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The Care and Feeding of Law Student Research Assistants¹

By Alyssa Dragnich and Rachel H. Smith

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Hiring, training, managing, and mentoring research assistants can be highly gratifying. When it works well, the relationship between a professor and a research assistant (RA) can be a distillation of all the best parts of teaching legal writing. It benefits professor and student. It results in a bond of friendship and collegiality. It produces useful and thoughtful work.

But it can also go horribly wrong. The relationship can be a waste of student and professor time and energy. The professor can feel burdened, rather than assisted. The student can feel confused and underappreciated. As any professor knows who has had an RA flame out, taking months of time and energy with her,² the relationship has to be handled with care.

The professor-RA relationship requires the professor to act not just as a teacher, but as an employer or supervisor. The mutual dependence that arises in a successful RA relationship—the professor relies on the RA and trusts her, while the RA learns skills that will be useful in law school and the workplace—means working as an RA is invaluable preparation for a career as a lawyer. By using principles of smart management, a professor can simultaneously provide an educational opportunity for a law student and

make greater progress in her scholarship and teaching materials than she otherwise might. This article discusses best practices for hiring, training, managing, and mentoring RAs.

Hiring: Choose the right student for the job, not just the student with the highest grade.

In many cases, hiring a former student as an RA is a wise decision. As Rachel Stabler, Professor of Legal Writing at the University of Miami School of Law, notes, “A resume tells an incomplete story. When I hire an RA, I want to hire someone who has a good work ethic. It’s hard to get a sense of work ethic by looking at a resume alone because grades alone don’t indicate work ethic; some of the hardest working students I’ve taught have had mid- to low-range grades. But by hiring a student you’ve already taught, you already know what quality of work you can expect.”

She also explains that a personality fit between professor and RA is essential: “The other thing I’m looking for is an RA who I know I get along with and is comfortable with me. That way, the student will feel free to follow up if I’ve done a poor job explaining my request or if the student encounters troubles along the way. Because I find these to be important qualities for an RA, I prefer to hire students I already know.”

One approach some professors take to hiring an RA is to simply offer the position to the student who received the highest grade in legal writing. This student is certainly capable of doing excellent work as an RA.³ But the student with the highest grade will often be a student who also does well in other

¹ No research assistants were harmed in the writing of this article.

² One author had an RA leave a summer’s worth of research in the trunk of his car as it sat in long-term parking at the airport for a month.

³ We have noticed that these high-achieving students are sometimes more likely to have accepted old-fashioned ideas about the status of legal writing and legal writing professors. A student who on some level assimilates that legal writing and its professors are less important than other law school topics and faculty may devote less time or mental energy when working as a legal writing RA.

“By using principles of smart management, a professor can simultaneously provide an educational opportunity for a law student and make greater progress in her scholarship ...”

classes. This student typically has many opportunities in law school to expand her skills and fill out her resume. She will be on law review, she will participate in moot court, she will have an internship and work for a clinic, possibly even simultaneously. Hiring this student will give another accolade to a student likely to have many. And it may result in an RA who has so many tugs on her time and attention that she cannot devote much energy or focus to her work as your RA.

A more holistic hiring approach that seeks to hire the student with the most potential for the position will result in RAs with more to offer and more to gain.⁴ So instead of hiring based on grades alone, we recommend considering a combination of the following:

1. which student will have the most time, energy, and enthusiasm to devote to the position;
2. which student will be easiest to work with on a personal level;
3. which student brings life experience or nonlegal skills to the position that will be of value; and
4. which student might benefit the most from the position.

Legal writing professors are perhaps unique among law professors⁵ in that we often hire RAs for two very different purposes: 1) in the more traditional vein to assist with our scholarship and 2) to assist us in developing new legal writing problems and “beta testing” new materials.⁶

Because legal writing professors often ask RAs to do more than academic research, we need students with more diverse skill sets and aptitudes than traditional law school RAs. Thus, a student with mixed, middling, or even poor law school grades

may have much to offer as a legal writing RA. And because these students may not have as many opportunities as students at the top of the class, they are often especially grateful to be selected and willing to devote extraordinary amounts of time and effort to the professor’s requests.

For example, a legal writing professor who hires an RA to beta test a new problem may be better served by a student who performed near the middle or bottom of the class because such a student will be able to provide the professor more accurate feedback about how the majority of students will understand the problem.⁷ And a legal writing professor who is developing a new problem may find an RA with a strong creative streak more helpful in fleshing out fictional characters, events, and documents, even if that student didn’t receive a high grade in legal writing. A professor who needs an RA to create elaborate exhibits for an appellate record might consider applicants’ knowledge of Adobe and other graphic design programs. If the professor is seeking assistance with a more traditional law review article, she may value a high grade in the legal writing course or experience on a law journal. That professor may also look for an RA with a background in the field, or at least one who is strongly interested in the topic.⁸

Finally, professors should be aware of the gender and race of the RAs they hire. Perhaps without realizing it, a professor may default to hiring students who remind the professor of themselves. If this is not questioned,

“Because legal writing professors often ask RAs to do more than academic research, we need students with more diverse skill sets and aptitudes than traditional law school RAs.”

⁴ Kelly Studer, *The 70% Principle for the Perfect Hiring Fit* (Aug. 18, 2014), LinkedIn, <https://www.linkedin.com/pulse/20140818172532-4666885-the-70-principle-for-the-perfect-hiring-fit>.

⁵ Suzanne E. Rowe, *Effective Research Assistance and Scholarly Production in Legal Writing*, 3 LEGAL COMM. & RHETORIC: JALWD 192, 192 (2006).

⁶ Some legal writing professors may also use teaching assistants, who are responsible for interacting with first-year legal writing students.

⁷ Similarly, Carrie Sperling and Susan Shapcott recommend hiring as teaching assistants the students who make the most dramatic improvement, rather than those who are naturally the strongest writers. “When hiring teaching assistants, professors might focus on students who have overcome early difficulties in their writing. Hiring teaching assistants based on how much their writing improved over the course of a year demonstrates that we value the learning process rather than some innate ability that certain students possess. Teaching assistants who overcame perceived failures will also have good stories to tell the incoming students about their own struggles and how they refocused their efforts to eventually succeed.” Carrie Sperling & Susan Shapcott, *Fixing Students’ Fixed Mindsets: Paving the Way for Meaningful Assessment*, 18 LEGAL WRITING: J. LEGAL WRITING INST. 39, 82-83 (2012).

⁸ Harriet Richman and Steve Windsor, *Faculty Services: Librarian-Supervised Students as Research Assistants in the Law Library*, 91 LAW LIBR. J. 279, 284 (1999).

“Because being an RA may be a student’s first legal job (or even her first professional job of any kind), the professor should spell out her professionalism expectations as part of training a new RA.”

the professor may hire a disproportionate number of students of one race or gender.

Training: Be explicit about your expectations.

A professor may need to invest significant time in training an RA. Working as an RA may be the first time a human being is actually relying on the student to complete any kind of legal work. Some RAs may not realize that the professor will need to use their work product and will depend on it to be accurate. We have had RAs who at first viewed their RA assignments like ungraded class assignments, thinking of them more for their own benefit than as something that needed to be useful to the professor.

The professor should work to be explicit about her expectations. After hiring an RA, the professor should schedule a face-to-face meeting to discuss the goals and timeline for the project. The professor should put the project in context for the RA and explain her goal: Is she preparing a law review article, a conference presentation, or a legal writing problem? The professor should also let the RA know the broad schedule for the project: Is the goal to use this new problem in the fall semester, or to submit a final version of an article in February?

Taking the time to explain the project’s background will not only help your RA be more effective, but it will also make the RA feel a sense of connection with the work.⁹ Brian Goldenberg, who worked as an RA for three different professors while in law school, says, “I really appreciated when the professor took the time to give me an overview of their project and how my assignments fit into the big picture. It helped guide my research, and it made me feel like I was making a tangible contribution to the project.”

Because being an RA may be a student’s first legal job (or even her first professional job of any kind), the professor should spell out her professionalism expectations as part of training a new RA. For example, the professor may want to specify that the student should notify the professor in advance if she anticipates missing a deadline. We like to provide

⁹ Rodd Wagner and James K. Harter, 12: THE ELEMENTS OF GREAT MANAGING 109 (The Gallup Organization 2006).

students with two reference books before they start working. Both are quick and fun reads that provide practical advice for junior attorneys and are largely applicable to RAs: *The Curmudgeon’s Guide to Practicing Law* by Mark Herrmann and *The Legal Writing Survival Guide* by Rachel H. Smith.¹⁰ This provides RAs with a more thorough review of professionalism expectations without the professor having to mention each individually.

Managing: Make assignments meaningful and hold RAs accountable.

The best advice for working with an RA is to provide instruction and be clear about what you want from the RA. As we know from our classes, “[s]tudents produce better results when they know exactly what is expected.”¹¹ Kathleen Elliot Vinson, Professor of Legal Writing and Director of Legal Writing, Research, and Written Advocacy at Suffolk University Law School, advises professors to be “be specific regarding what you are asking the RA to do, when the deadline is, what format you want it in, etc.”¹²

The professor should know what type of work product she wants and be precise in describing it to the student.¹³ Some assignments might call for an emailed summary of a student’s research results, while for others a quick verbal update will suffice, and for some projects, the professor may want a formal memo.

As part of training, the professor should consider giving the student an example of past RA work product. If the RA is asked to summarize a number of opinions, the professor could provide her with a summary that another RA wrote on a different topic. If the professor doesn’t have any past work to

¹⁰ Rachel doesn’t assign her own book (too modest!) but Alyssa does.

¹¹ Rowe, *supra* note 5, at 194.

¹² We are often surprised by the exquisite detail that RAs require when presenting them with new assignments. For example, one author spent twenty minutes describing the substance of the research she wanted her RA to do. The student was nodding and taking notes. And at the end of this description, the RA asked, “so I would be using Westlaw for this?”

¹³ Rowe, *supra* note 5, at 195.

offer, she could draft a summary herself of a sample case. At each step, the clearer the professor is about her expectations, the more likely it is that the RA's work product will match those expectations.

The professor must remember that an RA's legal research skills will likely still be fairly basic. Most law students have never written a law review article—many haven't even read one. And they certainly have not created a legal writing problem before. But this inexperience doesn't mean that RAs should be given only simplistic tasks. Professors should strive to make students' tasks meaningful and substantive where possible. This does not mean that no administrative or less interesting tasks should be assigned—after all, part of an RA's role is to take some of that load off the professor's shoulders—but the best RA relationships consist of more than menial tasks.¹⁴ Brian Goldenberg says, "I learned a lot about writing when professors included me in their writing processes. It was helpful to see how different professors approach writing, and how they would work an idea up from a sketchy outline to a finished product. I also enjoyed editing for my professors. I learned a lot about style just from seeing which of my suggested edits my professors incorporated into the final product and which ones they rejected."

Depending on personality and working style, professors may choose how closely they wish to manage their RAs. Some may be eager to work closely and frequently with students, while others may want to give students more freedom. Both approaches can work well, as long as the professor is clear about her expectations and deadlines.¹⁵ All humans work better with specific deadlines. And professors should make sure students understand when a deadline is somewhat flexible and when it is firm.

¹⁴ Some professors believe that "busy work" such as photocopying and compiling notebooks is not appropriate for a RA; others feel that if the professor would herself otherwise be doing these tasks, then freeing up that time is valuable. Rowe, *supra* n.5, at 194. In fact, the RA may even enjoy some "easier mental lifting as a break" between more challenging tasks. *Id.* Of course, an RA should not be turned into solely an administrative assistant.

¹⁵ Rowe, *supra* note 5, at 196.

When one of the authors first hired an RA, she knew he was also interning with a federal judge. She tried not to set deadlines for him, reasoning that he knew his schedule best and because he was very responsible, she thought he should be allowed the greatest freedom. However, she was surprised when the RA told her he *wanted* her to set deadlines for him: it helped him to prioritize his work. In her attempt to be nice, she was actually doing him a disservice.

Christina Frohock, Professor of Legal Writing at the University of Miami School of Law, allows her RAs to work quite independently: "I look for students who are smart, self-sufficient, and self-motivated. I tell my RAs on the first day: I don't care where you work or when you work; I only care that you finish your work. So I don't insist that they work during certain hours of the day or that they stay on campus or that they appear at a finger's snap. I trust that they are doing good work, wherever they are. Our working relationship is based on mutual respect: I give them space, and they give me their completed assignments. Then we meet periodically (usually over lunch—my treat)."

A professor may want to schedule a standing meeting with her RA, or at least a regular email check-in. Suzanne Rowe writes that a "surprising benefit" of scheduling regular meetings with RAs is a reduction in the number of drop-by visits to the professor's office, thus reducing the number of interruptions and allowing the professor to be more productive.¹⁶ Setting regular check-ins will also make sure that both the professor and the RA stay on pace, and that if the RA is veering off on the wrong track, the professor can redirect her before too much time is wasted.

Mentoring: Provide and solicit feedback.

Serving as an RA should prove beneficial to the student as well as the professor, beyond whatever small salary or academic credit the school offers. Being an RA provides an opportunity for a student to work closely with a professor, in contrast to

¹⁶ Rowe, *supra* note 5, at 193.

“All humans work better with specific deadlines.”

“We know that students learn best when they receive frequent, formative assessment, and this is also true in the workplace. Professors should be candid about problems and generous with praise.”

large law school classes. The professor can write a stronger letter of recommendation for the student, and in many cases, the position evolves into a mentoring relationship. In most cases, working as an RA strengthens and refines a student’s research skills,¹⁷ both serving as a resume enhancer and as a benefit to their future professional careers.

For the student to get the full benefit of being an RA, the professor should provide substantive feedback, in a timely fashion, throughout the RA’s term. We know that students learn best when they receive frequent, formative assessment, and this is also true in the workplace. Professors should be candid about problems and generous with praise.¹⁸ A professor should tell her RA what she is doing well and what she would like her to change. If the RA’s work product is written, provide feedback on the writing style as well as the substance. In order to provide a meaningful educational experience for the RA, useful feedback is essential.

The professor should take care to respond to an RA’s communications quickly. Particularly over the summer months, a professor may be juggling several projects, and she may not be ready to review an RA’s work product at the precise moment it is submitted. However, not reviewing work product in a timely manner can send a wrong message that the work is not important or valued. Responding promptly tells the RA that she and her work are important to you,¹⁹ even if the professor does not have time to do a thorough review of the material at that time.

The professor should also provide feedback to the RA on professional behavior, if needed.²⁰ If an RA’s work or behavior is not what the professor expects, the professor should resist the temptation to just redo the work herself or shift tasks to another assistant. She should instead embrace the teaching opportunity and prepare students for their post-law-school careers, if necessary. “Whether you are comfortable with the

label or not, you are the ‘boss’ and you must act like one.”²¹ A failure to correct problems as they arise is “not only bad for your projects, classes, and career,” but also fails to teach the RA what acceptable workplace behavior and work product is, which could comprise her future career.²²

Anne Mullins, Assistant Professor of Law at the University of North Dakota School of Law, says that “[w]orking with an RA provides a rich opportunity to intentionally teach some of the things that are critical to success in the workplace but frequently not taught in traditional law school classes—things like project management, teamwork, and handling workplace challenges. I start the relationship by putting the experience in a growth mindset context: I do not expect perfection; I expect professionalism, diligence, integrity, and accountability. I’d much rather the student navigate his first missed deadline with me than at the law firm over the summer. When the RA faces a challenge, like a missed deadline, it gives me an opportunity to encourage the RA to think about the situation and how he handled it, and to guide the RA on how to more effectively handle the situation in the future. Small interventions like this create more reflective lawyers, and more reflective lawyers are happier and more effective lawyers.” And among all these “teachable moments,” don’t forget to offer plentiful praise as well. Praise costs nothing but is highly significant to the RA, meaning that she is likely to work even harder for you in the future.²³

The professor should make clear to the RAs that she also seeks their feedback.²⁴ If they are testing a new legal writing problem, the professor needs to know which aspects they found confusing or unclear, if they ran into difficulty with the research, or if the word limit seemed unreasonable. If they are conducting research for scholarship, the professor wants to know quickly if they are finding no results,

¹⁷ Richman, *supra* note 8, at 288.

¹⁸ Victor Lipman, *THE TYPE B MANAGER: LEADING SUCCESSFULLY IN A TYPE A WORLD* 56 (Prentice Hall Press 2015).

¹⁹ *Id.* at 68-69.

²⁰ Rowe, *supra* note 5, at 196-97.

²¹ David D. Perlmutter, *Supervising Your Graduate Assistants*, *The Chronicle of Higher Education* (June 19, 2008), <http://chronicle.com/article/Supervising-Your-Graduate/45859>.

²² *Id.*

²³ Lipman, *supra* note 18, at 84.

²⁴ Rowe, *supra* note 5, at 196.

if they find a new case that might radically affect the theory of the article, and so on. Professors should be clear that they want to have a two-way dialogue.²⁵

Finally, we encourage professors to take an interest in their RAs as people.²⁶ When the professor and RA work well together and a mentoring relationship develops, it benefits both professor and RA. And a professor and RA who share details about their lives beyond work can develop a meaningful professional friendship.

Conclusion

The relationship between a professor and an RA offers both the professor and the student an incredible opportunity for personal and

professional growth. “[A] good assistant, one who really helps advance your teaching and research, is valuable to almost an immeasurable degree.”²⁷ But RAs require careful training and attention. Very few law students instinctively know how to be an excellent RA. It is part of our role as teachers and mentors to show them.

²⁵ Employees appreciate when their opinions are valued, and they will produce better work product as a result. Wagner & Harter, *supra* note 9, at 91-107.

²⁶ Michael Hunter Schwartz, Gerald F. Hess & Sophie M. Sparrow, *WHAT THE BEST LAW TEACHERS DO* 93-95 (2013).

²⁷ Perlmutter, *supra* note 21.

“The relationship between a professor and an RA offers both the professor and the student an incredible opportunity for personal and professional growth.”

Micro Essay

What topic isn't taught in law school but should be? **TYPOGRAPHY**. It's 2017, yet many legal documents look like the paragraph you're reading -- like a high-school essay prepared on a typewriter in 1967. Outdated formatting conventions use more paper than necessary, make on-screen reading tedious, and inhibit clear communication. That's too bad. Legal documents could apply modern typographic principles, and legal-writing professors could teach them. It might be as simple as a short module in the 1L course or as ambitious as an advanced writing class that thoroughly covers typography. Either way, we can do this.

Wayne Schiess, Senior Lecturer, University of Texas School of Law, Austin, Tex.