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A Symbiotic Relationship: Strengthening Advocacy Skills while Utilizing Teaching Assistants to Modernize the Classroom

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I. Introduction

125. Legal Research and Writing (LRW) courses are essential aspects of legal education. Though LRW courses vary throughout law schools, all courses share a common component: they teach skills that are not taught in traditional, doctrinal courses but are critical to research, writing, and advocacy. By being a skills-based course, LRW is typically measured through multiple assignments that contribute to a student's final grade. LRW assignments can include memorandums of law, motions, appellate briefs, and oral arguments, to name a few. LRW courses, therefore, come with additional student workload that generally does not exist in doctrinal courses. Accordingly, student success in the course requires "prompt and individualized feedback, mentoring, and one-on-one conferences."²

126. The additional student workload inevitably requires a heavier professor workload — a workload that can be reduced through the use of technology and teaching assistants (TAs). While law students today grew up with technology and are comfortable using it, many professors do not share the same experiences. The disconnect between

1 Stephanie Vaughan is a Research and Writing professor at Stetson University College of Law. Professor Vaughan would like to thank her Research Assistants, Stetson University College of Law student, Mia Bartolomei-Negron, and graduate Anna Padron for their help with this Article. The Research Assistants were essential to this article's progress.

2 Patricia G. Montana, *Legal Education: A Contemporary Model for Using Teaching Assistants in Legal Writing Programs*, 42 MITCHELL HAMLINE L. REV. 185, 185–86 (2016).

professors and technology inevitably means the professor's approach to teaching will be outdated. Additionally, modern law students who grew up in a digital world expect immediate feedback on their work product.³ They are searching for instant gratification, whether it be via email, texting, or the classroom's tech platform page. Without a superior knowledge of technology, professors — especially LRW professors — will struggle to keep up with the demands of modern students. This is where TAs prove to be essential. TAs can bridge the technology divide and assist professors in modernizing the classroom to meet the demands of today's technology-driven students. TAs also benefit from this symbiotic relationship by refining their skills and becoming well-rounded advocates. This article discusses the rise of technology in the classroom following the pandemic, the ways in which TAs can minimize the technology learning curve for the benefit of the classroom, general guidance on selecting ideal TAs to best ease the burden on professor's workload, and how TAs benefit from the relationship.

II. The Rise of Technology Post-Pandemic

127. The pandemic set the stage for the radical shift to technology in the classroom. The legal world was forced to accept technology to survive the era of the pandemic. Though the world had been inching towards technology, mandated online courses as a result of the pandemic drastically disrupted legal education.⁴ Virtual learning prevented professors and students from meeting face-to-face to discuss the student's work product. In-person meetings transitioned to virtual platforms such as Zoom or Teams, and it became difficult for professors to critique students' work without knowing how to navigate online platforms. LRW being distinct from other doctrinal courses necessarily meant that LRW courses would be significantly impacted by the shift to virtual learning. The pandemic was a "wake up call" that technology is a prerequisite to being a competent lawyer in the twenty-first century.⁵ Minor subtleties like knowing how to share screens could make the difference between an engaging meeting with a student or an unproductive call. If professors could not navigate online platforms during the pandemic, student's learning would be negatively impacted.

128. "Technology competence is no longer optional."⁶ When the pandemic abruptly shifted classes online, it gave professors an opportunity to get creative with their teach-

3 Samantha A. Moppett, *Control-Alt-Incomplete?: Using Technology to Assess "Digital Natives,"* 12 *CHI-KENT J. INTELL. PROP.* 77, 80 (2013).

4 Timothy Casey, *Reflections on Legal Education in the Aftermath of a Pandemic,* 28 *CLINICAL L. REV.* 85, 90 (2021).

5 Dyane L. O'Leary, "Smart" Lawyering: Integrating Technology Competence into the Legal Practice Curriculum, 19 *U.N.H. L. REV.* 197, 200 (2021).

6 Dyane L. O'Leary, "Smart" Lawyering: Integrating Technology Competence into the Legal Practice Curriculum, 19 *U.N.H. L. REV.* 197, 200 (2021).

ing. By growing up in a digital world, modern law students now expect their professors to use technology.⁷ If professors are not well-versed in technology, TAs play an integral role in teaching professors how to use technology for the benefit of the classroom. This is also a moment for TAs to exhibit their advocacy skills and effectively communicate necessary information to the professor. The pandemic thus paved the way for TAs to collaborate with professors to make the transition from an in-person course to a virtual course as seamless as possible.

129. If the pandemic was not enough of a wake-up call, the American Bar Association (ABA) has further emphasized how technology competence is required to be a competent lawyer.⁸ LRW emphasizes practice-ready skills but becoming practice-ready “comes with an obligation to keep pace with a modernized, student-forward perspective.”⁹ If professors are not keeping up with technological advances in the classroom, they are not keeping abreast of the Rules of Professional Conduct and they are doing a disservice to their students — and future lawyers. Again, this is where advocacy on the part of TAs comes into play, ensuring that the classroom is consistently up-to-date.

130. Even more so, practicing attorneys increasingly rely on technology for their tasks. Unlike past decades, nearly all attorneys have a computer in their office and law firms now utilize some sort of case management software to stay organized and easily maintain up-to-date records.¹⁰ Additionally, lawyers utilize email, digital calendars, and electronic billing software.¹¹ Not only are law students technology-driven, but the modern legal world is heading in the same direction. The pandemic set new expectations in legal practice, just as it did with law schools. Hearings and client meetings continue to be held virtually, as they did during the pandemic. The world is shifting towards technology and professors should strive to modernize their classrooms with the help of TAs for the sake of student expectations and the realities of the modern legal world.

7 Samantha A. Moppett, *Control-Alt-Incomplete?: Using Technology to Assess “Digital Natives,”* 12 CHI.-KENT J. INTELL. PROP. 77, 99–100 (2013) (citing Diana R. Donahoe, *An Autobiography of a Digital Idea: From Waging War Against Laptops to Engaging Students with Laptops*, 59 LEGAL EDUC. 485, 486 (2010)).

8 MODEL RULES OF PRO. CONDUCT r. 1.1 (AM. BAR ASS’N 1983) (stating “[a] lawyer shall provide competent representation to a client.”); MODEL RULES OF PRO. CONDUCT r. 1.1, cmt. 8 (AM. BAR ASS’N 1983) (stating “a lawyer should keep abreast of changes in the law . . . including the benefits and risks associated with relevant technology.”).

9 Dyane L. O’Leary, “Smart” Lawyering: Integrating Technology Competence into the Legal Practice Curriculum, 19 U.N.H. L. REV. 197, 215 (2021).

10 Samantha A. Moppett, *Control-Alt-Incomplete?: Using Technology to Assess “Digital Natives,”* 12 CHI.-KENT J. INTELL. PROP. 77, 101 (2013).

11 Samantha A. Moppett, *Control-Alt-Incomplete?: Using Technology to Assess “Digital Natives,”* 12 CHI.-KENT J. INTELL. PROP. 77, 101 (2013).

III. Using TAs to Minimize the Technology Learning Curve

131. Choosing TAs who are skilled in technology is crucial, especially in LRW courses. Unless a professor is already technologically savvy, TAs should lead the effort in improving the classroom through technology. Such a dynamic between professors and TAs has switched the roles from TAs as students to TAs as teachers. TAs can teach professors not only how to navigate online platforms but also how to utilize the platforms to their maximum potential so that feedback to students is streamlined. The dynamic ultimately depends on the TAs' effective advocacy skills to set the professors up for success.

132. Accordingly, professors should be open to learning from their TAs, who are in a better position to understand how students want to receive information. Seventy-six percent of surveyed law schools already utilize TAs for LRW.¹² TAs are in a unique position to teach professors about using technology in ways that are conducive to student retention. Students learn better when they receive information through a dynamic, creative medium.¹³ Thus, finding ways to improve teaching methodology through the use of technology can improve classroom participation and retention. For example, being able to electronically comment on students' work through the use of online platforms makes efficient use of technology.¹⁴

133. Since the use of technology in the classroom continues to be a reality as almost everything can be done online, TAs can help manage this transition. The American Bar Association requires attendance be taken, and many schools expand upon what is allowed. Taking attendance — a task that once required professors to manually mark students present or absent — has now become a virtual task that students can initiate.¹⁵ TAs can altogether ease the professor's workload by managing the classroom attendance directly, both by facilitating the attendance and keeping track of the records. Additionally, lecture materials can be presented virtually through the use of digital presentation platforms.¹⁶ TAs can, again, ease the professor's workload by creating the presentations or, at the very least, teaching professors how to create, present, and upload the presentations for students to access online. Lastly, all course materials can be posted onto

12 Association of Legal Writing Directors & Legal Writing Institute, *Report of the Institutional Survey*, [ALWD](#) (2021–2022).

13 Rogelio Lasso, *From the Paper Chase to the Digital Chase: Technology and the Challenge of Teaching 21st Century Law Students*, 43 [SANTA CLARA L. REV.](#) 1, 23 (2002) (citing Steven I. Friedland, *How We Teach: A Survey of Teaching Techniques in American Law Schools*, 20 [SEATTLE U. L. REV.](#) 1, 23 (1996)).

14 Anna P. Hemingway, *Accomplishing Your Scholarly Agenda While Maximizing Students' Learning* (A.K.A., *How to Teach Legal Methods and Have Time to Write Too*), 50 [DUQ. U. L. REV.](#) 545, 577 (2012).

15 See [QWICKLY](#).

16 See *What is PowerPoint*, [Microsoft](#). See also [Mentimeter](#).

virtual learning-management systems, such as Canvas.¹⁷ While professors are still free to create their own materials, TAs can be responsible for uploading and maintaining the materials online, thereby reducing the professor's workload and catering to the modern-day law student's preference for online material. Technologically savvy TAs can make a difference in how material is presented and retained; TAs can aid the professor in navigating technology to tailor the learning experience to students' preferences.

IV. Selecting Ideal TAs to Lead Technology Efforts and Ease the Burden on Professors

134. To best tailor the learning experience, professors should be selective in choosing TAs. TAs' advice can be incredibly helpful for first-year students through hearing another student's approach to the research process, selecting the best authority, and tackling the writing process. This can look like structured office hours, a chat over coffee, or advice before class. Thus, TAs must be comfortable with public speaking and willing to work closely with students. This is where the advocacy skills of TAs truly shine — by persuading other students to follow their effective methods and approaches.

135. In this modern world, the majority of LRW assignments are completed virtually. Long gone are the days when legal authority is found on a shelf; the research process is now conducted through online legal databases. TAs are in a better position to teach students how these databases can be best utilized because of TAs' familiarity with the tools. The way to successfully target the students comes through a basic tenant of advocacy: know your audience and effectively reach them. A reserved TA, therefore, will not effectively reach the students in a way that will benefit the classroom, but a personable TA will.

136. Additionally, ideal TAs have previously taken the course and thus are in an exceptional position to explain concepts in a relatable manner.¹⁸ This is where another tenant of advocacy comes into play: credibility. Aside from the professor, TAs are the next best point of contact because they understand the material and the expected work product. TAs can reach students through various mediums online, such as email, text, or social media, so the students are not limited to in person interactions. Not only is virtual communication expected nowadays, but it also increases the number of students willing to seek help. Part-time students, for example, are often limited to when they can be on campus. Offering virtual means to communicate with students bridges this gap.

¹⁷ See *What is Canvas?*, [Instructure Cmty.](#)

¹⁸ Patricia G. Montana, *Legal Education: A Contemporary Model for Using Teaching Assistants in Legal Writing Programs*, 42 [MITCHELL HAMLINE L. REV.](#) 185, 201 (2016) (citing Herbert N. Ramo, *Moving Students from Hearing and Forgetting to Doing and Understanding: A Manual for Assessment in Law School*, 41 [CAP L. REV.](#) 837, 866 (2013)).

Because the interaction is virtual, more students may be willing to ask questions. After all, a meeting that can take place on your couch is less burdensome and less intimidating than an office meeting. The relationship between TAs and students is therefore more personable and there is less pressure because of the virtual connection. As TAs are available to meet with students, there is less of a demand to meet with professors and thus professors are better able to focus their time on refining the course material and providing substantive feedback on assignments.

137. Similarly, TAs who are available to meet with students online — i.e., virtual office hours — can be advantageous for reserved students. TAs who are available to meet with students, both in person and online, ensure students are asking the questions they may think are “stupid.” For example, a reserved or new student may feel uncomfortable approaching TAs in person but feel comfortable reaching out to TAs online. This affords students individualized attention that, in turn, enhances the student’s understanding of the skills while simultaneously reducing the anxiety that comes with learning the skills.¹⁹ Even more beneficial is that students can go to TAs for the preliminary questions and feel more confident approaching professors with the deeper, substantive questions regarding work product. By having TAs available for introductory matters, professors have more time to meet with students about substantive matters that students feel more comfortable discussing having initially met with TAs. Both professors and TAs, therefore, are available to students, but each for distinct reasons. TAs are thus given the opportunity to serve as gatekeepers to professors, which will serve their confidence and decision-making skills as future lawyers.

138. When TAs are effectively utilized, their focus on maximizing technology in the classroom can centralize information. Posting materials online ensures students will all have access to the same information.²⁰ Having a centralized information hub for students to access ensures no student is unaware of any particular requirement of the course. Information easily accessible online can incentivize students to read material they otherwise might have ignored.²¹ Accordingly, the expectations are clear and there is less room for misinterpretation.

139. Technologically savvy TAs are especially helpful because of the demand for feedback in LRW courses. Due to the various assignments throughout the semester, there is an expectation to provide feedback on the various assignments, and quickly. The timelier feedback is received, the quicker students can fix their mistakes and improve

19 Patricia G. Montana, *Legal Education: A Contemporary Model for Using Teaching Assistants in Legal Writing Programs*, 42 *MITCHELL HAMLINE L. REV.* 185, 205 (2016).

20 Marie Stefanini Newman, *Not the Evil TWEN: How Online Course Management Software Supports Non-Linear Learning in Law Schools*, 5 *J. HIGH TECH. L.* 183, 200–01 (2005).

21 Marie Stefanini Newman, *Not the Evil TWEN: How Online Course Management Software Supports Non-Linear Learning in Law Schools*, 5 *J. HIGH TECH. L.* 183, 201 (2005) (explaining how hyperlinked items in a syllabus posted online makes it more likely for students to read the material).

their overall writing.²² TAs who can efficiently manage those “routine tasks” allow the professor to focus on higher-level tasks.²³ Routine tasks can include creating the lecture presentation, preparing for the start of class by ensuring the lecture material is ready for the professor to begin, uploading materials for students to access, and providing virtual office hours for students to meet with the TAs. Using electronic tools in the classroom, therefore, not only improves the teaching process but expedites it.²⁴

140. Just as students and professors benefit, TAs benefit. TAs’ active role in the course reinforces the skills they previously learned when they took LRW. Regular meetings with professors allow TAs to solidify their knowledge and gain clarification on key concepts. Ultimately, TAs build confidence in their abilities, and they leave the position a well-rounded advocate. After all, oral communication is essential in every aspect of an attorney’s practice, from conversations with supervisors, clients, adversarial counsel, and judges.²⁵

141. By working closely with a professor, TAs have the opportunity to build a professional relationship while continuing to hone their own LRW skills. Such skills will serve them well beyond their time in law school, as LRW is applicable to any area of law. TAs’ focus on technology in the classroom also puts them in a better position to be a technology-competent lawyer because of their familiarity with the tools. Looking long-term, TAs can utilize the Professors they TAd for to guide them through the rest of their law school career and beyond — an invaluable benefit.

142. Similarly, TAs play the role of mentors to students. It is valuable for students to hear fellow students share the importance of research and writing in the real world. TAs can share their experiences as law clerks or summer associates and emphasize the necessary skills to excel in those roles. Whether meeting outside of class or in class, it is beneficial for TAs to interject with their personal experiences. No matter how subtle, the advice can make a difference in a student’s writing. For this to work, TAs must be comfortable public speakers — a necessary skill of advocacy. Not only is advice beneficial to the students, but TAs’ participation in class lectures helps keep students engaged. In turn, engaged students are more likely to absorb the information both learned in class and from TAs.

22 Patricia G. Montana, *Legal Education: A Contemporary Model for Using Teaching Assistants in Legal Writing Programs*, 42 MITCHELL HAMLINE L. REV. 185, 201 (2016).

23 Patricia G. Montana, *Legal Education: A Contemporary Model for Using Teaching Assistants in Legal Writing Programs*, 42 MITCHELL HAMLINE L. REV. 185, 205 (2016).

24 Marie Stefanini Newman, *Not the Evil TWEN: How Online Course Management Software Supports Non-Linear Learning in Law Schools*, 5 J. HIGH TECH. L. 183, 194 (2005).

25 Stephanie A. Vaughan, *Experiential Learning: Moving Forward in Teaching Oral Advocacy Skills by Looking Back at the Origins of Rhetoric*, 59 S. TEX. L. REV. 121, 121 (2017).

143. In this technological world, having TAs is beneficial for students, TAs, and professors alike. TAs are strengthening their advocacy skills, professors are learning new skills from TAs, and the students have an additional resource, TAs who share experiences similar to theirs, in the classroom. A student who is comfortable with TAs will be comfortable seeking help and thus strengthening their skills as a writer and advocate. Equally beneficial, professors are learning new ways to modernize the classroom through the use of technology and are catering to the modern student's preferences. "If LRW is intended to solidify skills for the practice of law, it must be modernized to integrate technology as a skill."²⁶ By effectively utilizing TAs in the classroom, learning from their knowledge of technology, and implementing technology in the classroom, everyone is better off.

²⁶ Dyane L. O'Leary, "Smart" Lawyering: Integrating Technology Competence into the Legal Practice Curriculum, 19 U.N.H. L. REV. 197, 201 (2021).