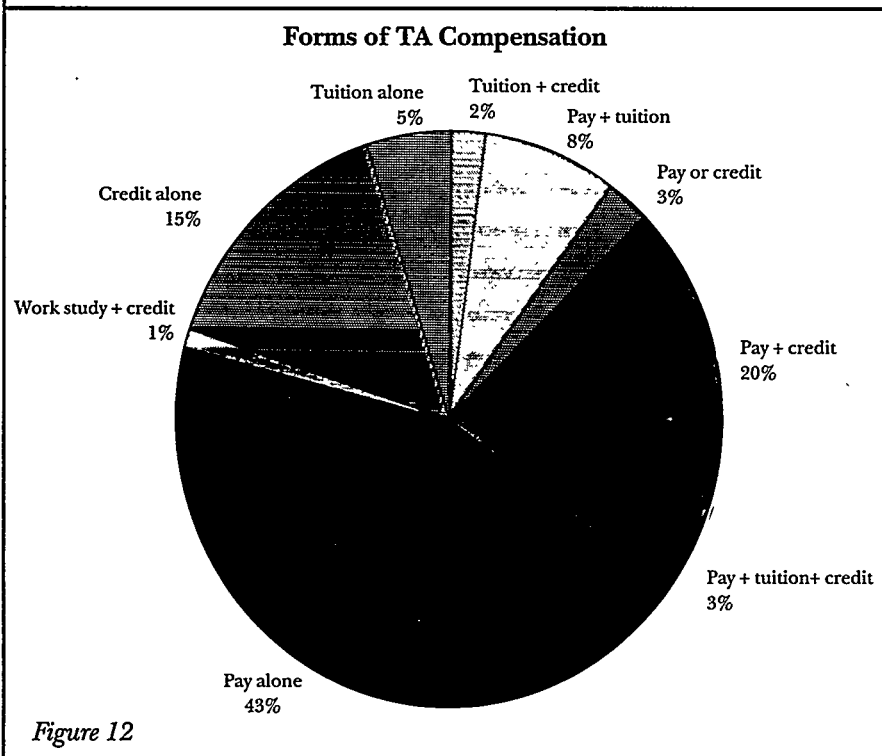


Figure 12

### Schools Compensating TAs with Hourly Pay

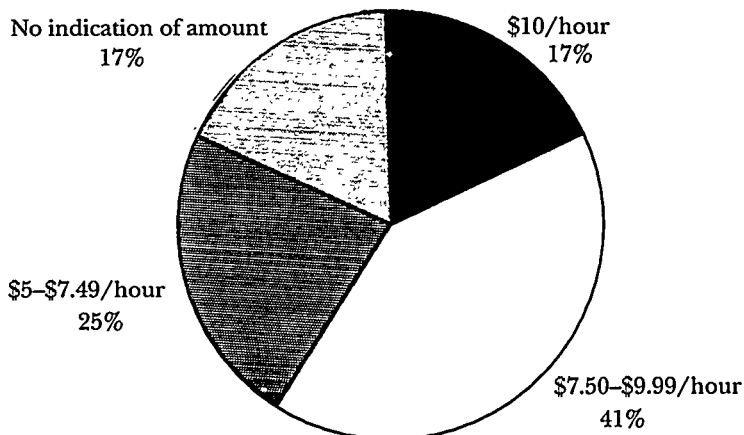


Figure 13

### Schools Compensating TAs with Yearly Pay

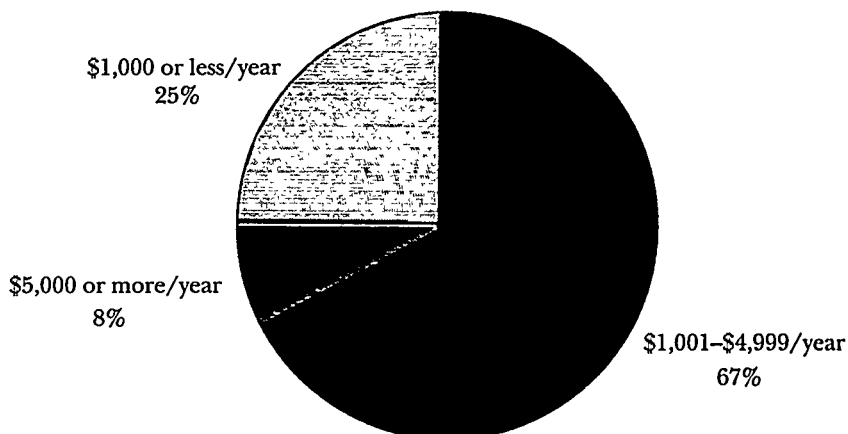


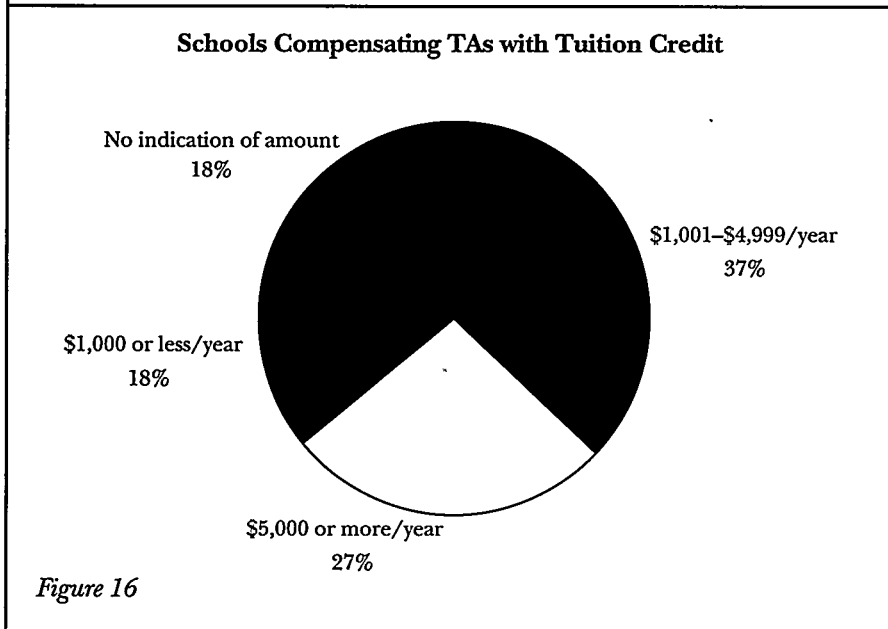
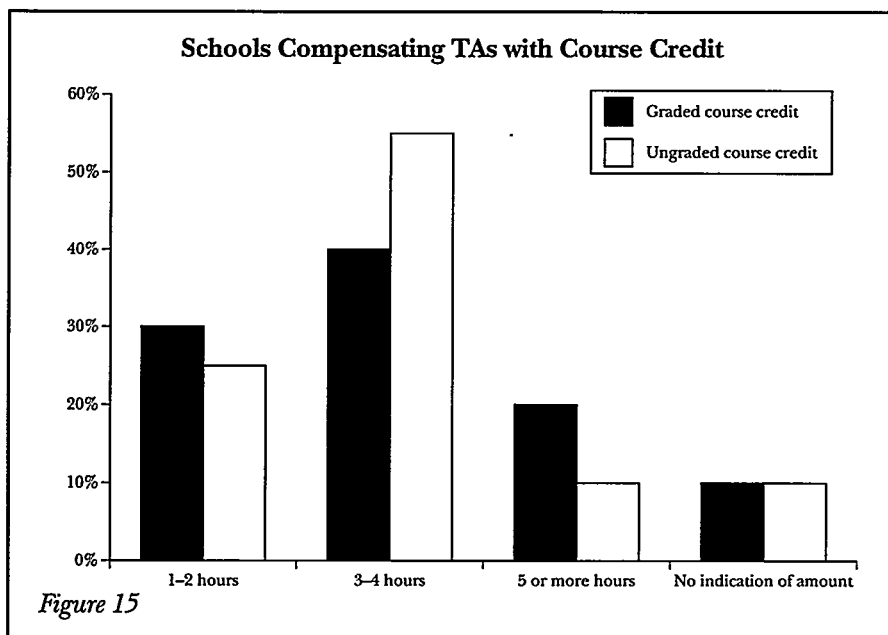
Figure 14

### TA Compensation

TAs are compensated in three general ways: class credit, hourly pay or stipend, or tuition credit. Some schools use a combination. No school reports purely voluntary TA service. Figure 12 illustrates that about three-fourths of the schools compensate TAs in whole or part with pay by the hour, by semester, or by year.

The amount, however, varies widely. For those paid by the hour, the range is from \$5 to \$10. See Figure 13. For TAs paid by the semester or year, the range is from \$400 to \$4,118 a semester. See Figure 14. Some schools pay third-year TAs more than second-year TAs; some give more pay to TAs with





more responsibilities. But any comparison of pay is difficult because the hours worked and the TA’s responsibilities vary from program to program.

Other programs “compensate” the TAs with course credit—graded (8 schools), ungraded (19), or a combination of the two (2). Figure 15 shows the variations in the number of hours of either graded or ungraded credit awarded to TAs—from 2 hours (at several schools) to 7 (all ungraded) at one school and 9 hours (6 graded, 3 ungraded) per year at another.

Two schools give TAs the option of course credit or pay; 15 give both course credit and pay; 11 compensate TAs with tuition credit ranging from \$500 a semester to \$12,500 a year. See Figure 16. One school uses work-study money to pay TAs.

About half the schools (52%) provide a mid-level compensation to TAs; TAs' pay is low at 21 percent and high at 27 percent of the schools.<sup>17</sup> But these categories are not very meaningful without some comparison of TA compensation with TA duties and responsibilities. Of the 35 schools that give TAs grading responsibility, 4 are categorized as low compensation, 17 as mid-level, and 12 as high compensation.<sup>18</sup> There seems to be slightly higher compensation for TAs with grading responsibility.

### Evaluation

TAs are evaluated both by their students (77%) and by their supervisors (80%). In most programs (61%), the evaluation takes place once a semester. Some programs evaluate only once a year (19%), others as often as weekly or with each assignment. In most schools the TA is evaluated formally,<sup>19</sup> sometimes as part of a grade.

If the TA is deemed to be performing below an acceptable level, the response ranges from termination (mentioned by only 28 percent of respondents), to not rehiring if the TA is a second-year student (24%), to doing nothing because the appointment is for only one year (9%). Of course, the most common response is to meet and talk with the TA (41%). In those programs where TA service involves taking a law school course, the poor performance will lead to a lower grade.<sup>20</sup> Our most noteworthy finding on poor TA performance is that it is rare.<sup>21</sup> Even at schools where termination is an option, many schools report that they have never had to use it.<sup>22</sup>

17. For purposes of this article, I have defined as "low" compensation \$1,000 or less per year, \$5 to \$7.49 per hour, or 1 to 2 graded or ungraded credit hours. "Medium" compensation is \$1,001 to \$4,999 per year, \$7.50 to \$9.99 per hour, or 3 to 4 hours of credit. "High" compensation is defined as \$5,000 or more per year, \$10 or more per hour, or 5 or more credit hours. Three schools did not specify the amount of compensation received, only the type; these schools are not included in the numbers reported in the text.

Because several schools provide compensation to their TAs in more than one form, combinations were defined as follows: low compensation in three forms was considered medium compensation; a low and a medium was considered medium compensation; a low and a high was considered high compensation; two forms of medium compensation was considered high compensation; and a medium and a high was considered high compensation.

18. Two schools whose TAs grade did not indicate their level of TA compensation.

19. Only two of the 49 schools using student evaluation of TAs indicate that the evaluation is informal. Only one of the 51 schools using supervisor observation to evaluate TAs indicates that the evaluation is informal.

20. Six schools reported that the TA would receive a lower grade for poor performance.

21. For example, one question asked, "What happens to a TA whose performance is poor?" Nine schools had no plan, responding that they did not know because it had never happened.

22. Four schools (of the 16 in which termination is an option) reported that they have never had a TA who has performed poorly. These are in addition to the nine schools mentioned in note 21 *supra*.

Most surprising and perhaps most disturbing is that, although most faculty members using TAs profess great satisfaction with the TAs and see many benefits, few if any have objective evidence of TAs' success in improving or helping law students. Other than review of TA evaluations, no program uses any tool to evaluate student success in relation to TA efforts.<sup>23</sup> In only one school did the supervisor express an intention to evaluate the successes of using TAs by "running grades vs. cumulative averages," but the evaluation had not yet been completed.

### Advantages and Disadvantages of TAs in LRW

Any assessment of the value of using TAs must consider the value to the students, who are usually the direct beneficiaries of the TAs' work; to the faculty, whose responsibilities may be eased by TAs; and to the TAs themselves, who may improve their own skills by teaching others.

#### *Advantages to Students*

Any *proof* of the TAs' benefit to students is scarce: no school has measured the effect of TAs on students' skills, knowledge, or grades. Benefits reported are benefits observed or perceived by LRW directors and faculty.

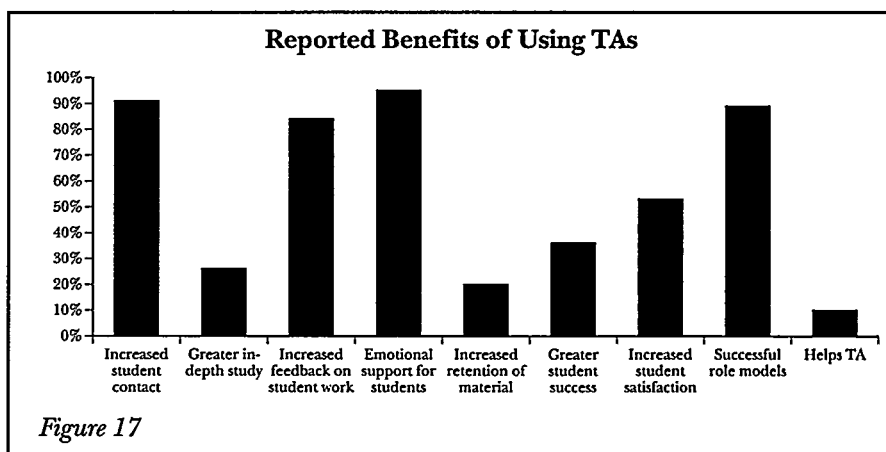
A TA's individual performance is evaluated by the first-year students (77%), by the faculty supervisors (80%), and sometimes by the TA (16%). Most programs use student evaluations to gauge the success of TAs individually. Likewise, virtually every supervisor observes and evaluates the TAs. It seems that, ultimately, the assessment of TAs' effectiveness generally is a cumulative assessment of individual TAs by their students and by the faculty supervisor. In the vast majority of programs (51), the TAs themselves also have the opportunity to evaluate the program either formally (45 or 88%) or informally (6 or 12%).

The survey asked respondents to select from a list of potential benefits to students of using TAs. They selected: emotional support (94%); increased student-teacher contact (91%); role models (86%); increased feedback on student work (83%); increased student satisfaction (51%); and greater in-depth study of the subject area (25%). While many schools (35%) reported greater student success or increased retention of material (17%) as benefits of using TAs, other respondents commented that there was no way to judge whether these two benefits were real. These benefits are reported in Figure 17.

#### *Advantages to Faculty*

Many respondents were effusive in their praise for the TAs and the perceived benefits that TAs provide to the LRW program overall and to the faculty. Clearly TAs are viewed as a low-cost method of increasing student contact with an instructor or mentor. They lighten the faculty's load and ease

23. A possible tool to gauge success would be a comparison of the first-year grade point averages of students with similar law school entry predictors (such as the LSAT score), of whom a randomly selected half had had a TA during the year and the other half had not.



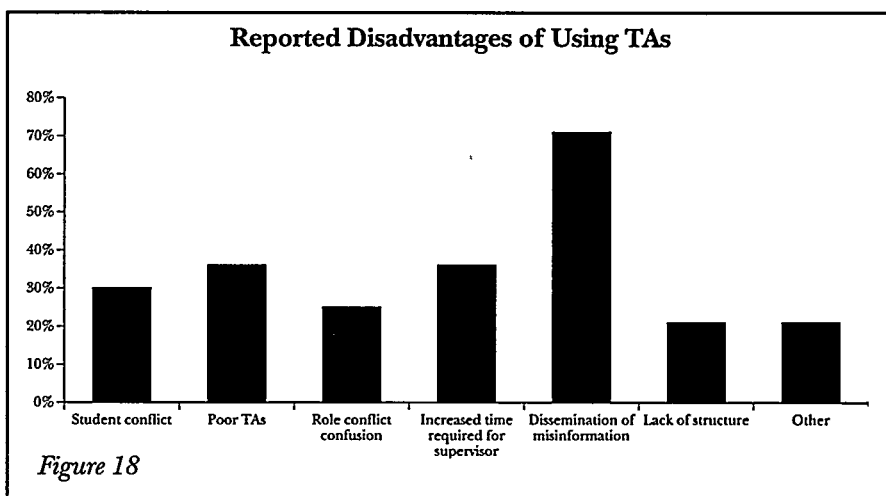
the time commitment necessary for one-on-one meetings with students. Respondents wrote that they “couldn’t do it without the TAs” and that the benefits of using TAs far outweigh any disadvantages.

#### *Advantages to TAs*

Twenty-eight schools cited improvement in the TA’s own research and writing abilities as the greatest benefit of being a TA. Others (45) mentioned the satisfaction of getting to know first-year students and helping them. Again, these perceived advantages, like the advantages to first-year students, are based on the respondents’ observations and experience. No one reported collecting any empirical data on improvements in TA performance.

#### *Disadvantages of Using TAs*

The use of TAs, especially to teach new substantive information or to grade, is not without disadvantages. Figure 18 illustrates the reported disadvantages of TA use. The most often cited disadvantage (mentioned by 40 schools, twice



the number of any other disadvantage) is the dissemination of misinformation or inconsistent information by TAs. This problem can be and is being solved by more training, better communication, and closer supervision (26 schools) and to a lesser degree by more careful selection of TAs (5 schools) and by limiting the TAs to more routine functions (4 schools). Two schools reported that they are abandoning the use of TAs altogether and going to full-time nontenured instructors because of problems with TAs.<sup>24</sup> One school—which, incidentally, reported the highest level of TA compensation—indicated that it will abandon TAs and instead use attorneys as adjunct instructors.

Interestingly, a number of respondents reported that dissemination of misinformation or conflicting information was inherent in the use of TAs—or in any multiple-instructor situation. As one respondent put it, “How do you get six people to say precisely the same thing?” Most respondents seem to believe that the minor difficulties inherent in the use of TAs are tolerable because the overall benefits outweigh the disadvantages. Other, less often mentioned disadvantages of using TAs include poor teaching assistants (36%), student conflict (30%), role conflict or confusion (25%), and lack of structure (21%).

There are also disadvantages or problems from the TA’s point of view. By far, the two most prevalent in the minds of the supervisors are the time demands on TAs (34%) and the difficulties TAs experience in dealing with their students’ frustrations (31%). Significantly less prevalent, yet still seen as a disadvantage to the TAs, is not knowing all the answers to their students’ questions (10%), which presumably frustrates the TAs and lowers student confidence in the TA and the LRW program.

### TAs in LRW Compared to Other Law School Peer Teachers

#### *Similarities*

Like other law school peer teachers, those in LRW programs are students themselves who were learning the material they now teach as recently as one year earlier. In that sense they are peers. In another sense, they are a cut above their students: they have exhibited some mastery of skills or subject matter and, like other peer teachers in law school, have been selected as possessing the qualities thought critical to successful teachers.

#### *Differences*

TAs are unlike other law school peer teachers in that they are often formally or explicitly trained, are likely to be compensated, and, most significantly, are likely to have *involuntary* students—students who are there not by choice, but by the design of a mandatory course.<sup>25</sup> They are more likely than other sorts of peer teachers to lecture in a classroom setting, presenting new,

24. This is probably a more expensive solution, or, if not more expensive, one that creates a less favorable student-teacher ratio.

25. The survey responses indicate that 60 schools (92%) require first-year students to take a legal research and writing course in which TAs are used.

substantive information, and to have some responsibility for evaluating and even grading required coursework. Those who direct or supervise TAs in LRW programs must worry more about consistency (both among TAs and between the faculty instructor and the TAs) and about TA-student conflict than do supervisors of other peer teachers. In fact, several schools reported having to limit TAs' teaching or grading responsibilities because the TAs were not well received by the students or because the faculty supervisor doubted the ability of any TA to present adequate substantive instruction.

\* \* \* \* \*

A large number of schools report using TAs in their legal research and writing programs. That may not be surprising, given the benefits TAs provide to the students, to the faculty, and to themselves. What is surprising is the significant amount of responsibility given to the TAs to teach, evaluate, and grade their students. Also noteworthy is the large commitment of time and energy by TAs.

The great amount of responsibility shouldered by TAs may call for a greater commitment to training during the TA service. More schools may want to adopt written manuals of practices and policies for TAs to use during the course of their responsibilities. That might reduce the widely cited problems of dissemination of misinformation and inconsistent information dispersed by TAs. There is no single solution to the possible conflict between TA and first-year student when the TA is grader. That conflict cries out for further study and creative approaches.

On the whole, nearly all the survey respondents agreed that the benefits of using TAs far outweigh the disadvantages and that TAs provide a cost-efficient, reliable alternative to helping first-year law students improve their skills in the legal research and writing course.