

A TRIBUTE TO PATTI ALLEVA

For thirty-two years of service to the University of North Dakota School of Law, the NORTH DAKOTA LAW REVIEW reverently dedicates this issue to Professor Patti Alleva.

<i>Chief Justice Gerald VandeWalle</i>	307
<i>Judge Shon Hastings</i>	308
<i>Judge Karen Klein</i>	309
<i>Justice Mary Muehlen Maring</i>	312
<i>W. Jeremy Davis</i>	313
<i>James Grijalva</i>	314
<i>Candace M. Zierdt</i>	316
<i>Margaret Moore Jackson</i>	320
<i>Anne E. Mullins</i>	324
<i>Joshua P. and Kendra H. Fershee</i>	346
<i>Gerald Hess</i>	348
<i>Jane Voglewede</i>	350
<i>Amy K. Posner</i>	351
<i>Levi Andrist</i>	353
<i>Lori Conroy</i>	353
<i>Melissa H. Burkland</i>	355
<i>Alana K. Bassin</i>	357
<i>Patric M. Verrone</i>	359

A BRIEF BIOGRAPHY

Born and raised in New York City, Patti Alleva graduated *summa cum laude* from Hofstra University with a Bachelor of Arts in American History and membership in Phi Beta Kappa. She earned her Juris Doctor from Hofstra Law School, where she was Articles Editor of the Hofstra Law Review. After graduation, she clerked for Chief Judge Clarkston S. Fisher of the U.S. District Court, District of New Jersey, and then practiced law in Manhattan at Proskauer Rose in the Litigation Department for six years before coming to North Dakota to teach law in 1987. Her primary courses have been Civil Procedure, Federal Courts, Advanced Civil Litigation, Trial Advocacy, Professional Visions, and Professional Foundations.

Professor Alleva is one of the twenty-six law professors studied and featured in *What the Best Law Teachers Do*. She has twice been awarded the University's Lydia and Arthur Saiki Prize for Graduate or Professional Teaching Excellence (1989, 2006) and has received the University's Outstanding Student Organization Advisor Award numerous times for her work with the Law Women's Caucus. She was also selected as one of ten Bush Foundation Teaching Scholars for an interdisciplinary fellowship cohort to explore the scholarship of teaching and learning at the University (2003–04).

Much of Professor Alleva's work has focused on legal education reform to improve student learning and preparation for the profession. She has promoted these ends both locally and nationally. Her curricular projects at the law school have included two cutting edge courses designed to help students develop professional self-awareness and respect for learning as a professional skill. She also played a leading role in the law school's adoption of an intentionally progressive curriculum and in the creation of the law school's Northern Plains Indian Law Center. As Faculty Mentor for Teaching and Learning Enhancement (2014–17), she also led the law school's faculty development efforts to study and capitalize upon the latest theories and research supporting effective teaching and learning. Her recent publication (with Professor Jennifer A. Gundlach) *Learning Intentionally and the Metacognitive Task* made the TaxProf Blog list of best legal education articles for 2016.

Professor Alleva has also worked to improve the administration of justice in both state and federal court systems. As a charter member of the North Dakota Supreme Court's Commission on Gender Fairness in the Courts, she was a contributing author and editor of *A Difference in Perceptions*, the Commission's final report published in the NORTH DAKOTA LAW REVIEW. As Reporter for the Civil Justice Reform Act Advisory Group for the U.S. District Court, District of North Dakota, she authored the Advisory Group's congressionally mandated report, plan, and updates designed to help reduce

avoidable cost and delay in civil litigation, all published in the NORTH DAKOTA LAW REVIEW. Professor Alleva has also helped to promote decisional mindfulness through law and literature seminars with both state and federal judges, using the unique power of literature to explore the human condition and the challenging social justice issues of the day. Professor Alleva's article *Prerogative Lost: The Trouble with Statutory Federal Question Doctrine After Merrell Dow* has been excerpted in a Civil Procedure anthology and cited in Federal Courts and Civil Procedure treatises and casebooks.

*Chief Justice Gerald VandeWalle**

In 1987, when the North Dakota Supreme Court made its annual visit to the University of North Dakota School of Law, I met Patti Alleva, a newly hired instructor at the law school. At first I thought I was being introduced to one of the law students. Although over thirty years have passed since that first meeting, now a tenured professor, Patti Alleva still has the warmth, exuberance, and charm that was evident at that first meeting. In talking with students during the Court's visits in the ensuing years, it was readily apparent that Professor Alleva had a great rapport with the students. While I was not surprised by their affection and respect for her, I came to a better understanding of the students' viewpoint when Professor Alleva began moderating a law and literature session at the annual meeting of the North Dakota Judicial Conference. It was then that the exuberance and warmth one experiences on simply meeting Patti Alleva is joined with the passion for the subject at hand to make it a truly memorable learning event.

The North Dakota School of Law has been fortunate over the years to have a number of excellent teachers on faculty. Professor Patti Alleva has taught a number of courses over her years at the UND School of Law. While, to my knowledge, none of them were titled "the heart and soul of a good lawyer," I believe that is the essence of what she teaches. Thank you, Professor Alleva, for teaching generations of North Dakota law students to be good lawyers.

* Gerald VandeWalle serves as Chief Justice of the North Dakota Supreme Court.

*Judge Shon Hastings**

Professor Patti Alleva is one of those extraordinary women who thoughtfully considers who she is and who she wants to be, sets lofty—arguably unattainable—goals, and then achieves them. In *What the Best Law Teachers Do*, the authors quote Professor Alleva, who described her expectations for teaching as follows:

[T]eaching is about integrity, the integrity of teaching *intentionally*, and being self-conscious about setting and satisfying learning goals; and of teaching with *transparency*, and making known, when appropriate, what I am trying to achieve, and why; and of teaching with *consistency*, myself adhering to the standards I ask my students to meet; and of teaching with *high but reasonable expectations* . . . ; and, of course, teaching with *humanity*, treating students with fairness and respect¹

Although the last class I took from Professor Alleva was more than twenty-six years ago, I still remember her articulating the concept for the day, listing the principles we should learn from the cases discussed, and explaining why they were important. I remember because she was unquestionably the most passionate, animated, and dynamic professor who taught at UND School of Law. Relatability, exceptional intelligence, and credibility were also keys to her effectiveness. To this day, I think of her every time issues of justiciability arise in my work and visualize her playing air tennis with the pros and cons of finding that a party has standing to pursue a claim. That Professor Alleva is an outstanding teacher and a compelling speaker is beyond dispute. The sentiments of the students quoted in *What the Best Law Teachers Do* and the authors contributing to this tribute reinforce this truth. For years, she has met her goals of setting high but reasonable expectations of her students and teaching intentionally with transparency and consistency.

But it was her genuine effort to achieve the last two objectives listed among her teaching expectations quoted above—teaching with humanity and treating students with fairness and respect—that made the greatest impact on my professional life. Professor Alleva treats each question as if it is worth asking and each contribution as if it has value. She is particularly adept at

* Shon Hastings serves as a United States Bankruptcy Judge for the District of North Dakota.

1. MICHAEL HUNTER SCHWARTZ, GERALD F. HESS & SOPHIE M. SPARROW, *WHAT THE BEST LAW TEACHERS DO* 149–50 (2013).

managing politically charged questions or controversial comments in class, highlighting the importance of considering all contributions to the conversation.² She encourages diversity of thought without judging the perspective. She is also a champion of diversity in the broader sense—encouraging women, racial and religious minority students, and gay, lesbian, and transgender students to find their voice. These efforts, together with her work on developing and promoting integrated learning opportunities (experiences that connect legal analytic thinking, lawyering skills, and professional values),³ will continue to influence the professional and personal lives of her students.

As a first-generation college graduate from a modest background, I started law school knowing very little about the legal profession. Professor Alleva believed in me before I believed in myself.⁴ It was Professor Alleva who challenged me to think critically and write concisely. It was Professor Alleva who encouraged me to participate in Law Review and other law school activities that connected me to the judge who hired me as a law clerk. It was Professor Alleva I called to seek advice on which job I should pursue after my clerkship. It was Professor Alleva who listened patiently to my concerns about balancing a challenging profession with my personal life. It was Professor Alleva who prompted me to think about the legal issues as well as the social, personal, interpersonal, and moral aspects of a litigant's position when I make my decisions. It is Professor Alleva who reminds and inspires me to treat people with humanity, fairness, and respect. She has achieved her lofty goals, and I am so grateful for all she has done, and continues to do, to help me achieve mine.

*Judge Karen Klein**

I first met Professor Alleva around 1990, shortly after she moved to North Dakota from New York City to teach at UND Law School. My acquaintance with her covers three different perspectives, which I will discuss in turn, leaving the most important—to me, at least—for last.

2. Patti Alleva & Laura Rovner, *Seeking Integrity: Learning Integratively from Classroom Controversy*, 42 SW. L. REV. 355, 359 (2013) (articulating Professor Alleva's thoughtful views and suggestions on this topic).

3. *See id.* at 359 n.13.

4. Interestingly, this perception—that Professor Alleva believes in students before they believe in themselves—is shared by several of my colleagues who took classes taught by Professor Alleva. * Karen Klein is a retired United States Magistrate Judge of the United States District Court for the District of North Dakota.

In 1990 Congress passed the Civil Justice Reform Act⁵ (“CJRA”) in response to perceived complaints about undue expense and delay in the processing of civil cases by federal district courts. Among the CJRA’s provisions was a mandate that each federal district court develop and implement a civil case management plan to provide for more just, speedy, and inexpensive processing of civil cases. Each district was required to assemble an advisory group to study its case management practices and to prepare a report outlining its proposed solutions. Then Chief Judge Patrick Conmy of the District of North Dakota appointed an advisory group in 1991, consisting of lawyers, judges, and citizens with an interest in civil cases before the federal court. I was among the appointed members and was selected by the members to serve as the Chair of the District of North Dakota’s CJRA Advisory Panel. One of the group’s first tasks was to designate someone to prepare a report outlining our recommendations to the court. Recent UND Law School graduates who were then serving as law clerks to federal judges in North Dakota wisely recommended that we ask Professor Patti Alleva to serve in that capacity. Professor Alleva was then teaching Federal Courts, which indicated an interest in the federal court and its case management, so the Advisory Group asked her to serve as our reporter. Fortunately, for the court and for the CJRA Advisory Group, she accepted our invitation.

The Advisory Group met frequently over the next eighteen months and adopted far-ranging recommendations, from differentiated case management of different types of cases based on their degree of complexity, to voluntary exchange of initial discovery (not yet then a requirement of the Rules of Civil Procedure), more extensive use of alternative dispute resolution, a good faith-certification requirement for discovery motions, more extensive utilization of magistrate judges, and the need for a second full-time magistrate judge (which was authorized by the U.S. Judicial Conference shortly thereafter). Thanks to Professor Alleva’s precise writing, focus on context, and attention to detail, the report she authored for the Advisory Group was very readable, despite spanning 120 pages.⁶ Her report, issued on September 29, 1993, analyzed the unique demographics of our state and federal district, the current state of the court’s civil and criminal docket, the results of a survey commissioned by the Advisory Group, the principal causes of cost and delay, and the extent to which that cost and delay may be avoidable, before addressing the

5. 28 U.S.C. §§ 471–482 (1993) (originally enacted December 1, 1990; amended by Pub. L. 102-572, § 505 (1992)); The Judicial Improvements Act of 1990, Title I, Pub L. No. 101-650, § 101-106, 104 Stat. 5089 (1990).

6. See *Report of the Civil Justice Reform Act Advisory Group*, 69 N.D. L. REV. 739 (1993). In addition to its publication in the NORTH DAKOTA LAW REVIEW, the report is also available on the Federal Judicial Center website at <https://www.fjc.gov/sites/default/files/2017/CJRA-08-ND-REP.pdf>.

recommendations of the Group and the reasons for those recommendations. The report was among the most substantive, and certainly among the best crafted, of all the reports submitted by federal courts. I and the other members of the CJRA Advisory Group, along with the other judicial officers and staff of the court, were and remain beholden to Professor Alleva for her invaluable work on this important project.

I now turn from Patti Alleva, the scrivener, to Professor Alleva, the teacher extraordinaire. I had the privilege of appearing as a guest speaker and discussion participant at several of her classes at UND Law School, in particular, her transformative Professional Visions class, in which she used literature and essays as a vehicle to prompt reflection and exploration of professional responsibility and identity issues by her students. Her teaching style was recognized as so thought-provoking that the Federal Judicial Center invited her to lead several continuing judicial educational sessions for federal judges, in which she used literature as the catalyst for discussion. Professor Alleva has also been a mainstay as a discussion leader at North Dakota State Judicial Conference educational sessions. It was no surprise to me, to other judges in our state, or to anyone privileged enough to have been one of her students, that Professor Alleva was selected for inclusion as one of America's twenty-six best law teachers in the publication *What the Best Law Teachers Do*.⁷ Professor Alleva's innovative style has positively influenced teaching and learning at UND Law School and other law schools throughout the country.

Finally, I turn to Patti, my friend. Who could have imagined that a lifelong New York City-area lawyer would accept a position to teach at the University of North Dakota Law School and stay for over thirty years? The fact that Patti Alleva has done so has caused huge impact on the legal profession in our state. We are all enhanced by virtue of her willingness to stay and vest in our law graduates a lifelong curiosity, love of learning, and appreciation for the humanity of the practice of law. Patti's kindness, enthusiasm, and curiosity are infectious. I have grown immeasurably through my opportunity to soak up her aura. Through our contacts during the CJRA project and at UND Law School classes and events, Patti and I became well-acquainted and over time developed a close friendship, one cemented over many cups of tea and dinners over the years—usually extending for hours—that I hope will continue for the rest of our lives. Patti has developed a real love for North Dakota and North Dakotans. She even pronounces “North Dakota” like a North Dakotan, not like a New Yorker. Patti is truly a gift to our profession and our state. We will sorely miss her presence at UND School of Law.

7. See generally SCHWARTZ, HESS & SPARROW, *supra* note 1.

*Justice Mary Muehlen Maring**

PROFESSOR PATTI ALLEVA—A DEDICATED EDUCATOR

Anyone who meets Patti Alleva is very fortunate. You immediately know you have just had the privilege of being introduced to an individual who is a genuine, authentic person. I first got to know Professor Alleva when I was still practicing law in the 1990s. We served together on a committee that reviewed and recommended changes to the Rules of Civil Procedure for North Dakota's federal court system. Professor Alleva distinguished herself on that committee as someone who was always prepared and who offered well thought-out suggestions. Our acquaintanceship grew into friendship.

Teacher. Not only has her teaching excellence been recognized by the University of North Dakota, but it also has been recognized nationally. Knowing her personally, it did not come as a great surprise to me that she was among the twenty-six professors selected as the best law professors in the nation and featured in the book *What the Best Law Teachers Do*. She is known to have high expectations of her students and for the kindness she shows them. I have had the privilege of being in her classroom and have experienced how she is able to engage students and bring energy to her classroom. She brings excitement to learning how to be a lawyer.

Mentor. Professor Alleva has mentored law students and promoted their strengths. Her goal is personal and professional success for the students she teaches. She was the advisor for the Women's Law Caucus at the UND School of Law. She has provided an understanding ear and solid advice to many, many women law students and lawyers.

Scholar. Over the years, Professor Alleva has demonstrated how much she cares about the quality of the legal education students receive through the use of innovative teaching methods. She has conceived and developed new courses for the UND School of Law. Professor Alleva understands the impact these students will have, as lawyers, on the lives of others. She has been an advocate of legal education reform. In 2016, Professor Alleva co-chaired the Teaching Methods Section Program at the annual conference of the Association of American Law Schools. She co-authored an article which made the TaxProf Blog's list of best legal education articles for 2016.⁸ Professor

* Mary Muehlen Maring is a retired Justice of the North Dakota Supreme Court.

8. Scott Fruehwald, *Weekly Legal Education Roundup*, TAXPROF BLOG (Dec. 30, 2016), https://taxprof.typepad.com/taxprof_blog/2016/12/weekly-legal-education-roundup-3.html.

Alleva has written a number of scholarly articles and has been cited in Wright and Kane's *Federal Practice and Procedure*⁹ and Levine, Doernberg, and Nelken's *Civil Procedure Anthology*.¹⁰ She has also served as the Faculty Mentor for Teaching and Learning Enhancement. Professor Alleva is truly a model of professional excellence.

Lawyer. Professor Alleva's contributions do not end with a commitment to the UND School of Law, to teaching, and to students. She has served the State Bar Association of North Dakota by membership and participation on Bar Association committees. She has served the Judiciary of the State of North Dakota by ably leading numerous law and literature programs. Her dedication to her profession is nothing short of outstanding.

Professor Alleva is a distinguished teacher, mentor, scholar, public servant, and lawyer, who we are so fortunate to have had in our midst. Thank you, Professor Alleva, for your thirty-two years of service to the University of North Dakota School of Law, the State of North Dakota, and our legal profession. Your contributions and impact leave a lasting legacy.

*W. Jeremy Davis**

When I sat down to begin these few words on Professor Alleva, I admit that my memory failed and I had to research when it was that she became my colleague at the School of Law. I was told it was in 1987, and I do not dispute that. But, such as memories are, I do remember interviewing her for her job at the law school. It must have been at the AALS annual meeting and recruitment conference in Washington during the Christmas break of academic year 1986-87. It will surprise no one acquainted with Patti that her side of the interview was somewhat intense. She got the job.

Patti was a New Yorker through and through, and although ultimately she adapted very well to being a North Dakotan, the transformation was not immediate. A stickler for following the rules, PA applied for her North Dakota driving license within the required period establishing residency for driving purposes. She was informed that in order to obtain her North Dakota license, she was required to relinquish her New York license. It seemed to her that by giving up her New York credentials she was forced to surrender her status as a civilized human being.

9. 20 CHARLES ALAN WRIGHT & MARY KAY KANE, *FEDERAL PRACTICE AND PROCEDURE: FEDERAL PRACTICE DESKBOOK* § 18 (2d ed. 2011).

10. DAVID I. LEVINE, DONALD L. DOERNBERG & MELISSA L. NELKEN, *CIVIL PROCEDURE ANTHOLOGY* 191 (4th ed. 1998).

* W. Jeremy Davis is Dean Emeritus of the University of North Dakota School of Law.

Another adjustment event occurred at Christmas break of her first year at the law school. Patti had planned a trip back to New York for the holidays. In preparation, she asked me if I could help her remove the battery from her car; she thought she must winterize her car for the ten days she would be gone. I told her that since she kept the car in a garage, she probably would not have to put it up in winter storage. She gave up on me and had AAA remove the battery for her.

One could tell what kind of law student and practitioner Alleva had been by the way she prepared for her courses—intensely and thoroughly. An innovative teacher, her classroom presence was active and exciting. She demanded much of her students, but did so with encouragement, support, and, especially, kindness. She also expected much of her colleagues, including her dean. But criticisms were done courteously and subtly: a raised eyebrow, perhaps a frown, or worse, silence. Her encouragement was often posed by example. It is difficult to keep up with the Energizer Bunny.

Professor Alleva has made many impressive contributions to her profession. Perhaps most noteworthy is her work that may be described as the study of learners' active insight into and consciousness of the process of learning, or metacognition.¹¹

As dean of the UND School of Law during most of Alleva's tenure, it was my privilege to have been supported, aided, encouraged, and, certainly, challenged by a number of extraordinarily bright and capable colleagues. Professor Alleva stands out as one of the very best in virtually every category: teaching, research, service, collegiality. She has contributed significantly to the abiding pride I have in the School of Law and its graduates.

I do not for a minute believe that Patti will ever be completely "retired." But I do hope that she will relax and enjoy the extra time that she will now have. Note to Patti: I can give lessons! When you next visit your family in Ft. Myers, come on over to Cocos Drive and Jackie and I will demonstrate the fine art of retirement.

*James Grijalva**

I recall vividly my first conversation with Professor Patti Alleva, in the winter of the 1993-94 academic year, during my interview for a faculty position. Her energy and excitement for the University of North Dakota School

11. See generally Patti Alleva & Jennifer A. Gundlach, *Learning Intentionally and the Metacognitive Task*, 65 J. LEGAL EDUC. 710 (2016).

* James Grijalva is the Lloyd & Ruth Friedman Professor of Law and the Director of the Tribal Environmental Law Project at the University of North Dakota School of Law.

of Law, its students, and their future was palpable and infectious. It is amazing that twenty-five years later, her passion for the School and its students has grown exponentially.

Other tributes in this issue attest to her boundless commitments to students, the bench, and bar. Less obvious was her similarly limitless time for colleagues. Every professor hired since Professor Alleva arrived benefitted immensely from her unflinching willingness to advise and assist on any and every topic. She was the *de facto* faculty mentor, a role made official by her 2014 appointment as the Faculty Mentor for Teaching and Learning Enhancement. Our current promotion, tenure, and evaluation standards, which she principally authored, reflect two key Alleva tenets: faculty are not faulted for failed experiments because innovation requires taking risks; and faculty must submit a self-assessment narrative demonstrating intentionality and genuine reflection on their teaching approaches and especially their failures.

In the context of faculty governance—the ABA-required partnership between dean and faculty for the academic program—Professor Alleva was an exemplary role model. She embraced service responsibilities. Her consummate preparation for discussing program and policy proposals, her insight into the opportunities and challenges they presented, and her ability to raise difficult questions in productive, collegial ways set the professionalism bar for faculty committee work.

Of course, as one of the best law teachers in the country, the faculty benefitted immeasurably from Professor Alleva's generous advice, scholarly contributions to law teaching and learning, and coordination of numerous brown bags and book clubs and speakers on the latest pedagogical approaches. Professor Alleva often referred to the classroom as "a sacred place." To some, that may sound hyperbolic; to us, it emphasized her unwavering acceptance of the teacher's exceptional responsibility to be intentional and reflective *before* walking into the classroom, and then to enter with a seriousness and clear expectation of rigor appropriate to our noble profession. High expectations, though, were always tempered by kindness and humility.

This limited space precludes compiling Professor Alleva's many other contributions to our School. Nonetheless, I feel compelled to note a few: generating intriguing scholarship on metacognition or, "thinking about thinking," and its relation to professional identity; leading the creation of the Professional Foundations team-taught first-year course, whose explicit focus on students' professional identity and the synergistic nature of professional judgment is unique in the nation; developing her capstone course, Professional Visions, which uses literature to help students explore their professional identity and become more "self-, other-, and socially aware" as they exercise their professional judgment; chairing the Diversity Committee for

over a decade, which has helped the School become more inclusive; authoring and coordinating the School's ABA reaccreditation Self-Study Report in 2000 while maintaining a full teaching load; and leading the creation of the School's Northern Plains Indian Law Center, which serves American Indian communities and has brought the School a national reputation for its expertise on federal Indian and Tribal Law.

Professor Alleva's professionalism and teaching expertise has been an unequalled inspiration for generations of UND law students and has set the benchmark for UND law faculty for the last thirty years and for many to come.

*Candace M. Zierdt**

A TRIBUTE TO PROFESSOR PATTI ALLEVA: A LEGAL EDUCATOR ON THE
CUTTING EDGE OF TEACHING

When I arrived in Grand Forks, North Dakota, as a new faculty member, in the summer of 1990, I quickly became friends with the only faculty member almost as junior as me—Professor Patti Alleva. She had been at UND Law School since 1987 and had already been awarded the Lydia and Arthur Saiki Prize for Graduate or Professional Teaching.¹² In the almost thirty years that I have known her, Patti has proven to be an invaluable colleague, an exceptional teacher, and a pivotal contributor to the intellectual life of the law school. Patti's thoughtfulness about, and creative approaches to, the challenges of teaching law students has inspired many students and colleagues throughout the years. Professor Alleva truly recognizes that learning does not stop when students and professors leave the classroom. Instead, she always made herself available to students on a one-on-one basis so they could continue pursuing concepts from class.

Professor Alleva and I taught Trial Advocacy, along with Professor Mike Ahlen. This included co-teaching lectures for class and co-coaching trial teams for national competitions. Shortly after my arrival, the law school endured one of many financial hardships that seem to occur periodically over the last thirty years. As a result, the entire faculty agreed to teach legal writing,¹³ although some faculty were less thrilled than others with this overload. Dean Jerry Davis appointed Professor Alleva and me as co-directors of the

* Professor of Law, Stetson University College of Law.

12. This University-wide teaching award is selected by a committee composed of faculty and students from every College and School at the University of North Dakota. Professor Alleva received this award in 1989 and 2006.

13. The official name of the course was Legal Process.

First Year Legal Process Program. Co-teaching those two courses with Professor Alleva gave me a great opportunity to experience her thoughtfulness about teaching. Over the years, that thoughtfulness blossomed into very progressive ideas on legal education and, ultimately, helped spur UND law school to move forward with curriculum reform.

While co-teaching Trial Advocacy with Patti many years ago, I observed first hand her creative approach to teaching. She was not satisfied with simply lecturing to students when she was teaching the basics of Trial Advocacy. Instead, she consistently engaged students and compelled them to take an active part in their own learning process as she taught the finer points of trial advocacy. She accomplished this by asking students questions in a way that made them want to answer her questions and engage in the learning process. She used herself (and sometimes her co-teacher) to demonstrate the points she wanted to get across for that lesson plan.

When the MacCrate Report came out in the summer of 1992,¹⁴ UND, like many law schools around the country, began discussions about changes needed in legal education.¹⁵ The MacCrate Report's focus on the skills students needed to graduate as practice-ready lawyers was particularly important for a law school like ours, where many students either joined small law firms or started their own practice after graduation. Because so many of our graduates were less likely to receive the mentoring that many new attorneys acquire when they join a large or medium-size law firm, the MacCrate report resonated with many of us on the faculty. Like numerous legal professionals across the country, UND held meetings and presentations concerning issues raised in the MacCrate report. Although we did not have the resources to make many changes at the University of North Dakota at that time, the MacCrate report started many of us thinking about how to teach our students in a more holistic manner, including how to help them to develop as professionals.

14. See AM. BAR ASS'N SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT — AN EDUCATIONAL CONTINUUM (REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP) (1992).

15. See AM. BAR ASS'N COMM. ON THE PROF'L EDUC. CONTINUUM, TWENTY YEARS AFTER THE MACCRATE REPORT: A REVIEW OF THE CURRENT STATE OF THE LEGAL EDUCATION CONTINUUM AND THE CHALLENGES FACING THE ACADEMY, BAR, AND JUDICIARY 2 (2013) (citing Russell Engler, *The MacCrate Report Turns 10: Assessing Its Impact and Identifying Gaps We Should Seek to Narrow*, 8 CLINICAL L. REV. 109, 116–24 (2001); Robert MacCrate, *Yesterday, Today and Tomorrow: Building the Continuum of Legal Education and Professional Development*, 10 CLINICAL L. REV. 805, 818–19 (2004); William R. Rakes, *Conclaves on Legal Education: Catalyst for Improvement of the Profession*, 72 NOTRE DAME L. REV. 1119 (1997)) (stating that after the ABA published the MacCrate Report, wide-ranging discussions were held at many law schools across the country, and in twenty-five states, between local bar associations, law schools, and the judiciary, to discuss changing the legal education curriculum to achieve some goals mentioned in the MacCrate Report).

Although the MacCrate report did not spark as many changes as we thought, or hoped, it might, it helped many of us to begin thinking about ways to teach our students to be complete professionals. Professor Alleva, always a very thoughtful teacher, began to think of ways she could develop the curriculum to respond to some of the criticisms and concerns in the MacCrate report. The students at the University of North Dakota were the beneficiaries of Professor Alleva's creative ways to help students begin to ponder what it means to be a professional who practices law in our country. Eventually, she developed a new course for the law school curriculum entitled *Professional Visions: Law, Literature, and the Role of Lawyers in the Social Order*. This course is a great example of why Professor Alleva is an exceptional teacher who thinks outside of the box. It was an exciting addition to the law school curriculum when it was proposed—growing to be one of the more popular classes offered in the curriculum. Looking at the law and lawyering through a different lens, the course examined much more than law and provided an important alternative to the more traditional approach to legal study. In particular, it focused on the development of a professional identity through literature and other non-case sources that offered students a unique opportunity to explore the human and social dimensions of law practice, as well as the consequences resulting from the exercise of professional judgment. As previously mentioned, this was especially significant for law students at the University of North Dakota, many of whom graduated into solo or small practices without the benefit of role models or mentors, who can help instill professional ideals or brainstorm about professional dilemmas.

Although the *Professional Visions* course was developed well before the Carnegie Report was published,¹⁶ this class illustrates how thoughtful and forward-thinking Professor Alleva has always been in her teaching because it really addressed many of the criticisms of legal education described in the Carnegie Report. Professor Alleva's course strived to develop students' understanding of their role as professionals who will be challenged constantly by their clients, the courts, and the world. It taught to the whole person, not some compartmentalized concept.

After the Carnegie report was published in 2007, law schools once again began to focus on curriculum reform and some of the criticisms detailed in the report. One of the recommendations of the Carnegie report was that law schools needed to expand their curriculum and focus on professional

16. WILLIAM M. SULLIVAN, ANN COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) [hereinafter *EDUCATING LAWYERS*].

identity.¹⁷ This time, the response seemed more robust than the reaction to the MacCrate report that was published almost fifteen years earlier. The difference in North Dakota, by the time the Carnegie Report was released, was that Professor Alleva had been teaching for about twenty years, including her Professional Visions course that focused on developing a professional identity. She had developed into an even more gifted teacher who was a leader at the law school. She began working on curriculum reform and a support program for academic success in the first year of law school—along with Professor Margaret Jackson, Professor Kendra Fershee, and Dean Kathryn Rand. Professor Alleva continued to see a need for law schools to teach beyond the basic curriculum so they could help students develop into lawyers who understood the profession of law. The Carnegie report only helped bolster what she already knew: that law students should begin learning how to develop a professional identity as soon as possible after beginning their legal education.

Additionally, Professor Alleva was instrumental in helping to bring Judith Welch Wegner, one of the authors of the Carnegie Report, to the University of North Dakota law school to discuss the Carnegie Report and its recommendations with the faculty at the law school. Shortly thereafter, Professor Alleva and Professor McGinniss were the founding coordinators of the innovative addition to the first-year curriculum named Professional Foundations. This course was the logical development of Professor Alleva's Professional Visions class and was innovative in its desire to start teaching all law students how to develop a professional identity from the moment they begin their career in legal education.¹⁸ The Professional Visions course description states:

[I]ntroduces students to concepts of professional role, identity, and practice for lawyers. A key objective of the course is to assist students in beginning to cultivate a reflective mindset about professional life in the law and to develop the habits needed to exercise sound professional judgment as lawyers. Students will develop the skill of practiced self-reflection in legal settings and, in exploring the kind of lawyers they want to become, deepen their ability to apply their professional values in the practice of law.¹⁹

17. See Daniel M. Schaffzin, *So Why Not an Experiential Law School . . . Starting with Reflection in the First Year?*, 7 ELON L. REV. 383 (2015).

18. *Id.* at 395–402 (comparing the Professional Visions course at the University of North Dakota with two Australian law schools; noting the importance of teaching law students' reflective skills in their first year).

19. See, e.g., *Course Descriptions*, UNIV. N.D. SCH. L., <https://law.und.edu/academics/courses.html> (last visited Mar. 1, 2019).

Professor Alleva has always been a pioneer and innovator in teaching, and UND law school has been the beneficiary of her creative mind and excellence in teaching.²⁰ I cannot imagine the hole left on the faculty by her departure. Although she will be sorely missed, she has left a legacy and mark on the law school that will last for many years to come.

*Margaret Moore Jackson**

AN INTENTIONAL HEART – A TRIBUTE TO PROFESSOR PATTI ALLEVA

It has been hard knowing that Professor Patti Alleva was retiring from the University of North Dakota School of Law. She innervated this institution, sparking the academic mission with intellectualism and empathy while taking on the heavy lifting of institutional governance. She infused her wide-ranging work – educating students for their lives as lawyers, managing faculty obligations that steer an academic unit, and engaging in scholarly inquiry – with intentionality and genuine caring. Her trademarks were relentless professionalism (and perfectionism) combined with a deep, raw love for her work and for the people in her professional sphere.

She led by example, epitomizing a commitment to students, colleagues, and institution with careful attention to identifying goals and strategically accomplishing them. She respected each class, presentation, student conference, or faculty committee meeting as an opportunity to have an impact, to improve the student experience, to build strong professional colleagues, and to enhance the intellectual life of the institution. She exemplified the professional power that comes from treating seriously each aspect of the work, no matter how long one has been doing it. For her, there was no such thing as operating on auto-pilot or adhering mindlessly to “the way we’ve always done things.”

Her mindset encompassed larger issues facing law schools nationwide. Long before it became fashionable to say legal education was at a crossroads,²¹ Professor Alleva questioned the status quo and pushed for a thorough

20. See generally SCHWARTZ, HESS & SPARROW, *supra* note 1 (profiling Professor Alleva as an example of an excellent law teacher, in addition to her many teaching awards).

* Margaret Moore Jackson, Professor of Law, University of North Dakota School of Law. Thanks to the NORTH DAKOTA LAW REVIEW for the opportunity to submit a tribute to Professor Alleva, with whom I am grateful to have served on the faculty for the past sixteen years.

21. As recently framed, “Economic, social, and political conditions make it impossible to ignore the clamor for reform. Today’s climate invites a deeper examination of law school curricula and pedagogy, with a focus on the ‘sequencing of doctrine, skills and values across the curriculum designed to prepare students for practice’ Legal education is at a crossroads, uniquely ripe for

reevaluation right here at home.²² She urged her colleagues to envision the law school that we *could* be, as a small public school with a teaching-focused mission and a nimble faculty. She dreamed of the enhanced educational experience we could provide, by redeveloping the curriculum with a pedagogically restructured “end game” in mind. She read the literature extensively and became conversant in theories of teaching and learning. The *Carnegie Report*²³ and *Best Practices for Legal Education*²⁴ coalesced with her sense that legal doctrine should not be taught as divorced from practical application and professional personhood. The triumvirate of “knowledge, skills, and values” became her touchstone as she took her teaching expertise to the next level.²⁵ In an effort to propel a process of re-envisioning the curriculum at UND School of Law, she also explored the methods other units on campus were using to teach professional students through integrated,²⁶ problem-based learning.²⁷ She posed and wrestled with questions about how to implement these principles, asking:

What are the defining characteristics of the quintessential *Carnegie* integrated learning experience (or “ensemble”)? Is it an integrated educational opportunity for students (as observers and as actors in role) to explore and experience, within the context of realistic situations, the synergy of thinking, acting, and identifying with the values of a problem-solving legal professional in ways to promote self-conscious and life-long learning?²⁸

innovative curricular and pedagogical change.” Karen Tokarz, Antoinette Sedillo Lopez, Peggy Maisel & Robert F. Seibel, *Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!*, 43 WASH. U. J.L. & POL’Y 11, 12–13 (2013).

22. Our 2004-2005 working group identified opportunities to reshape the curriculum and outlined a structured plan for making it happen. Curriculum Working Group Action/Study Proposal (April 29, 2005) (on file with author). Further revisions and innovations were inspired by these early efforts.

23. See EDUCATING LAWYERS, *supra* note 16.

24. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP (2007) [hereinafter BEST PRACTICES].

25. EDUCATING LAWYERS, *supra* note 16, at 28 (articulating cognitive, practical, and professional identity apprenticeships in professional education).

26. Integrated learning involves synthesis, whereas “[m]ost intellectual training focuses on analytical skills. Whether in literary criticism or scientific investigation, the academic mind is best at taking things apart. The complementary arts of integration are far less well developed.” RICHARD J. BORDEN, ECOLOGY AND EXPERIENCE: REFLECTIONS FROM A HUMAN ECOLOGICAL PERSPECTIVE 195 (2014).

27. Integration and problem-based learning are referenced in EDUCATING LAWYERS, *supra* note 16, at 12, 28, 34–44, 58–59, 82, 124–25, 145–47, 182–83, 191–200 and BEST PRACTICES, *supra* note 24, at 97–100, 143–48. See THE POWER OF PROBLEM-BASED LEARNING (Barbara J. Duch, Susan E. Groh & Deborah E. Allen eds., 2001).

28. Patti Alleva & Margaret Moore Jackson, Implementing Carnegie and Best Practices at a Smaller School: Preliminary Ideas for Integrated Learning Opportunities and Extended Lessons in

Many enhancements to the curriculum, innovations in pedagogy, and transformations of mindset among colleagues resulted from her exploration of such questions. Among her innumerable and lasting impacts on the School of Law are updating the sacrosanct first-year curriculum with a required course aimed at inculcating the habit of professional self-reflection²⁹ and developing an innovative capstone course that explores professional identity and judgement.³⁰

She prioritized teaching³¹ and advising³² students, but she also *lived* an intense, overarching commitment to colleagues and institution. She devoted extensive efforts to performing the often-unrecognized work that is central to the academic mission and faculty governance. She chaired nearly every committee, drafted ABA-required reports, and prepared extensive new academic policies, devoting her evenings, weekends, and unpaid summer months to engaging in this work. She contributed to a culture of working collaboratively, pitching in as needed, and doing whatever it took. In a profession loaded with driven, exacting perfectionists, she inhabited the upper echelon.

Also, by epitomizing the power of preparation, she was perfectly poised to go off-script. Because she carefully planned and practiced each classroom exercise, faculty seminar, agenda item, or scholarly presentation, she could improvise with effective grace.³³ And those who mistook her supreme affability for a lack of spine or substance were soon corrected. I once saw a professor attending her conference presentation pointedly challenge her use of

Professionalism, Presentation at Legal Education at the Crossroads—Ideas to Accomplishments: Sharing New Ideas for an Integrated Curriculum at the University of Washington School of Law (Sept. 5–7, 2008) (on file with author) (citing EDUCATING LAWYERS, *supra* note 16, at 58, 179) (examining small-scale models for comprehensive change in core courses and institutional culture within the limited-resource environment of a small public law school).

29. Professional Foundations is a two-credit course that introduces students to professional role, identity, and practice by cultivating “a reflective mindset about professional life in the law” and developing “the habits needed to exercise sound professional judgment as lawyers.” *Course Descriptions*, UNIV. N.D. SCH. L., <https://law.und.edu/academics/courses.html> (last visited Mar. 20, 2019).

30. Professional Visions: Law, Literature, and the Role of Lawyers in the Social Order is a three-credit course that employs a literary context to examine “the special role of lawyers and law in society, and the concrete dilemmas that lawyers face in developing their professional identities, exercising their professional judgment, and fulfilling their professional responsibilities.” *Id.*

31. In addition to receiving multiple teaching awards, Professor Alleva was one of twenty-six law professors nationwide to be featured in the book *What the Best Law Teachers Do*. See SCHWARTZ, HESS & SPARROW, *supra* note 1.

32. She won the UND Outstanding Student Organization Advisor Award multiple times. See *Patti Alleva: Biography*, UNIV. N.D. SCH. L., <https://und.edu/directory/patti.alleva> (last visited Mar. 20, 2019).

33. While she seriously undertook every aspect of her job, she was also a ham – one example was her role-play participation during a Spring 2011 faculty seminar on teaching – delightfully dramatic and funny.

the term “metacognition” – a favorite principle for teaching, learning, and life.³⁴ She responded with frosty precision, solidly putting him in his place without referring to *any* notes.

The first time she saw me lead a faculty seminar, she later gently told me I had “missed an opportunity to frame³⁵ the discussion.”³⁶ She taught me that successful leadership, teaching, and professionalism depend on thoughtful planning and foresight – intentionality, at all times.

The first time I heard her give a speech to law students, her performance was thrilling. Each eloquent word was crafted for maximum impact, capturing the weight of the responsibilities we are entrusted with as lawyers, along with the joy and intellectual privilege involved in studying the law. Her delivery was emphatic, dramatic, and polished. It appeared as though she were composing her remarks on the spot, as she paused for effect and conveyed emotion. I later learned that her oral remarks, as with all of her work, were painstakingly drafted, revised, honed, and practiced. But the emotion behind her delivery of them was absolutely real.

The first time I saw her cry at work was not the last time. For Patti Alleva, serving as Professor of Law at the University of North Dakota was far from just a job, and she was unapologetic about caring so much.³⁷ She dedicated her life’s work to her love of the law and the students at North Dakota.

Professor Alleva embodies the belief that each of us plays an important role in collective endeavors, and that with careful forethought and informed dialogue, we can shape institutions to better accomplish their mission. The University of North Dakota School of Law was tremendously impacted by her consistent efforts, as were each of its students and faculty during her tenure and beyond.

34. Just a few years later, she co-authored an article specifically applying the concept of metacognition to teaching Civil Procedure. Alleva & Gundlach, *supra* note 11.

35. In the words of one novelist, “[A] professor is the only person on earth with the power to put a veritable frame around life” MARISHA PESSL, *SPECIAL TOPICS IN CALAMITY PHYSICS* 11 (2006).

36. She implemented research-backed methods for facilitating meaningful discussion in learning environments. *E.g.*, STEPHEN BROOKFIELD & STEPHEN PRESKILL, *DISCUSSION AS A WAY OF TEACHING: TOOLS AND TECHNIQUES FOR DEMOCRATIC CLASSROOMS* (1999).

37. “We need leaders not in love with money but in love with justice. Not in love with publicity but in love with humanity.” Martin Luther King, Jr., *The Birth of a New Age*, Address Delivered at the Fiftieth Anniversary of Alpha Phi Alpha in Buffalo, New York (Aug. 11, 1956). Professor Alleva was this type of leader, nurturing the success of each student, but eschewing publicity or photography.

Anne E. Mullins*

META IS BETTER

Imagine a world where all law students are active and engaged learners. In this world, students' past experiences have prepared them for the challenges of law school. Students understand the value of focusing on the way they learn. As a result, students can actively pursue excellence, and they know exactly how to do that effectively. They prepare for class, visit office hours, seek feedback on assignments both before the assignments are due and after the students receive feedback. They approach grades as a powerful tool to help them on their own mission to develop into full professionals, and not judgments of their general intelligence or vague markers of personal identity or self-worth.

In this world, "the learning process [is] an active partnership, where both teacher and student share responsibilities for maximizing student learning."³⁸ Living in this world "mean[s] more, and not less, work for both professor and student. However, that extra work is worth it if it engages students in ways that motivate them to self-activate their own strategies for independent and higher-level learning so that they, in turn, become their own teachers."³⁹

Proponents of legal education reform have advocated for this world, or something like it, for many years.⁴⁰ Professor Patti Alleva has advocated for

* Anne E. Mullins is an Associate Professor of Law at the Stetson University College of Law.

38. Alleva & Gundlach, *supra* note 11, at 711.

39. *Id.*

40. *See, e.g., id.* at 727; Elizabeth M. Bloom, *A Law School Game Changer: (Trans)formative Feedback*, 41 OHIO N.U. L. REV. 227 (2015); Robin A. Boyle, *Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student*, 81 U. DET. MERCY L. REV. 1, 13–17, 19–20 (2003); E. Scott Fruehwald, *How to Help Students From Disadvantaged Backgrounds Succeed in Law School*, 1 TEX. A&M L. REV. 83 (2013); Tonya Kowalski, *True North: Navigating for the Transfer of Learning in Legal Education*, 34 SEATTLE U. L. REV. 51, 101 (2010); Nancy Millich, *Building Blocks of Analysis: Using Simple "Sesame Street Skills" and Sophisticated Educational Learning Theories in Teaching a Seminar in Legal Analysis and Writing*, 34 SANTA CLARA L. REV. 1127 (1994); Jason S. Palmer, "The Millenials are Coming!": *Improving Self-Efficacy in Law Students through Universal Design in Learning*, 63 CLEV. ST. L. REV. 675 (2015); Cheryl B. Preston et al., *Teaching "Thinking Like A Lawyer": Metacognition and Law Students*, 2014 BYU L. REV. 1053, 1073–74 (2014); Kristina L. Niedringhaus, *Teaching Better Research Skills by Teaching Metacognitive Ability*, 18 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 113 (2010); Anthony S. Niedwiecki, *Lawyers and Learning: A Metacognitive Approach to Legal Education*, 13 WIDENER L. REV. 33 (2006) [hereinafter *Lawyers and Learning*]; Anthony Niedwiecki, *Teaching for Lifelong Learning: Improving the Metacognitive Skills of Law Students Through More Effective Formative Assessment Techniques*, 40 CAP. U. L. REV. 149 (2012) [hereinafter *Teaching for Lifelong Learning*]; Elizabeth Adamo Usman, *Making Legal Education Stick: Using Cognitive Science to Foster Long-Term Learning in the Legal Writing Classroom*, 29 GEO.

this world through her distinguished career, in her scholarship, her service, and her teaching. As a scholar, in her contributions on metacognition, she argues persuasively that metacognition is not only key to deep learning, but also a foundational framework for truly effective curricular design.⁴¹ Indeed, in their article *Learning Intentionally and the Metacognitive Task*, Professor Alleva and co-author Professor Jennifer Gundlach presented a powerful case for integrating metacognition at the course and curricular level; so much so that the article was selected as one of the best articles on legal education in 2016.⁴²

As servants to the disciplines of teaching and learning and civil procedure, Professor Alleva and Professor Gundlach organized a symposium on innovative teaching in civil procedure courses for the 2016 American Association of Law Schools annual conference. The symposium resulted in a volume of the *Journal of Legal Education*, put together by Professors Alleva and Gundlach, and in which *Learning Intentionally* was the lead article.

At the University of North Dakota School of Law, Professor Alleva was keenly aware of her and her colleagues' responsibility for the program of legal education. As a result, Professor Alleva worked tirelessly over the course of her career to bring intentional progressive curricular design, including the value of intentional teaching and, in particular, metacognition, to the forefront of UND's program of legal education. And she did so in her usual way, through deep knowledge, an open mind, a collaborative spirit, and self-awareness, with an overarching commitment to consensus-building.

Perhaps the best-known thing about Professor Alleva is that she is an exceptional teacher. She earned recognition for her ability and impact at the law school level, university-wide,⁴³ and at the national level.⁴⁴ Professor Alleva not only taught doctrine well; she also integrated the teaching of metacognitive skills in her courses where possible so that students could become more effective and self-sufficient learners in law school and afterwards. The lessons stuck. In the words of Terry Effertz, graduation banquet speaker for the Class of 2018, "We owe our roots to the professors who taught us to thrive in the law school environment. In particular[,] Professor Alleva . . . taught us

J. LEGAL ETHICS 355, 358 (2016); Paul T. Wangerin, *Learning Strategies for Law Students*, 52 ALB. L. REV. 471 (1988).

41. Alleva & Gundlach, *supra* note 11, at 739–42.

42. Scott Fruehwald, *Weekly Legal Education Roundup*, TAXPROF BLOG (Dec. 30, 2016) https://taxprof.typepad.com/taxprof_blog/2016/12/weekly-legal-education-roundup-3.html.

43. Patti Alleva Among Nation's Best Law Teachers, UNIV. N.D. SCH. L., <https://law.und.edu/features/2014-16/best-teacher.html> (last visited Mar. 21, 2019).

44. See SCHWARTZ, HESS & SPARROW, *supra* note 1.

to think metacognitively[.] [She] was able to transform Civil Procedure into a way of thinking.”⁴⁵

Significantly, however, Professor Alleva is not only a teacher of students. She is a teacher of teachers. She has mentored every single permanent faculty member to darken the law school’s doors for decades. She gave unimaginable amounts of her precious time and expertise to colleague after colleague in a spirit of generosity and caring.

In the 2017-2018 school year—two of Professor Alleva’s three last semesters of teaching—Professor Alleva did what most law professors would never consider: She gave up her (beloved) civil procedure for a year and taught a different course to fill an unforeseen and pressing curricular need. And it wasn’t just any course. It was a section of Lawyering Skills, UND’s year-long foundational first-year legal writing class with approximately a third of the 1L class.

Having taught the class for several years at that point, I offered to help Professor Alleva prepare and to teach the class in tandem. To clarify, by “in tandem,” I mean that we taught the same subject matter, but we did so in our own sections while choosing to collaborate closely. We maintained our academic freedom and the responsibility that goes along with that freedom to make the ultimate decisions in our courses independently.

We began our preparations even before the close of the 2016-2017 school year. In those discussions and at our first extensive prep session in July 2017, we both assumed that I would provide support and guidance to Professor Alleva as she negotiated a relatively new teaching landscape.⁴⁶ In fact, however, that day marked the beginning of a partnership that inspired me to grow as a teacher and profoundly impacted the way I teach legal writing. Professor Alleva challenged me to bring metacognition to the forefront of my legal writing classroom.

This Article is a reflection on my teaching partnership with Professor Alleva. Simply describing her multi-faceted career is a worthy celebration of her contributions to UND, her colleagues, and students. My partnership with Professor Alleva afforded me the opportunity to come to know her even better as a colleague, mentor, and, ultimately, as a dear friend. To honor my friend is to pass along something I have learned from her so that others can benefit. As a result, this Article builds from *Learning Intentionally and the*

45. Terry Effertz, Address at the University of North Dakota School of Law Graduation Banquet (May 4, 2018) (script on file with author).

46. I say “relatively” because, while the modern legal writing classroom was new to Professor Alleva, she came into our partnership with experience in the skills arena. She taught Trial Ad for almost the first half of her career. She also taught legal writing many years ago as part of a program in which all faculty were required to take a small section of 1Ls, though she characterizes that approach as very different from the modern legal writing classroom.

Metacognitive Task. In Part I, this Article will explore the core teaching and learning challenges Professors Alleva and Gundlach identified in civil procedure in the context of legal writing. In Part II, this Article will explore how metacognition can help address those challenges. In so doing, this Article will share concrete examples how Professor Alleva and I used metacognition in our classes. This Article will also share my discovery that becoming more metacognitive about my role as a teacher promoted student learning in noticeable ways.

In addition to offering ideas for others to use or build upon, I hope this Article demonstrates the immeasurable benefit from a non-traditional teaching partnership—ours was not the usual veteran paired with newcomer to show the newcomer how to teach. Instead, it was a pairing of experienced professors from different primary subject matters who share a deep commitment to student learning and a passion for teaching. I had the rare opportunity to examine very closely my own course alongside a veteran from “the other side.” Our collaboration sparked growth for both of us and provided unique opportunities to talk and think about teaching and assessing the “what” versus the “how to” of legal writing, about how the nature of the subject taught (legal writing versus civil procedure) could affect the process of teaching it, and about the value of sharing what each of us, simultaneously, as 1L professors, was actually trying to accomplish in each of our classrooms. This experience prompted me to be more metacognitive about being a teacher. My only regret is not having the opportunity to partner again with Professor Alleva, this time in her subject area.

Of course, this tribute to Professor Alleva would be incomplete without placing discussion of one class into the broader framework of the curriculum as a whole. As a result, in Part III, I will share the opportunities for curricular growth and change that Professor Alleva and I identified as we worked together.

I. THE CHALLENGES OF LEARNING AND TEACHING LEGAL WRITING

Professors Alleva and Gundlach identify six challenges to learning and teaching that arise in civil procedure classes.⁴⁷ Four are specific to the substance they are learning; two go to the broader context in which they learn that substance. Specific to the substance, (1) students struggle to identify and appreciate the difference between the procedural law they are learning from the underlying substantive law that is used as the vehicle through which to

47. Alleva & Gundlach, *supra* note 11, at 715–19.

teach it,⁴⁸ (2) students are unfamiliar with the civil litigation process,⁴⁹ (3) relatedly, they are also unfamiliar with procedural devices.⁵⁰ These challenges arise within (4) a counterintuitive context in which procedural rules are not the black-and-white rules of the game students expect, but instead are “indeterminate” because of the complex landscape that is civil litigation, which is further compounded by⁵¹ (5) complicated and overlapping court systems.⁵² To top it off, (6) to engage with this complex and deeply technical subject matter effectively and in the moment necessarily requires a well-developed skillset that students are just in the process of grasping.⁵³

While all first-year classes share some of these challenges, civil procedure has them all.⁵⁴ This blend of challenges makes civil procedure a powerful vehicle for teaching metacognition,⁵⁵ by which I mean being conscious of and intentional about the learning process. Legal writing poses many of the same challenges, albeit in different ways; it also poses a critical challenge that is directly opposite of one that civil procedure poses. Much like civil procedure, this unique blend of challenges in legal writing creates a powerful opportunity to teach and model metacognition. I will describe the challenges in the context of legal writing, raising them in a slightly different order and combining them where appropriate to the different subject matter.

(1) *Negotiating the Skills/Vehicle Divide*.⁵⁶ Professors Alleva and Gundlach highlight a “pedagogic conundrum” that civil procedure presents, and it is one that perhaps civil procedure and legal writing share exclusively in the first-year curriculum.⁵⁷ Just as civil procedure professors must teach their subjects through a vehicle of other subjects, legal writing professors face the same “inescapable” conundrum.⁵⁸ They must teach foundational skills through vehicles that are based in other areas of law. As in civil procedure, this can “create terrible confusion for students, especially those in the first year, who may too easily focus more on substantive law than” on the analysis and writing skills development opportunity presented.⁵⁹

48. *Id.* at 717.

49. *Id.* at 715.

50. *Id.*

51. *Id.* at 716.

52. *Id.* at 718.

53. Alleva & Gundlach, *supra* note 11, at 718.

54. *Id.* at 715.

55. *Id.*

56. *Id.* at 717.

57. *Id.*

58. *Id.*

59. Alleva & Gundlach, *supra* note 11, at 717.

This skills/vehicle divide becomes even trickier when professors elect⁶⁰ to present new law students with objective analysis problems with indeterminate answers or problems that spotlight sensitive or hot socio-political issues—to be clear, such problems can be an effective way to keep students interested,⁶¹ inspire students to truly think like a lawyer,⁶² and possibly even raise consciousness.⁶³ The risk they pose, however, is that some students will be distracted by the underlying substantive issues; others may come away from the class with the mistaken impression that the old law school adage “it depends” really just means it depends on whomever is more persuasive or on what the judge had for lunch that day.

The challenges that legal writing poses make its teaching and learning very difficult.⁶⁴ And the stakes are particularly high because first-year legal writing courses are the foundational—and sometimes only—practical writing courses students will have in law school. Against this backdrop, Professors Alleva and Gundlach’s observation about civil procedure applies just as well to legal writing: “There are simply too many new things to be learned at once.”⁶⁵ They warn of all of these teaching and learning challenges with students. Notably, “students appreciate and benefit from hearing explicitly from us that these particular challenges exist, are difficult to surmount, and require dedicated efforts to master.”⁶⁶ Sharing this information with students gives them important context that helps them “to take ownership of their own learning and to become strategic, self-regulated learners who pay attention to how they are learning.”⁶⁷

Adding to Professor Alleva and Gundlach’s observation, I offer one of my own. By sharing this information with students, explicitly and honestly, and by becoming more transparent with students about the professor’s role as teacher (which requires becoming more metacognitive about the role as teacher), the professor lays the groundwork for an educational partnership

60. I use the word “elect” with some hesitation because not all legal writing professors enjoy the academic freedom to select their own learning tools.

61. See Greg Johnson, *Controversial Issues in the Legal Writing Classroom: Risks and Rewards*, 16 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 12, 12 (2007).

62. See *id.*; Sarah E. Ricks, *Teaching 1Ls to Think Like Lawyers by Assigning Memo Problems with No Clear Conclusions*, 14 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 10, 10 (2005) (arguing that assigning 1Ls memo problems without clear conclusions pushes students to more sophisticated thinking that is the hallmark of legal analysis).

63. Teri McMurry-Chubb, *The Practical Implications of Unexamined Assumptions: Disrupting Flawed Legal Arguments to Advance the Cause of Justice*, 58 WASHBURN L.J. (forthcoming 2019).

64. See Alleva & Gundlach, *supra* note 11, at 719.

65. *Id.*

66. *Id.*

67. *Id.*

based on trust; the professor transforms from a distant font of knowledge who sits in judgment of the student to an advocate and facilitator of the learning process.

(2) *Students have direct experience with writing.*⁶⁸ Unlike civil procedure, where students have no direct experience with the civil litigation process, students do have direct experience with writing. In this way, legal writing presents an interesting flipside to the challenge posed by civil procedure. Significantly, just as lack of direct experience can impede learning, having direct experience can, too.⁶⁹ Upon receiving their first set of written feedback, most legal writing professors hear at least one disappointed student utter the infamous eight words: “But I was a good writer in college!”

Having direct experience with writing poses different challenges for different students. For starters, some students overestimate their incoming experience and resulting ability.⁷⁰ These students insist that they never received a bad grade or negative feedback in writing. Their actual work product, however, reveals that they haven’t yet mastered the fundamentals of grammar, sentence structure, or paragraph structure, not to mention basic organization.⁷¹ Conversations with these students later in the semester frequently reveal that they never actually received much, if any, feedback on their writing.⁷²

68. Of course, the experience varies from student to student, in terms of type and quantity. But from English papers to lab reports, all students come in with some experience.

69. See Anne M. Enquist, *Unlocking the Secrets of Highly Successful Legal Writing Students*, 82 ST. JOHN’S L. REV. 609, 611 (2008) [hereinafter *Successful Legal Writing Students*] (presenting case studies featuring students who entered law school thinking they knew how to write); Miriam E. Felsenburg & Laura P. Graham, *Beginning Legal Writers in Their Own Words: Why the First Weeks of Legal Writing Are So Tough and What We Can Do About It*, 16 LEGAL WRITING, 2010, at 227 [hereinafter *Beginning Legal Writers*].

70. See Miriam E. Felsenburg & Laura P. Graham, *A Better Beginning: Why and How to Help Novice Legal Writers Build A Solid Foundation by Shifting Their Focus from Product to Process*, 24 REGENT U. L. REV. 83, 83 (2012) [hereinafter *A Better Beginning*]; *Beginning Legal Writers*, *supra* note 69, at 224 (reporting survey results revealing that many law students enter law school believing that their prior writing experiences would set them up for success without having to learn new skills, and that overconfidence was an obstacle to their learning).

71. See *Successful Legal Writing Students*, *supra* note 69, at 611; *Lawyers and Learning*, *supra* note 40, at 38–39.

72. To be clear, this is not intended to be a critique of those charged with teaching writing prior to law school. Significantly, the environments within which they teach frequently make it impossible to provide meaningful formative assessment (including, among other things, crushing student loads). For more on the impact of undergraduate class size and the ability to give meaningful formative assessment, see ELIZABETH GRAUE ET AL., UNDERSTANDING HOW CLASS SIZE REDUCTION & ASSESSMENT SHAPE EDUCATION EXPERIENCES 9–10 (2007), <http://varc.wceruw.org/sage/Class%20size%20reduction%20and%20assessment%20final.pdf> (“Without fail, participants told us that assessment was easier . . . [when] there were fewer students to assess, or in the case of team-taught classes, a colleague with whom to share the assessment work.”).

Other students come into law school with a solid grasp on the fundamentals of good writing. In the best circumstances, this experience can set students up to become very effective legal writers because the fundamentals of good writing are transferrable. In many circumstances, however, this prior success can create two interrelated obstacles to learning. The first is that these students are at risk of misapprehending the complexity of the task of legal writing.⁷³ In other words, because they have some familiarity with writing, they don't fully appreciate the extent to which legal writing is a new skill.⁷⁴ Their prior experience causes them to overlook (or possibly ignore) the new challenges that legal writing presents.⁷⁵ One of the key new experiences is writing for a different audience—one that expects analytically complete and accessible writing.⁷⁶

The second, and related, challenge is that prior experience plus the demands of the first year incentivizes students to neglect writing. The first year of law school is exceptionally difficult. Students are in a new academic environment with a heavy workload, many are living in a new place, many are there at great cost to themselves and/or their families.⁷⁷ Within this stressful environment, legal writing exists alongside a slate of classes in which students have little to no experience. A student trying to divvy up her time and brainpower may put writing on the back burner. To the student, this choice

73. *Beginning Legal Writers*, *supra* note 69, at 226–27 (reporting that students did not initially realize how complex legal writing is, and when they finally did, their confidence plummeted).

74. *Id.* (reporting that students “incorrectly believed that their prior strengths and weaknesses as writers would transfer directly to legal writing” and that “[i]n some cases, this mistaken belief interfered with their ability to adjust smoothly to the new demands of legal writing”).

75. *See generally A Better Beginning*, *supra* note 70 (examining the overconfidence of 1Ls in their writing and the effects of it).

76. As Professors Felsenburg and Graham explain, most incoming law students are completely unaware of the professional environment for which they are preparing. *See Beginning Legal Writers*, *supra* note 69, at 226. As a result, they do not yet grasp the context into which their new skills will operate. *Id.* For additional thoughtful discussion of teaching audience to law students, see Stephanie Roberts Hartung & Shalini Jandial George, *Promoting In-Depth Analysis: A Three-Part Approach to Teaching Analogical Reasoning to Novice Legal Writers*, 39 CUMB. L. REV. 685 (2009); Stephen A. Newman, *Using Shakespeare to Teach Persuasive Advocacy*, 57 J. LEGAL EDUC. 36, 40 (2007); John D. Schunk, “Be the Ball”: *Caddyshack’s Ultimate Legal Writing Tip*, 20 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 112 (2012). *See also* Jessica E. Price, *Imagining the Law-Trained Reader: The Faulty Description of the Audience in Legal Writing Textbooks*, 16 WIDENER L.J. 983, 985–86 (2007) (explaining the complex nature of the legal audience and acknowledging the difficulty of teaching it well); Jennifer Murphy Romig, *Social Gaming Apps: Teaching Law Students What Communication with an Audience Is—And Isn’t*, 22 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 38, 41 (2013) (analogizing the social gaming app of Draw Something as a metaphor for communication and a unique way to reach an audience).

77. *E.g.*, Susan Grover, *Personal Integration and Outsider Status As Factors in Law Student Well-Being*, 47 WASHBURN L.J. 419 (2008) (looking at the diversity of students, who come to law school, and the various stressors that they face); Rachel I. Gurvich, *Letters Tweets to A Young 1L*, 21 GREEN BAG 2D 281 (2018) (an account of one professor’s 1L journey navigating the difficulties of a new school and a new learning environment).

feels both strategic and highly rational (after all, she already knows how to write).

Both groups of students—those with a solid grasp on the fundamentals and those without it—arrive at law school with habits that do not set them up to succeed in legal writing.⁷⁸ Chief among those habits is spending the bulk of their time on prewriting and writing a first draft, and the little time left revising and polishing (I call this the ninety-ten rule—ninety percent of their time on prewriting and first draft; ten percent on revising and polishing).⁷⁹ To produce effective legal writing, the students need to follow what I call the fifty-fifty rule—fifty percent of their time prewriting and writing the first draft and fifty percent of their time revising and polishing.⁸⁰

Finally, extensive formative feedback is fundamental to an effective legal writing course.⁸¹ Most students arrive at law school with experience

78. See Anne Enquist, *Defeating the Writer's Archenemy*, 13 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 145 (2005) [hereinafter *Writer's Archenemy*] (discussing procrastination among undergraduates and law students). In addition to the challenge I highlight here, Professor Lindsey Gustafson astutely observes that the current generation of law students is writing more than any other generation before it in the non-academic informal context, both to the students' benefit and detriment. Lindsey P. Gustafson, *Texting and the Friction of Writing*, 19 LEGAL WRITING 161, 163–64 (2014).

79. See *Successful Legal Writing Students*, supra note 69; Gerald Lebovits, *How to Succeed in Legal Writing by Really Trying*, N.Y. ST. B. ASS'N J., Sept. 2018, at 61, 63 [hereinafter *How to Succeed in Legal Writing*] (“Students procrastinate writing their first drafts. Sometimes it’s because they can’t stop researching and want to know everything before they write anything.”). Indeed, many students—particularly strong students—were able to produce an “A” paper in college with one night’s work. See Rebecca Flanagan, *The Kids Aren’t Alright: Rethinking the Law Student Skills Deficit*, 2015 BYU EDUC. & L.J. 135, 139 (2015) (“College students study less than previous generations. Despite a dramatic decrease in hours spent studying, college students are receiving higher grades.”); William Rau & Ann Durand, *The Academic Ethic and College Grades: Does Hard Work Help Students to “Make the Grade”?*, 73 SOC. EDUC. 19 (2000); Daniel de Vise, *College Students Spending Less Time Studying*, BOS. GLOBE (May 23, 2012), <https://www.bostonglobe.com/news/nation/2012/05/22/college-students-spending-less-time-study-ing/mnU3XDU5TVUs8VFpzXk8TP/story.html>.

80. *How to Succeed in Legal Writing*, supra note 79, at 63 (“If you wait until you’re ‘ready’ to write, you’ll never have enough time to rewrite and edit. Writing the first draft shows the gaps in research and the weaknesses in the argument.”); see also Brooke Bowman, *Learning the Art of Rewriting and Editing—A Perspective*, 15 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 54 (2006) (arguing that “revising and polishing a document should take almost as long as the prewriting and drafting stages”); *Writer's Archenemy*, supra note 78, at 611; Gerald Lebovits, *The Writing Process for New Lawyers: Getting It Written and Right*, N.Y. ST. B. ASS'N J., May 2017, at 80 [hereinafter *Writing Process for New Lawyers*] (“Allocate your time between researching, composing, and editing. If you’re producing a first draft from scratch, devote no more than 30% of your time to researching and up to 40% to composing. Spend the remaining 30% editing.”).

81. See Bloom, supra note 40, at 255; Elizabeth Ruiz Frost, *Feedback Distortion: The Shortcomings of Model Answers As Formative Feedback*, 65 J. LEGAL EDUC. 938, 943 (2016); Lisa T. McElroy et al., *The Carnegie Report and Legal Writing: Does the Report Go Far Enough?*, 17 LEGAL WRITING 279, 308–09 (2011); Leslie M. Rose, *Norm-Referenced Grading in the Age of Carnegie: Why Criteria-Referenced Grading Is More Consistent with Current Trends in Legal Education and How Legal Writing Can Lead the Way*, 17 LEGAL WRITING 123, 137 (2011) (emphasizing the importance of prompt formative assessment); Carrie Sperling & Susan Shapcott, *Fixing*

writing, but having had little to no formative feedback on it. As a result, receiving the extensive written feedback that is core to legal writing comes as a shock.⁸² More importantly, with little experience receiving feedback, many students are not sure what to do with it or how to transfer it to subsequent assignments and, ultimately, other contexts.⁸³

(3) *Students are unfamiliar with highly structured writing.*⁸⁴ As Professors Alleva and Gundlach note, civil procedure is not intuitive for students.⁸⁵ Part of what makes civil procedure so challenging is that students have no concept of the highly technical devices that drive the civil litigation process.⁸⁶ Legal writing is similarly situated. Students have very little experience with the deep critical reading that is a prerequisite to legal analysis and writing;⁸⁷ in particular, they are not accustomed to reading and organizing by issue.⁸⁸ Moreover, students are unfamiliar with the highly structured form of legal writing itself.⁸⁹ Those who put legal writing on the back burner and apply their undergraduate skills to assignments in lieu of the skills actually taught in the course are already behind by the third week of the first semester.

(4) *The indeterminate and complex nature of legal analysis, which happens within a context of overlapping judicial systems and sovereigns.*⁹⁰ Combining Professors Alleva and Gundlach's third, fifth, and sixth challenges brings to life the struggle of learning legal writing and analysis: To truly learn legal analysis and writing, students have to know how to conduct analysis and produce legal writing (and, of course, implicit in this is an understanding

Students' Fixed Mindsets: Paving the Way for Meaningful Assessment, 18 LEGAL WRITING 39, 43 (2012).

82. See Sperling & Shapcott, *supra* note 81, at 43.

83. Bloom, *supra* note 40, at 236; Deirdre Burke, *Strategies for Using Feedback Students Bring to Higher Education*, 34 ASSESSMENT & EVALUATION HIGHER EDUC. 41, 42 (2009) ("It appears that we currently have a blind spot in relation to strategies for students making effective use of feedback.").

84. Gustafson, *supra* note 78.

85. Alleva & Gundlach, *supra* note 11, at 716.

86. *Id.*

87. Fruehwald, *supra* note 40, at 123–24 (explaining that law students need instruction on critical reading and providing strategies for law professors to teach it); James Etienne Viator, *Legal Education's Perfect Storm: Law Students' Poor Writing and Legal Analysis Skills Collide with Dismal Employment Prospects, Creating the Urgent Need to Reconfigure the First-Year Curriculum*, 61 CATH. U. L. REV. 735, 753–54 (2012) (arguing that incoming law students lack critical reading, writing, and reasoning skills).

88. See Valerie J. Munson, *Orienting the Disoriented: The Design and Implementation of an Optimal Law School Orientation Program*, 44 W. ST. L. REV. 73, 73–77 (2017) (describing students' lack of prior instruction in critical reading and providing advice on how to teach students to read and brief a case).

89. *Successful Legal Writing Students*, *supra* note 69, at 611 (illustrating students' lack of experience with highly structured writing).

90. Alleva & Gundlach, *supra* note 11, at 716, 718–19.

of how the overlapping judicial systems and sovereigns interact). What does this mean? There is a foundational baseline that students must reach by engaging in the material. This non-linear approach to learning is new to most students, who have, to that point, generally been prepared before taking any step in a way that minimizes mistakes.⁹¹ “Unlike their previous academic pursuits, which they were able to master in one or two semesters, the law is ever-elusive and ever-moving.”⁹² “[T]he law is not a concrete, finite set of rules that can be mastered in a semester, or even in three years of law school . . . they will never fully master it.”⁹³

What does this mean? On a large scale, the students must embrace a non-linear path to learning in which repetition of similar structures in contexts of increasing complexity produces deep learning only when students can reflect on their learning experience and begin to transfer it forward.⁹⁴ On a smaller scale, students must come to terms with the reality that legal writing is part of the process by which they will learn the law and how it applies to their cases.⁹⁵

Awareness of the challenges to learning and teaching legal writing is an important first step to set students up to engage in thinking about their own learning. And thinking about their own learning while they are engaged in the learning process helps students meet the challenges that the particular learning environment presents. As discussed further below, thinking about learning while in the process of actually learning is not an automatic process or an innate talent; it is a skill developed the same way other skills are developed—through overlapping loops of instruction, modeling, practice, and feedback.

II. TEACHING LEGAL WRITING THROUGH THE LENS OF METACOGNITION

Learning is a skill. For deep learning to take place—and by that, I mean the kind of learning that happens when students struggle with material, grasp it, master it, and successfully transfer and adapt it to new problems—“the

91. Palmer, *supra* note 40, at 689 (observing that “students are encouraged not to take risks and to avoid failure so as to continue to be perceived as successful, intelligent, and competent students”).

92. *Beginning Legal Writers*, *supra* note 69, at 291–92.

93. *Id.*

94. See Frost, *supra* note 81, at 943 (describing the ideal feedback-learning loop in legal writing).

95. See *How to Succeed in Legal Writing*, *supra* note 79, at 63 (noting the first drafts help writers better grasp analysis).

learning process itself must be sound.”⁹⁶ Significantly, however, the skill of learning is underdeveloped among incoming law students.⁹⁷ As Professors Saundra Yancey McGuire and Stephanie McGuire explain, faculty are frequently not well-versed in learning strategies.⁹⁸ As a result, students are getting through high school and college without even thinking about, much less intentionally developing, their learning skills.⁹⁹ And students are, nevertheless, succeeding (if one measures success as high grades and/or the absence of constructive feedback).¹⁰⁰ In law school, students cannot succeed by simply mastering facts, memorizing dates or formulas, and regurgitating established theories.¹⁰¹ To succeed in law school, students must ultimately become masters of independent reasoning.¹⁰²

Law professors face a challenge of students who want to learn but don’t yet have the skills to do so effectively, particularly in a new academic landscape.¹⁰³ Most law professors find this extremely frustrating. They’re right. But Mick Jagger is, too: “You can’t always get what you want.”¹⁰⁴ Faced with this challenge, Professor Alleva gave students what they needed: A foundation in metacognition.

“Generally, metacognition refers to having both awareness and control over one’s learning and thinking.”¹⁰⁵ Metacognitive learners “have awareness over what they bring to the learning experience, such as their own cognitive abilities, learning styles, and learning preferences. Controlling or regulating one’s learning requires actively planning, monitoring, and evaluating

96. Alleva & Gundlach, *supra* note 11, at 720; *see also* *Lawyers and Learning*, *supra* note 40.

97. Alleva & Gundlach, *supra* note 11, at 720; *see also* SAUNDRA YANCEY MCGUIRE WITH STEPHANIE MCGUIRE, TEACH STUDENTS HOW TO LEARN: STRATEGIES YOU CAN INCORPORATE INTO ANY COURSE TO IMPROVE STUDENT METACOGNITION, STUDY SKILLS, AND MOTIVATION 10–12 (2015); Palmer, *supra* note 40, at 689 (arguing that today’s students “set artificially high expectations” and when they are “unsuccessful at an activity, they frustrate easily and perceive that the effort expended will not correlate with the goals obtained, and as a result, they may abandon their efforts prematurely”); Ruth Vance & Susan Stuart, *Of Moby Dick and Tartar Sauce: The Academically Underprepared Law Student and the Curse of Overconfidence*, 53 DUQ. L. REV. 133 (2015).

98. MCGUIRE WITH MCGUIRE, *supra* note 97.

99. Alleva & Gundlach, *supra* note 11, at 720.

100. *See* Flanagan, *supra* note 79, at 139.

101. Barbara A. Kalinowski, *Logic Ab Initio: A Functional Approach to Improve Law Students’ Critical Thinking Skills*, 22 LEGAL WRITING 109, 113 (2018) (“Success in law school (as opposed to success in most undergraduate disciplines) requires skills beyond mastery of facts, dates, formulas, and established theories and positions of academics. It requires independent reasoning.”).

102. *Id.* at 113.

103. Alleva & Gundlach, *supra* note 11, at 721–23; Kalinowski, *supra* note 101, at 113; *Lawyers and Learning*, *supra* note 40.

104. THE ROLLING STONES, *You Can’t Always Get What You Want*, on LET IT BLEED (London Records 1969).

105. *Lawyers and Learning*, *supra* note 40, at 35.

during the execution of a cognitive task.”¹⁰⁶ In other words, metacognition is awareness of the learning process and of how effective that process is, along with the ability to adjust when appropriate.¹⁰⁷ Metacognition enhances deep learning,¹⁰⁸ sets students up to transfer learning from one context to another,¹⁰⁹ and promotes development of the skills students will need in practice, like critical thinking and analysis.¹¹⁰ Unfortunately, professors and law schools that teach metacognition are the exception rather than the norm.¹¹¹ “[L]egal educators have traditionally focused on teaching the substantive *content* and developing the skills related to that content, and less on teaching *how to most effectively learn* that content.”¹¹² Relatedly, most professors focus on substantive expertise in the content taught over the process by which that content is taught and learned.

Professor Alleva approached the teaching of legal writing the same way she approached other classes she has taught. She introduced the fundamentals

106. *Id.*

107. Alleva & Gundlach, *supra* note 11, at 722–23 (providing a rich definition of metacognition drawing from a variety of scholars and fields); *Lawyers and Learning*, *supra* note 40; *Teaching for Lifelong Learning*, *supra* note 40, at 156–57.

108. Alleva & Gundlach, *supra* note 11, at 723; Rosa Kim, *Lightening the Cognitive Load: Maximizing Learning in the Legal Writing Classroom*, 21 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 101 (2013) (arguing that applying metacognitive strategies and cognitive science “to the legal writing classroom involves making teaching choices that can help lighten the cognitive load for our students, and at the same time encourage learning at the highest levels”); Paul R. Pintrich, *The Role of Metacognitive Knowledge in Learning, Teaching, and Assessing*, 41 THEORY INTO PRAC. 219, 219 (2002) (noting that students “tend to learn better” when they are well-versed in cognition and learning); Usman, *supra* note 40, at 358. Indeed, emerging empirical research indicates that integrating the teaching of metacognition correlates to academic performance in the course. Jennifer Gundlach, *The Value of Teaching and Assessing Metacognition in Law School: An Empirical Study*, FIELD NOTES: EMPIRICAL STUDY OF LEGAL EDUC. AND THE LEGAL PROFESSION NEWSL, Spring 2019, at 3–4.

109. Alleva & Gundlach, *supra* note 11, at 723; Tonya Kowalski, *Toward a Pedagogy for Teaching Legal Writing in Law School Clinics*, 17 CLINICAL L. REV. 285, 324 (2010) (explaining that “learning is better encoded and understood for transfer when students are provided with the opportunity to more consciously connect their learning to experience in a process often referred to as metacognitive reflection”); *Lawyers and Learning*, *supra* note 40, at 34 (“By introducing learning theory into the law school curriculum and specifically teaching the students how to learn, law schools can extend the one-dimensional learning that is currently central to the law school curriculum to one that focuses on teaching students to transfer learned knowledge and skill to new and novel situations.”); Pintrich, *supra* note 108, at 222.

110. Alleva & Gundlach, *supra* note 11, at 723; Camille Lamar Campbell, *Timing is Everything: Essential Time Management Skills for “Real-World” Legal Writing*, 22 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 125 (2014) (explaining how teaching metacognitive skills can help students prepare for the real world by promoting effective time management); Niedringhaus, *supra* note 40 (arguing that teaching metacognitive skills in legal writing classes helps retention and builds for success on the bar exam and in practice).

111. *See, e.g., Lawyers and Learning*, *supra* note 40, at 68 (“Although many professors are beginning to integrate learning theory into their classrooms, there is not enough being done to really teach students to be more self-regulated learners or how to ‘learn like a lawyer.’”).

112. Alleva & Gundlach, *supra* note 11, at 726.

of metacognition and brought them into class when appropriate to promote deep learning within the core subject matter of the course. Professor Alleva would be the first to say that she is not the first to integrate metacognition and legal writing. Scholars—and in particular, legal writing scholars—have acknowledged the power of teaching metacognitive skills to improve course-specific and overall teaching and learning, and they have provided concrete ways to do it.¹¹³

The unique opportunity afforded by our teaching partnership helped me see fresh opportunities to integrate the teaching of metacognition into my own class and to become more metacognitive about my role as teacher.¹¹⁴ As noted in the introduction, the typical intensive teaching partnership combination tends to be a novice faculty member paired with a senior faculty member so that the novice can learn how to teach in general or teach a subject in which the senior faculty member is an expert but the novice is not. In other words, it's largely a one-way street in which the senior faculty member provides mentorship and the novice grows. Our partnership was different. The modern legal writing class was essentially new to Professor Alleva, but Professor Alleva is no novice. Instead, she is a master of teaching in the doctrinal classroom with experience integrating the teaching of metacognitive skills intentionally and explicitly within her classes. I am an experienced teacher of legal writing. The partnership was, very much, a two-way street.

Our partnership gave me the opportunity to take a fresh look at my own course, particularly through the metacognitive framework. I “intentionally revisit[ed] old assumptions about student learning.”¹¹⁵ When I developed assignments and exercises for my class, I usually did so with my mind focused on a blend of student learning, student learning of the specific course content, and preparation for class. Collaborating with Professor Alleva afforded me the unique opportunity to look again at assignments and exercises with a sole focus on student learning, in a collaborative context with another experienced teacher—and one who was not from the legal writing discipline.¹¹⁶

113. See, e.g., *id.* at 727; Bloom, *supra* note 40; Boyle, *supra* note 40, at 13–17, 19–20; Fruehwald, *supra* note 40; Kowalski, *supra* note 40, at 101; *Lawyers and Learning*, *supra* note 40; Millich, *supra* note 40; Niedringhaus, *supra* note 40; Preston, *supra* note 40, at 1073–74; *Teaching for Lifelong Learning*, *supra* note 40; Usman, *supra* note 40, at 358; Wangerin, *supra* note 40.

114. Alleva & Gundlach, *supra* note 11, at 738–39.

115. *Id.* at 739.

116. *Id.* In this way, I was able to do precisely what Professors Alleva and Gundlach suggest, which was to assess coursework from the perspective of student learning instead of course content, and to be transparent with Professor Alleva and my students about why I was or was not giving a particular assignment or ordering the course in a particular way. See *id.*

I realized two things from working with Professor Alleva: (1) Metacognition isn't simply a nice add-on to the legal writing classroom; it's a necessity. Indeed, metacognition combats the challenges that teaching legal writing poses that I outline above. (2) Anything I could do, she could do meta. Although I had always periodically prompted my students to think metacognitively, I learned from working with Professor Alleva how to more effectively and consistently approach my teaching and my role as teacher through the lens of metacognition.

In *Learning Intentionally*, Professors Alleva and Gundlach share four methods for teaching metacognition, tailored to teaching civil procedure.¹¹⁷ Those methods are (1) being explicit about teaching metacognition,¹¹⁸ (2) modeling metacognitive skills for students,¹¹⁹ (3) providing questions to help students engage in metacognition,¹²⁰ and (4) using assessment to encourage students to monitor their own learning.¹²¹ As noted above, civil procedure and legal writing both offer a unique blend of challenges to learning that make metacognition particularly powerful for student learning. Not surprisingly, therefore, the same methods are also particularly powerful in the legal writing classroom. Below, I offer examples of how Professor Alleva and I used the methods in legal writing.

Being Explicit About Metacognition. At the outset, the professor should be explicit about learning and the learning process.¹²² In so doing, the professor and students develop a shared nomenclature that facilitates learning and “also helps to demystify the learning process.”¹²³

Before teaching alongside Professor Alleva, I approached the teaching of metacognition primarily through modeling and providing guided opportunities to practice the skill. Why didn't I explicitly educate them about metacognition? For precisely the reason Professors Alleva and Gundlach suggest in *Learning Intentionally*: I felt that I had too much ground to cover, especially in the first few weeks of school when my class was laying the foundational groundwork for all other classes (for example, critical reading).

Adding the foundational step of explaining metacognition and its importance actually saved time over the semester. One of the best turning points in the fall semester is when the students realize that it's not about what the professor wants them to write; instead, it's about the process they use to meet

117. *Id.* at 728–34.

118. *Id.* at 727.

119. *Id.* at 729.

120. Alleva & Gundlach, *supra* note 11, at 731.

121. *Id.* at 732.

122. *Id.* at 728.

123. *Id.* at 729.

their audience's needs—one of the critical learning challenges in teaching legal writing. That turning point came much more quickly when I was explicit about metacognition in class from the start of the semester. Among other things, that meant that my students were quicker to separate their identity as a person from the skillset they were developing. As a result, they received their feedback with a more objective approach and were quicker to recognize it as a skills development tool. They were less likely to approach feedback with the defensiveness that typically spurred some to come to my office to justify their errors or to attempt to assure me that they were intelligent (I'm doing really well in my other classes!). In other words, they spent less time licking their wounds and instead used feedback as a developmental aid.

Second, I realized how much time I had previously spent teaching students about learning in individual conferences (the “nice add-on” mentality). Making metacognition an explicit part of the class (the necessary foundation mentality) meant that we could skip ahead to the part of the conference where I could press them to think about their thinking and writing processes and help them identify what was working well and what could work better.

Finally, on a related point, every time I shared a problem or exercise with Professor Alleva and told her what I really liked about it, she always asked the same question: Do you tell the students that? My answer was inconsistent, sometimes yes, sometimes no. And when the answer was yes, what I shared with the students was usually more opaque than what I candidly told Professor Alleva, teacher-to-teacher.

For example, there is a case that I really like using in my closed memo. I told Professor Alleva that I was so excited to use it because it gives students an opportunity to identify explicit rules and then some fairly tricky implicit rules and compare the process—both in figuring out what they are and then articulating them. In the class exercise that walked the students through the process, I mentioned in the “objective” at the top of the paper that we would practice identifying explicit and implicit rules. That was it. After talking with Professor Alleva, I decided to tell the students exactly what I told her before we did the exercise, and I reiterated it through the exercise and after we finished it. This explicit and intentional approach created space for students to engage more effectively in the metacognitive processes that would aid their deep learning. Again, I saw a shift in my office hours and conferences later in the semester when the students were charged with finding implicit rules in a more sophisticated area of law: Instead of my leading the conversation back to the closed memo case, several students actually brought out the old in-class exercise to provide a framework for our conversation and to help them pose their questions.

Simply telling my students exactly why I, *in my role as their teacher*, really liked using a case or exercise or problem kept the learning process at the forefront of their minds. It was far more effective than simply including a written objective at the top of an exercise. Always having to answer “do you tell them that?” kept the learning process at the forefront of *my* mind more than it had ever been before.¹²⁴

Modeling Metacognitive Skills. Another way to incorporate metacognition into a class is to model it for your students.¹²⁵ Professors Alleva and Gundlach illustrate how a civil procedure professor might think aloud while she reads a rule of civil procedure through a series of questions to herself and their answers.¹²⁶ Legal writing offers plum opportunities to model metacognition for students because of the nature of the skills taught, like critical reading, case briefing, legal analysis, and issue spotting.¹²⁷

As indicated above, I use in-class exercises to walk students through things like reading cases, crafting rules, explaining the law, and applying it. The exercises are a written form of the think-aloud that Professors Alleva and Gundlach lay out, and they frequently mimic how I would approach a problem in practice (and now, I explicitly tell them that!).

In addition to modeling metacognition for my students, I discovered that having them model it for each other created powerful learning opportunities. I use Team-Based Learning in my class. In a nutshell, I place students into permanent teams for the semester, and they engage in various facilitated learning exercises together inside and outside of class.¹²⁸ The Team-Based Learning approach allowed students the unique opportunity to model metacognition for each other. Whenever a student made a particularly important, sophisticated connection in a class exercise, I stopped the team and asked the student to think aloud how she made the connection. In this way, I gave the team the opportunity to think intentionally about the learning process and to observe each other monitoring their own learning and making mid-stream

124. *See id.* at 738–39.

125. *Id.*

126. Alleva & Gundlach, *supra* note 11, at 730.

127. *See, e.g.,* Leah M. Christensen, *The Psychology Behind Case Briefing: A Powerful Cognitive Schema*, 29 CAMPBELL L. REV. 5, 22–23 (2006); Debra Moss Curtis & Judith R. Karp, “*In a Case, In a Book, They Will Not Take a Second Look!*” *Critical Reading in the Legal Writing Classroom*, 41 WILLAMETTE L. REV. 293, 305–13 (2005); Fruehwald, *supra* note 40, at 111–12 (sharing strategies for modeling how to conduct legal analysis).

128. For a primer on Team-Based Learning in the legal writing classroom, see Anne E. Mullins, *Team-Based Learning: Innovative Pedagogy in Legal Writing*, 49 U.S.F. L. REV. F. 53 (2015). For a more extensive examination of Team-Based Learning in the legal writing classroom, see Melissa Weresh, *Uncommon Results: The Power of Team-Based Learning in the Legal Writing Classroom*, 19 LEGAL WRITING 49 (2013).

adjustments where appropriate. These were some of the most effective learning moments in my classroom, particularly for struggling students. Sometimes, hearing me explain a concept was not always accessible to a struggling student; hearing from a teammate who had just grasped it was frequently what finally made the light bulb turn on.

Providing Questions to Encourage Metacognition. “Strategic self-questioning is not necessarily innate, and may need to be developed and refined.”¹²⁹ For example, after the very first writing assignment of the semester, Professor Alleva led her students through the metacognitive process to help them understand how to use the sample answer and assess their own writing. Here is an excerpt of the exercise she created:

You now have a sample Discussion section of [the] office memo, with helpful prompts in bold. Please “slow read” that sample memo very, very carefully. In other words, go meta:

Stop after every sentence to reflect on what you just read so that you are deliberately thinking about your thinking and monitoring your understanding (talking to yourself in the name of learning).

Make sure, as part of that internal metacognitive conversation, that you can identify what role each sentence plays in the flow of analysis . . .

The metacognitive exercises were, in a very real sense, exercises. Students described the guided metacognitive exercises as a means of limbering up and strengthening their own thinking. In one legal writing student’s words:

I found that once I created a quiet space for reflection on my own thought processes, my perspective broadened. Under Professor Alleva’s guidance, I became gradually more aware of alternative pathways the mind could travel down, other than the “beaten path.” I found I was able to think in a far more flexible way after becoming more accustomed to the practice of metacognition.¹³⁰

Students also transferred the habits of mind Professor Alleva cultivated in them to other learning environments. A civil procedure student described how metacognitive questioning shaped her research process in another class:

During the research process, I was constantly checking in with myself. Thinking metacognitively about the project and mountain of relevant information, I decided to make outlines to focus my

129. Alleva & Gundlach, *supra* note 11, at 731.

130. E-mail from Alexandra Carthew, former Lawyering Skills student, to author (Feb. 1, 2019) (on file with author).

research to specific areas. Using these outlines allowed me to think about my thinking and focus on the pertinent areas.¹³¹

Using Assessment to Encourage Monitoring of Learning. Legal writing classes are full of formative assessment. As a result, they offer countless opportunities to help students monitor their own learning. As the above excerpted exercise demonstrates, Professor Alleva created self-diagnostics that prompted students to assess their own work and their learning experience. Additionally, after they submitted major graded papers, Professor Alleva challenged them to write down their top three anticipated areas for improvement; this exercise prompted students to think about their learning process, and it created space in the upcoming conference for dialogue through the lens of metacognition. Another example—and one I now use in my own class—comes out of oral argument practice rounds. At the close of practice rounds, Professor Alleva gave students an exercise that asked students, “What is the most important lesson you learned in hearing the other side’s argument?” and, “As a result of this exercise, are there changes you might make to your written Argument? What are they, and why?” The “why” was so important because it gets to both the substance of their argument and the process they use to assess what they have done and make appropriate corrections mid-stream. As noted above, the habit of self-questioning frequently needs a facilitated environment to grow and develop and become normal.

Moreover, in creating these diagnostics, Professor Alleva capitalized on the opportunity to tie together parts of the course so that students could reflect on the course as a coherent whole. For example, in preparation for conferences on their open memos, the first thing Professor Alleva asked students to think about was the most important lesson that came out of the previous assignment, the revised closed memo. This focused them on how their learning process had evolved from one assignment to the next and challenged them to think more globally about their learning throughout the semester.

Similarly, Professor Alleva helped students discover for themselves what the course, as a coherent whole, taught them about their learning. To do this, she created an end-of-year self-diagnostic that asked, among other things:

Did your individual conference, learning lab experience, and/or office hours meeting(s) help your understanding in any way? Why or why not?

131. E-mail from Hannah Wegner, former Civil Procedure student and Lawyering Skills Teaching Assistant, to author (Feb. 4, 2019) (on file with author).

What did you do on your own to make sure that you had mastered the [appellate brief] problem?

What is the most important thing you learned about the way you learn by being in this class?

Students could take the answers to these prompts and apply them to other classes and learning experiences.

Again, these guided exercises had a meaningful impact on student learning. As one student shared, “By thinking about what facilitated my learning best, I was able to streamline the way I studied for the rest of my classes. Likewise, by thinking about my own study practices and reflecting upon the resulting depth of my understanding, I was able to eliminate practices that had relatively little value.”¹³²

III. LEGAL WRITING AND METACOGNITION IN THE LARGER CURRICULAR CONTEXT

As noted above, students don’t show up to law school as fully formed learners.¹³³ The problem is that typical law school curricula assume that students show up as fully formed expert learners. As a result, law schools do not meet the students where they are. The result is a tragic missed opportunity to help the student to learn deeply, to learn how to learn deeply, and to transfer their learning to law practice. “[L]osing sight of the deliberateness of learning in a quick-click world threatens the integrity of legal education and, in turn, the legal profession.”¹³⁴

As noted above, first-year legal writing is the foundational—and sometimes only—practical skills course that students take. This forces legal writing professors into a high-stakes conundrum with student education. They constantly have to choose between how deeply to teach a skill or a problem and how many skills to teach.

After our first overview of the year, Professor Alleva voiced a concern that she had always suspected: We are asking the first-year legal writing course to do too much. She’s right. We (have to) do too much, too soon, and in a too-compressed time period. The number of fundamental skills that must be developed simultaneously, all of which relate to and build upon each other, make the compression feel suffocating. Add that intense compression to an environment in which students (understandably but mistakenly) think they have already developed at least some of those fundamental skills, and those

132. E-mail from Alexandra Carthew, *supra* note 130.

133. Alleva & Gundlach, *supra* note 11, at 725–26; *Lawyers and Learning*, *supra* note 40, at 45.

134. Alleva & Gundlach, *supra* note 11, at 720.

students struggle even more to survive (much less thrive) in the learning environment. At the individual course level, Professor Alleva challenged me to think about when less content and fewer assignments might promote more and deeper learning.

Relatedly, a more robust upper-level writing curriculum could offer meaningful benefits within the context of an intentional, progressive curricular approach. The most obvious benefit is more opportunities for meaningful practice-and-feedback in the same type of intensive learning environment they have in the first year. More opportunities for meaningful practice-and-feedback would likely improve skills development. But there are other potential benefits that a more robust upper-level curriculum could provide: First, it could create more space in the first year to tailor the course to effective student learning and skills mastery. Second, it could provide additional opportunities to help students master the skill of metacognition. Professor Alleva's approach to teaching legal writing through a framework of metacognition had a meaningful impact on student learning. Legal writing classes have ongoing formative assessment that is not typical of traditional doctrinal classes. As Professor Alleva's approach to teaching legal writing demonstrates, legal writing classes and the formative assessment that occurs in them offer a powerful opportunity for students to develop and refine their metacognitive skills.

IV. CONCLUSION

Professor Alleva tells her students “what is beginning, is middle, is end.” And they remember those words years later.¹³⁵ Her metacognitive approach—which she and her students call “going meta”—means “embracing deliberate self-awareness.”¹³⁶ This self-awareness is liberating. “[B]y identifying how I thought, I was able to break free of constructive thought patterns.”¹³⁷

The metacognitive skills Professor Alleva taught extend beyond the walls of the law school and reach the highest level of professional development: the self-reflective exercise of professional judgment. “Often, I had to make a judgment call on what information to include or how far to follow a thought. Taking a pause helped me make these judgement calls.”¹³⁸ The metacognitive skills also set students up to embrace the challenges of law

135. See Effertz Graduation Banquet Address, *supra* note 45; E-mail from Hannah Wegner, *supra* note 131.

136. E-mail from Hannah Wegner, *supra* note 131.

137. E-mail from Alexandra Carthew, *supra* note 130.

138. E-mail from Hannah Wegner, *supra* note 131.

practice with a healthy and constructive frame of mind. Professor Alleva transformed the ambiguity that pervades learning and practicing the law from a threatening landscape into “the fountain of creativity.”¹³⁹

After teaching legal writing for several years, partnering with Professor Alleva gave me a fresh lens through which to view and review my course both as an end in itself and as a piece of a much larger whole in student education. Students are not the only ones struck by Professor Alleva’s “what is beginning, is middle, is end.” I am, too. Discussing those words with Professor Alleva, I came to the conclusion that, of all of the external pressures on first-year legal writing, the compression is probably the most fundamental. On a micro-level, our partnership inspired me to pause before introducing new material, ask myself what specifically about the learning experience the students should hear, and press myself to give students room to learn by evaluating whether less might be more.

On a macro-level, our partnership helped me bring into focus what I see as the most important and far-reaching opportunity to strengthen the first-year writing experience: To acknowledge that what is beginning, is middle, is end. To acknowledge that is to decompress the first year to enhance student learning. By the end of the year, the most struggling students would be far more likely to reach a reasonable level of competency in fundamental skills (in other words, survive); the rest of the class would have the opportunity to progress closer to mastery of those skills (in other words, thrive!).

Experienced professors frequently challenge themselves to grow by taking on the teaching of a new subject matter. I discovered an even more powerful way to grow. Teaching alongside a veteran teacher, new to my course, and working through each piece of my course challenged me to grow—both as a teacher and as one charged with responsibility for the program of legal education—more than taking on a new subject matter ever could.

And so, I add my voice to the thousands Professor Alleva has taught over the past thirty-two years. Thank you.

139. Effertz Graduation Banquet Address, *supra* note 45; E-mail from Hannah Wegner, *supra* note 131.

*Joshua P. and Kendra H. Fershee**

Everyone knows Patti Alleva's superpower is her selfless dedication to helping people learn. She is not stingy with that power; she shares it with students and colleagues alike. When we arrived in North Dakota to teach at UND School of Law, it was hard to know what to expect. Having grown up in the Midwest, we had some sense of the culture, but we were taking on news jobs, in a new city and new state, at a new university. And we didn't really know anyone. It felt, in many ways, like going back to law school. A lot of excitement and anticipation, with a lingering sense of trepidation and nervousness. Thank goodness for Patti's ability to help without being overbearing; she helped us learn the ropes without exacerbating those feelings of anxiety.

It did not take long for us to get connected to the community. We met nice and helpful people, set our then two-year-old son up at the University Children's Center, and our colleagues and students were great. Still, getting comfortable as a new professor (and suddenly the state's experts in our respective areas) was going to take time. An incredibly helpful and empathetic person, Patti helped us find our bearings, without hesitation, every time we asked.

In the academic world, we tend to provide formal recognition of excellence in teaching, research, and service (to the institution and/or profession). This makes sense, as these areas are traditionally viewed as the "three legs of the academic stool" that make up the role of university professor.¹⁴⁰ Professor Patti Alleva's career exemplified all three areas.

From her civil procedure scholarship to her transformative works on law teaching and learning, Professor Alleva's research has been highly regarded and widely cited. And her service to the University of North Dakota, the School of Law, and the legal and academic professions is well-known to all who have encountered her. Above all, though, Professor Alleva has been recognized as an outstanding teacher. Deservedly so. Her accolades include the University of North Dakota Lydia and Arthur Saiki Prize for Graduate or Professional Teaching Excellence, recognition as a UND Bush Foundation Teaching Scholar, and several times she was chosen as UND's outstanding

* Joshua P. Fershee and Kendra Huard Fershee are both Professors of Law at West Virginia University College of Law. They taught at the University of North Dakota School of Law from 2007 to 2012. Joshua is part of the WVU College of Law's Center for Energy and Sustainable Development and the WVU Center for Innovation in Gas Research and Utilization, which is located in the Benjamin M. Statler College of Engineering and Mineral Resources.

140. JEFFREY L. BUTLER, *THE ESSENTIAL ACADEMIC DEAN OR PROVOST: A COMPREHENSIVE DESK REFERENCE* 360 (2d ed. 2015).

student organization advisor. These are high honors, all of which were unquestionably earned.

What we often don't recognize in the academy, at least not regularly or formally, is the critical role faculty colleagues play in other areas, areas that could be considered the "soft skills" needed for the legal and (we would argue) academic world: self-awareness, self-development, social proficiency, wisdom, leadership, and professionalism.¹⁴¹ Beyond her excellence in the standard academic triad of teaching, research, and service, for us, and so many others, Patti regularly exhibited those soft skills, which translated into a person we get to call a friend, a mentor, and a colleague.

Professor Alleva has always worked to be an example of what it means to excel in all aspects of her role as law professor, and her rate of success is nothing short of remarkable. There were three main things Professor Alleva did that stick out to us as models for all of us in the legal academy. They are, in fact, a good model for all of us as human beings.

First, Professor Alleva treated us as professionals from the start. She spoke kindly, and she always respected our views. Despite her vast experience (not to mention tenure), she was never condescending, even (and perhaps especially) when she disagreed with us. We knew she valued our views and opinions, even if she held contrary ones, and she was committed to giving us the room to learn. At the same time, she was willing to share thoughts and warn of potential pitfalls, when necessary, to make sure we were not set up for failure.

Second, her gifts in the classroom translated with her colleagues. She is truly a teacher of teachers. Professor Alleva encouraged us to take risks in the classroom and worked to make sure we had the protection to do so (even working to embed in promotion and tenure standards the ability to take chances in the classroom, and fail, without it being fatal to one's professional growth). Nowhere else in the academic world have we met someone so committed to helping teachers be creative, take risks, and seek connection. She was always a willing resource, a kind ear, and helping hand. But she was also willing to ask the challenging question, make sure you were working to understand your role in any situation, and help you hold yourself accountable.¹⁴²

Finally, Professor Alleva worked to help us as colleagues be our true selves in the classroom and beyond. She never expected or even implied that

141. See generally RANDALL KISER, *SOFT SKILLS FOR THE EFFECTIVE LAWYER* (2017) (identifying "the most important soft skills for attorneys, describ[ing] and apply[ing] hundreds of studies regarding psychology, law, and soft skills, and provid[ing] concrete steps and methods to improve soft skills").

142. And her students recognized this was the standard she set for herself. See SCHWARTZ, HESS & SPARROW, *supra* note 1, at 63 ("She never says, 'It's all the students' fault.' . . . She always thinks, 'What can I do better?' first.")

what worked for her was what anyone else should do. In fact, she often took pains to make it clear that she was not suggesting we should imitate or emulate her. What did come through (intended or not) was that we should be following her lead on preparation and ensuring that everything that occurred in the classroom was intentional. She provided us an incredible model as we learned what kind of teachers and scholars we needed to be.

Professor Alleva is a committed and authentic person, in and out of the classroom. Her example helped us see that there was room in the academy for different people of different styles, and that, in fact, those things would make for a better experience for our students and our community. We feel truly fortunate to be able to call Patti our friend, our colleague, and our mentor, and we wish her continued success on her new adventure. We know she still has a lot to teach. We'll be paying close attention.

*Gerald Hess**

STUDYING PATTI

Professor Patti Alleva is one of twenty-six legal educators featured in *What the Best Law Teachers Do*. As a co-author of that book, I had the pleasure and privilege of studying Professor Alleva in depth in 2011. The study process included interviewing her current and former students, interviewing Professor Alleva for several hours, observing her teach, and reviewing hundreds of pages of testimonials, evaluations of her teaching, and documents related to her courses. As I reviewed transcripts of those interviews and other documents to prepare to write this essay in 2019, I was reminded of just how extraordinary Professor Alleva is as a teacher and mentor. Wow. Below are four aspects of Professor Patti Alleva's teaching that contribute to her excellence as a legal educator.

Sacred Space. In response to a question about how she motivates students, part of Patti's answer involved what she called "sacred space." "I think I can help motivate my students if they see that I see class as something special. That what happens between us is special. Not a moment to be wasted ever. Nothing happens in that class that happens anywhere else in the world between these people at this time, at this place. It is unique, it is wondrous, sometimes it's miraculous, sometimes it's scary, but it's special, no matter

* Professor Emeritus, Gonzaga University School of Law. The quotations throughout this essay come from transcripts of interviews on file with the author. Some of the quotes have been lightly edited for readability.

what happens in it.” One year, on the first day of her Professional Visions course, she said, “This is a sacred space, and all of us are responsible for it.”

Modeling. One of Professor Alleva’s former students said: “She was always engaged, excited, ready and willing to help. She served sort of as an ideal upon which one could attempt to model oneself – an archetype. And she makes you want to be a better lawyer, and you want to learn to become a better advocate for your future clients.” Another student commented: “She’s one professor that makes me inspired because she loved her job. I want to be like that. I want to have that.” Modeling is part of Patti’s core teaching philosophy. “What we ask of our students, we must ask of ourselves. Whatever those traits or tasks that I require of them or request they aspire to—e.g., preparation, punctuality, thoughtfulness, open-mindedness, uprightness, and respect for others, for self, for the law, and for the act of learning—I must also strive to possess and demonstrate to the best of my ability.”

Respect. In response to a question about lasting learning, one of Professor Alleva’s former students said: “The lessons I learned from Professor Alleva [revolve] around basic decency towards other people, kindness, respect. . . . It’s an underlying theme throughout her teaching methods, and throughout the way she conducts herself with students and with fellow professors.” Patti sees respect as fundamental to education. “At the heart of this educational dynamic is respect: Respect for students, respect for the teaching and learning process itself, and, ultimately, respect for the ideals of the legal profession that we as teacher-scholars seek to advance.”

Intensity. Many students commented on Professor Alleva’s intense commitment to her teaching. “She always gave 110%. She never had a bad day.” “She never does anything, just a little bit, and I mean that in the warmest possible way.” I can testify to Patti’s intensity. When Patti was nominated for inclusion in *What the Best Law Teachers Do*, we asked her to send us evidence of extraordinary teaching and learning. Patti sent dozens and dozens of testimonials, hundreds of pages of student evaluations of her courses, many documents from her courses, etc. Patti sent over 1000 pages in all. When I interviewed Patti about teaching and learning, she not only produced several hours of thoughtful oral responses, she provided extensive written responses to each of the two dozen questions on the interview protocol. When Patti asked me if she needed to send us more evidence, I choked down several snarky responses and said in my most professional voice, “No, I think we have enough.” Yep, Patti’s intensity was over the top, and I write this in the warmest possible way.

I spent much of my professional life thinking, talking, studying, and writing about teaching and learning in law school. It is a labor of love for me that has extended over thirty years. I had the good fortune to interact with

many outstanding teachers who helped their students achieve excellence in law school and the profession. Patti is the most thoughtful teacher I have ever encountered. As I reviewed the transcript of our interview, I marveled at the depth of Patti's responses, her passion for students, teaching, and the legal profession, and her insights into teaching and learning. This sentence is typical of Patti's responses. "Teaching is a delicate mixture of authority and vulnerability, intentionality and adaptability, transparency and a withholding, enthusiasm and sobriety." Patti is a teacher's teacher.

*Jane Voglewede**

REFLECTIONS ABOUT PATTI ALLEVA

When Patti Alleva came to the University of North Dakota thirty-two years ago, those at the School of Law likely saw great promise. But they could not have known the achievements and success she would generate, or that her efforts would have an impact worthy of university and national recognition. Professor Alleva herself could not have anticipated her singular accomplishments. But she created them in front of our eyes with decades of phenomenal work.

I first came to know Patti Alleva in her role as a public servant. She'd scarcely arrived in North Dakota when she became part of the wider legal community on top of her new responsibilities as a teacher and scholar. She was appointed as a Charter Member of a statewide North Dakota Supreme Court Gender Fairness study committee, a group in which we both served, addressing an issue too long unexamined. But it was guest teaching with Professor Alleva over the years that allowed me to glimpse some of her most impressive qualities. Her teaching epitomized three things: elegance, engagement, and exploration.

Professor Alleva's teaching has been distinguished by elegance, just as her scholarship has. She applied a level of sophistication and rigor to her preparation that I am sure elevated the efforts of the entire faculty. Her class sessions were refined, discerning, and intelligent. In a word, they were elegant. No class was perfunctory. Wholeheartedness in content and presentation has been her watchword. That she was featured in *What the Best Law Teachers Do* as one of just twenty-six law professors in the country spotlighted her extraordinary skill.

Professor Alleva's first and enduring mission as a teacher has been engagement with her students – to bring them along with her in comprehension

* Jane Voglewede is a retired Shareholder of the Vogel Law Firm in Fargo, North Dakota.

and understanding, to reach them, to teach them. Engagement has been her signature attribute, and she demonstrated it in how she stood, spoke, and roamed about in her classroom. She spoke with an air of enthusiasm and confidence that was contagious, and she cared about where her students were in their grasp of ideas at that moment. A stranger walking into her classroom would have seen her engagement straightaway.

As a teacher, Professor Alleva has been an explorer. Her search for new ways to teach law has earned her national accolades, and this is the area that has left its deepest mark on me. I was intrigued by her inventive approach to develop in law students an understanding of professional identity and considered judgment. She gave new voice to the thesis that the interpersonal and emotional sides of professional being are, like the analytical and logical elements, consequential. She created and co-coordinated a groundbreaking first year course called Professional Foundations (“ProfFound”) that was built around these principles. Her work dovetailed coincidentally with professional activities of my own to promote civility and professionalism in practice. I had come after years in law practice to believe keenly that these concepts have a profound impact on the quality of lawyers’ lives and on professional integrity. I understood integrity as a sense of cohesiveness and wholeness as well as decency and honesty. I regarded it as fundamental. Professor Alleva’s dedication to the idea of professional wholeness resonated powerfully with my own beliefs. She understood the *need* to address it explicitly, to inquire into it, to teach and foster it. She believed that it was important and attainable. Her work on this issue has been pioneering. It inspires hope that with talented guides, law students can learn self-reflection and develop professional self-awareness that will improve their lives and their lawyering in remarkable ways.

Patti Alleva’s career has been packed with consequence. Whatever were the expectations decades ago about what she would bring to our profession, to the law school, and to the state, she has surely surpassed them.

*Amy K. Posner**

REFLECTIONS ON A PROFESSIONAL FRIENDSHIP WITH PATTI ALLEVA

I met Patti Alleva on November 17, 1983, when she was a practicing member of the New York bar at the firm Proskauer, Rose, Goetz & Mendelsohn (n/k/a Proskauer Rose). I was standing outside her office for quite

* Amy K. Posner is a 1985 Brooklyn Law School graduate and a retired Associate General Counsel for the Metropolitan Life Insurance Company in New York City.

awhile, waiting to interview with the partner in the office next to hers for a summer associateship. Then senior-associate Alleva took pity on me and arranged to interview me instead. In that first meeting, she was briskly efficient, intensely present, and very kind. I spent the summer after my second year of law school and the first two years of my legal career at the firm. My decision to work there was based in large part on Patti's extraordinary willingness to share her expertise with summer interns. As I worked with Patti in the years to follow, it was apparent that her adversaries respected her thorough preparedness and honesty. They knew they could not get anything past her. Junior associates quickly realized that Patti was a valuable resource for reliable training. My subsequent success was often due to memories of the lessons I learned working with her, such as *never* being without pen and paper, especially when entering another lawyer's office.

I was pleased, but not surprised, to find that Patti carried those qualities into her teaching career, and that they have served her equally well, if not better, in academe. With a lay friend, I had the distinct pleasure of watching Patti teach the first day of her first Civil Procedure class in September 2002. It always seemed to me that teaching Civ Pro to first-year students was like teaching the rules of bridge to someone who has never seen a deck of cards. Not so with Professor Alleva at the lectern.

By then, I had been a federal practitioner for more than fifteen years. My friend was a musician. We were both spellbound, as were the fortunate students who were engaged, curious, and thoughtful, volunteering answers to challenging, yet accessible, questions designed to elicit precise responses. All on the very first day of class in the very first year Professor Alleva taught Civ Pro. I sat on the far side of the class and watched the students' enraptured faces as they absorbed the most cogent, crystalline overview of civil procedure I have ever heard or read.

Patti's dedication and hard work has done much to enhance a field of endeavor that is too rarely valued. She is an extraordinary educator whose students and colleagues have and will continue to benefit from her astute observations and insights. Her professional dedication has been selfless, valued by anyone who has had the great good fortune to cross paths with her. One can only hope that she will have a long life focused with the same intensity on her own delight.

*Levi Andrist**

Many of us didn't need to read the four-year national study, *What the Best Law Teachers Do*, to know that Professor Alleva is one of the best law professors in the country. We experienced it. We treasured it. Query! In which class did she move you? For many, it was Professional Visions. For me, it was Civil Procedure.

The process of the law is terribly complicated. But the simple, physical expression of routinely walking from the entrance of the classroom – the pleading stage – to the windows on the opposite side – the trial stage – provided the progression and scale needed to grasp the context of that day's subject. Or the theatrical act of Professor Alleva's tiny frame reaching to the sky and then compressing to the floor to illustrate the Civ-Pro submarine, signaling our transition from basic principles into the weeds. These simple, thoughtful acts put many of us in an open, accessible, comfortable frame of mind, allowing us to begin the in-depth journey she really wanted us to explore.

Beyond the classroom, we could always count on a thoughtful conversation with pure empathy. Few people have the gift of looking you in the eyes without flinching in uninterrupted interest in what you have to say. That human empathy has poured out for hundreds of students, many of whom try to emulate that example on a daily basis.

We treasure the thoughtful care you have provided us, Professor Alleva, and you have guided me and many to understanding the law with thoughtfulness, care, precision, professionalism, and empathy. Thank you, and best wishes in your retirement!

P.S. I hope spotting scores of Western Meadowlarks are in your future!

*Lori Conroy**

There are few people in this world who possess the wonderful gift of being able to not only effectively teach but to inspire through teaching. Professor Alleva has such a gift.

Though she may be small in stature, Professor Alleva has an enormous heart and a wealth of knowledge that she unselfishly shared with her students. I was fortunate enough to be able to take two of Professor Alleva's classes.

* Levi Andrist is an attorney with GA Group PC in Bismarck, North Dakota.

* Lori Conroy is an Assistant United States Attorney in the United States Attorney's Office for the District of North Dakota.

Thankfully though, this was not the extent of my “contacts” with Professor Alleva.

You may be wondering why the word “contacts” is in quotes. It makes me giggle just to type the word because it conjures unforgettable memories of Professor Alleva’s classic lecture on minimum contacts and personal jurisdiction. It is difficult for me to put into words the passion Professor Alleva exhibited during a lecture. Perhaps the best testament to her effectiveness is that she received a round of applause from my first-year class at the end of the semester following her final lecture.

Her passion made what would ordinarily be dry procedural rules unforgettable. As I studied for the bar exam, her lecture, analysis, and framework replayed over and over in my mind. It was Professor Alleva’s description of the concepts of *Burger King* and *International Shoe* that guided me through the civil procedure essay of the exam. She also taught us the process of “zooming in and zooming out” or “getting into the civil procedure submarine.” I have relied on this over and over in my nearly ten years of practice. I find myself toggling between the overall theme, theory, and goal of a case and the bedrock rules of procedure which make the theme, theory, and goals possible.

Professor Alleva also provided valuable guidance to me as I prepared for mock trial competitions. I will never forget the puzzled look she gave me, no doubt while chewing on the earpiece of her glasses, after hearing a closing argument I had prepared for the regional rounds of the American College of Trial Lawyers/Texas Young Lawyers Trial Competition. After seeing her expression, I knew more work was necessary. I redrafted my argument just days before my teammates and I flew to Eugene, Oregon for the competition. Her constructive criticism was just what I needed. My teammates and I went on to win the regional competition and advance to nationals.

Professor Alleva’s guidance was also valuable as I searched for work during my third year of law school. I asked Professor Alleva to draft a letter of recommendation. What she offered in return was much more. We talked on the phone and met in person. We worked through my cover letter and resume line-by-line. I was absolutely amazed at the care, precision, and effort she exhibited on my behalf.

And she has not stopped caring. Within the past few months, I received a call from Professor Alleva to congratulate me on a new position. She recalled our conversations from a decade ago and knew that this was the goal – the job I have always wanted. It is amazing to me that after hundreds of students over her years of teaching, she would remember. Amazing but not surprising. After all, as I said, she has a gift.

*Melissa H. Burkland**

THE PLACES PROFESSOR ALLEVA HAS BEEN WITH ME

At the University of North Dakota School of Law, I had the great fortune of learning from many talented professors. Professors who made me want to be not only a better student and lawyer, but a better person. Professor Alleva had all of these traits and more; she encompasses what Dean Anthony Kronman described as a *Wisdom Beyond Technique*. She cultivated a classroom where we could have serious conversations that were respectful but also transformative, and where the high expectations she had for her students were matched only by her kindness. Professor Alleva has an exceptional ability to connect and reach students that profoundly impacted me. So much so, that as a third-year law student, I would joke with my classmates that I wish I could bring her with me after graduation. But here is the remarkable thing about outstanding professors: in some ways, that is exactly what happens. Her classes were so creative, memorable, and engaging, that at many times during my career, I was able to recall them just when I needed to the most. So here are some of the places Professor Alleva has been with me long after I walked across the stage at graduation.

Milwaukee, Wisconsin, 2006. I was a new law clerk and a motion to dismiss for lack of personal jurisdiction was pending before my judge. For a procedural motion, it was dense – depositions had been taken, and there were countless exhibits detailing the defendant’s activities – both digital and physical. I was swimming. But then I recalled our classroom conversations about *International Shoe* and *Burger King*, and how personal jurisdiction is ultimately a question about fundamental fairness, the touchstone of due process. I could almost hear Professor Alleva ask, in her fantastic New York accent I will never be able to imitate, “QUERY: Is it FAIR to bring this defendant to Milwaukee to defend its actions?” The answer became clear; the judge agreed, and we were able to move on to the next matter before the Court.

Chicago, Illinois, 2011. I am arguing a case before the Seventh Circuit Court of Appeals involving some of the greatest hits from Professor Alleva’s classes: a securities litigation case where I represented the plaintiff, and the defendant filed a 12(b)(6) motion to dismiss for failing to plead fraud with particularity as required by 9(b). During briefing, I was so passionate about the case, which the senior partner I worked with found peculiar yet

* Melissa H. Burkland graduated from the University of North Dakota School of Law in 2005 and is an Assistant United States Attorney in the United States Attorney’s Office for the District of North Dakota. This article is a slightly edited form of a speech presented at a Homecoming luncheon honoring Professor Alleva on September 21, 2018.

impressive. I told him I had a civil procedure professor who brought the rules to life. He got to hear how she would run back and forth across the room to explain how Rules 8(a) and 9(b) played tennis with one another. A few days later he told me he was going to let me argue the case, which was unheard of for most associates at our firm. Arguing before the Court was the best day of my professional life, matched only by the day about three months later when the opinion came out that we had won. I am thoroughly convinced that if Professor Alleva had not infected me with her boundless enthusiasm for the Federal Rules, I would not have had this incredible opportunity.

Madison, Wisconsin, 2015. When I took a brief hiatus from practicing law and worked at the University of Wisconsin Law School, it was the perfect time for me to return to Grand Forks for Homecoming to tour this beautiful new law school. It was an absolute pleasure to hear Professor Alleva talk about the *Power of New Learning Spaces* and her gratitude for this building and the human connections it fosters. It also reminded me why she makes this law school special – her desire to help, understand, and support students with such authenticity and integrity is awe-inspiring, and it certainly made me want to strive to do the same when I worked with law students.

Fargo, North Dakota, 2017. I just started my dream job as an Assistant United States Attorney, and I was thrilled to be home. I knew that the learning curve would be steep, the issues would be complex, and I wanted to do my very, very, very best. What serendipity to come across an article Professor Alleva co-authored about metacognitive learning: learning about learning. The world – legal and beyond – would be a better place if each of us were more intentional learners and used what Professor Alleva described as the “humility in consistently testing our assumptions about learning and demonstrating the intellectual and emotional discipline required for assessing the quality of the learning necessary to do our jobs as educators or practicing lawyers in a complex and rapidly changing world.”¹⁴³

This article is bookmarked on my computer and is a powerful reminder to be ever deliberate and intentional in my learning and my work.

Although Professor Alleva may be exiting the classroom, she has had far too much of an influence on far too many lawyers for her impact to ever retire. For over three decades, she has prepared lawyers to enter this profession, and she did it with humor, empathy, and love. I am grateful to be among the many lawyers she’s touched who can say, in no small part, thanks to Professor Alleva, we strive to bring fairness, honor, and justice to this profession each and every day.

143. Alleva & Gundlach, *supra* note 11, at 743.

*Alana K. Bassin**

Patti Alleva was a role model in and out of the classroom. It is not surprising that twenty-three years after I was an editor on the law review and graduated, she continued to have such a profound impact on her students that the law review has dedicated an entire journal issue to her. Though not surprising, it is incredible to consider the extraordinarily large number of young minds and talent she has undoubtedly positively influenced since she gave up her big firm New York City law practice to teach for the next thirty-two years at the University of North Dakota. It would not be a stretch to imagine that she may have thought this teaching job in this subwayless land was a stepping stone to others. How lucky we were that she stayed.

During my time in law school, she taught Federal Courts, typically to third-year students. Her teaching abilities were unparalleled. In the classroom, she was extremely prepared, thorough, and dynamic. She made the subject matter interesting simply by her enthusiasm for the law. We wanted to excel in her class because her dedication to the classroom was palpable, and giving her anything but my best effort would have been a disappointment. Her teaching wasn't just about covering the syllabus for the sake of academia – it was about conveying the information so that a student could understand its significance in the real-world context. Her commitment to teaching increased the students' desires to learn and master the material.

What was more unique than her teaching style, however, was her ability to relate to students. I was a 1996 graduate, which means our class started law school in the fall of 1993. Anita Hill testified in front of Congress less than two years prior to our class's first day of school, changing the world for women in regard to sexual harassment in the workplace. The same year that Anita Hill testified, a bystander filmed the Los Angeles police beating Rodney King, an event that ultimately resulted in the 1992 L.A. riots after the accused police officers were acquitted of criminal charges. And then in 1994, the world watched O.J. Simpson's slow-speed chase after Nicole Brown Simpson was murdered. America was evolving on women and racial issues. It was a remarkable time to be in law school, and the University of North Dakota law school was no different. If anything, the fact that it was a predominantly white school in a conservative state made issues more fascinating.

During my tenure at the school, I was a member and president of the Law Women's Caucus ("LWC"). This organization was the only group on

* Alana K. Bassin is a Partner in the Minneapolis office of Bowman and Brooke LLP.

the law campus that brought social issues to the student body for discussion. Not surprisingly, some of the topics were controversial, not only because they addressed new frontiers related to women and minorities, but because these issues sometimes collided with free speech. One specific event comes to mind after someone pasted a few misogynistic posters around the school on Helen Hamilton Day, a day where the LWC hosted a conference on women issues in honor of the law school's first woman graduate. The non-mandatory events typically had the largest turn out of students I saw during my three years at the school. These discussions didn't happen without faculty support, and Patti Alleva was the faculty advisor for LWC. She watched, guided, and helped students, including myself, grapple with these difficult issues, and provided support when necessary. She didn't preach and she didn't dictate. If there was a conversation that we thought needed to happen with the student body, she listened to us, steered us away from bad decisions, and most significantly, believed in our abilities to decide how to resolve the matter for ourselves. In short, she turned discussions into teachable moments for us – not just in the lessons learned but in how to deal with the issue.

It would sell her short to suggest that her contributions to the students were limited to the LWC. She would frequently appear as a guest judge/coach when we were preparing for the regional competition in Moot Court. Likewise, when the law review hosted its annual symposium, she was present and actively involved. There was never a time when she did not make herself and her expertise available to the students.

My years at the University of North Dakota would not have been the same without Professor Alleva. Coincidentally, I wrote to Professor Alleva a few years ago. I had been recognized for an award and wanted to share my gratitude to the people who had an impact on making me the person and lawyer I had become. Professor Alleva was one of those people. Fourteen years after graduation, I emailed her and wrote, "You and a few others were exceptional teachers and had a profound impact on me, and even today I really appreciate that."

Professor Alleva was an outstanding educator both in the classroom and outside of it. Her dedication to teaching and commitment to her students are unrivaled and the school will not be the same without her. The faculty and the students will miss not only a great professor but a great friend and mentor.

*Patric M. Verrone**

MY HERO, PATTI ANN

This promises to be a somewhat personal tribute to Professor Alleva. Footnotes and citations will be at a minimum. Others can attest to her remarkable attributes as a lawyer, a teacher, a scholar, and an administrator. I have more private details to discuss.

Full disclosure: I am Professor Patti Alleva's first cousin. She will always be "Patti Ann" to me. We share a namesake (our paternal grandfather, Pasquale "Pat" Verrone); a compulsive love of American history; a promising career in litigation which we both abandoned after only a few years (she to become one of the twenty-six best law teachers¹⁴⁴ and me to become, well, not that); and nearly a half century of irregularly scheduled/oft-postponed phone calls that are supposed to be "a quick hello" but inevitably last for hours.

Fuller disclosure: I wanted this piece to be a surprise. I suggested my unconventional idea to the editor-in-chief of this journal and, being a law student, he checked with a professor for guidance. Unfortunately, that professor was Patti. When she called me, I knew right away I was found out. She didn't try to talk me out of it, but I'm sure she was wary about what I would write. Would I mention "The History Question of the Week" that we traded at best quarterly around the time of the U.S. Bicentennial? Or perhaps the time she asked me to sculpt a clay bust of her favorite college professor? Could I resist the temptation to talk about how we would stay up late in those days discussing JFK conspiracy theories like they were spooky campfire tales? Yes, yes, and no. It was obvious that she didn't want me to write some gushy reminiscence about her unmatched devotion to a life in legal academia. In fact, she sounded like she didn't want *anyone* to write that. She sounded like she didn't want people to write about *her* much at all, but rather, to focus on her work and, especially, the substance of her work. That's so Patti.

Well, too bad. I'm going to talk about her personal qualities, and her professional qualities, and her work. I'm going to do it all by recreating four illustrative dialogue couplets, one from each decade of the late twentieth century:

* Patric M. Verrone has an A.B. from Harvard and a J.D. from Boston College Law School. He is an Emmy-winning television writer-producer whose credits include *The Tonight Show Starring Johnny Carson*, *The Simpsons*, and *Futurama*. His most recent writing work is this bio.

144. Okay, here's a footnote *and* a citation. See SCHWARTZ, HESS & SPARROW, *supra* note 1.

1967: PV: “Are you coming to my birthday party?” PA: “Yes, but I have a lot of homework.”

1977: PV: “Will I see you over Thanksgiving this year?” PA: “Yes, but only for a bit, I have to get back to studying for exams.”

1987: PV: “We’re in town for the day, can you come to dinner?” PA: “Yes, but just for dessert. I have a trial brief due.”

1997: PV: “Will you come to L.A. and be my daughter’s god-mother?” PA: “Yes, but I have a lot of class prep to do, and editing of my law review article, and work on a conference presentation, and you have to agree to come visit me in North Dakota.”

You get the idea. Family came first but work was a really, really close second.

Final disclosure: When I was in high school, I had to write an essay about “My Hero.” Although she was only a first-year law student at the time, I selected my cousin, Patti Ann. The actual essay is lost to history, but I choose to remember it as an insightful and even prescient detailing of her most exemplary features: a crystalline dedication to the task at hand, a demanding ethical demeanor, and a whipsaw brilliance, all of which would become her trademarks. I also remember that, soon after I wrote the essay, I decided that, just like her, I wanted to become a lawyer. I had no idea what that meant or what it required but, if Patti was doing it, it was the path to follow. (I wonder how my life would have been different had I written about my second choice, Batman.)

In the ensuing forty-three years, Professor Alleva has gone on to accomplish some pretty impressive things and do some very substantive work. I’ll let others talk about that. I just wanted you to know about my hero, Patti Ann.