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Evelyn A. Grosenick

*Public Defender's Office, Washoe County, Nevada*

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## In Defense of the Law Review: A Response to Megan S. Knize's Article, *The Pen Is Mightier: Rethinking the "Gladiator" Ethos of Student-Edited Articles*

Evelyn A. Grosenick\*

### I. INTRODUCTION

Law reviews have been heavily criticized for many reasons.<sup>1</sup> A recent voice to join this conversation is that of Megan S. Knize, former Editor-in-Chief of the *U.C. Davis Law Review*.<sup>2</sup> In her article, *The Pen Is Mightier: Rethinking the "Gladiator" Ethos of Student-Edited Law Reviews*, Knize contends that Professor Susan P. Sturm's "gladiator model"<sup>3</sup> explains the low rates of women's participation on law review and in leadership positions on the law review's editorial board.<sup>4</sup> In 1997, Professor Sturm suggested that a gladiator model of lawyering pervades the legal profession and legal education in the United States.<sup>5</sup> According to Professor Sturm, the gladiator model "celebrates analytical rigor, toughness, . . . quick thinking[, and] . . . competitiveness," because it "defines successful performance as fighting to win: an argument, a conflict, or a case."<sup>6</sup> Professor Sturm argued persuasively that the dominance of the gladiator ethos in legal education and the profession negatively impacts the success and participation rates of women in law school and beyond.<sup>7</sup>

Knize extends Professor Sturm's gladiator model to student-run law reviews, arguing that the gladiator model explains the existence of the "adversarial law review culture" and lower participation rates of women.<sup>8</sup> Knize argues that "the gladiator model emphasizes competition above collaboration, . . . focuses on

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\* Vanderbilt University, B.A., cum laude, Communication Studies, 2003; University of the Pacific, McGeorge School of Law, J.D., 2010. Currently a Deputy Public Defender for the Public Defender's Office, Washoe County, Nevada. Formerly a law clerk to the Hon. Janet J. Berry, Second Judicial District Court, Washoe County, Nevada, and the Hon. Garland Burrell, Jr., United States District Court for the Eastern District of California. The views expressed herein do not necessarily reflect the views or opinions of the author's current or former employers. The author wishes to sincerely thank each member of the *McGeorge Law Review*, Volume 45 team for their hard work and excellent input to this piece.

1. See, e.g., Bernard J. Hibbitts, *Last Writes? Reassessing the Law Review in the Age of Cyberspace*, 71 N.Y.U. L. REV. 615, 628–54 (1996) (providing a detailed account of various criticisms of the law review).

2. See Megan S. Knize, *The Pen Is Mightier: Rethinking the "Gladiator" Ethos of Student-Edited Law Reviews*, 44 MCGEORGE L. REV. 309 (2013).

3. Susan P. Sturm, *From Gladiators to Problem-Solvers: Connecting Conversations About Women, the Academy, and the Legal Profession*, 4 DUKE J. GENDER L. & POL'Y 119, 121–22 (1997).

4. Knize, *supra* note 2, at 311. Knize makes fleeting references to racial or cultural diversity. See, e.g., *id.* at 312, 315–16, 335. However, gender inequality is the clear focus of her article. See generally *id.*

5. Sturm, *supra* note 3, at 121.

6. *Id.* at 121, 128.

7. *Id.* at 131.

8. Knize, *supra* note 2, at 311, 327.

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rules, rather than relationships, . . . [and] promotes future leaders who conform most closely to the existing [male] structure . . .”<sup>9</sup> Knize avers that the law review’s focus on developing future gladiators alienates women, who generally prefer collaborating and building relationships above working individually, following rules, and meeting deadlines.<sup>10</sup> Knize also suggests that the gladiator ethos excludes women from leadership positions on the editorial board because women tend to have more nurturing and caring leadership styles.<sup>11</sup> At the conclusion of her article, Knize suggests some ways that law reviews might improve their processes to make their cultures more women-friendly.<sup>12</sup> These suggestions include incorporating more subjective criteria into the membership selection process, encouraging collaboration between senior editors and newer members, introducing formal mentoring programs, and making a concerted effort to appoint or elect more women to leadership positions within the law review.<sup>13</sup>

For the most part, Knize’s description of “the law review experience” does not reflect what I observed or experienced as a former member or as Editor-in-Chief of the *McGeorge Law Review*. I cannot reconcile Knize’s argument that the gladiator ethos promotes competitiveness on the law review with my experience that law review was the one place in law school where teamwork was essential to success. I also found that law review provided a natural opportunity to seek mentoring relationships with senior editors and professors, which contrasts with Knize’s assertion that the law review hierarchy and rules undermine attempts to foster mentoring relationships. Finally, in my experience, the most effective leaders on the law review, both men and women, possessed a variety of skills that included some of the gladiator skills Knize criticizes and also traditionally “feminine” characteristics such as empathy and nurturing.<sup>14</sup> I was not able to reconcile my observations of effective leaders with Knize’s assertion that law reviews promote “gladiators” to the exclusion of women solely because women tend to exhibit more nurturing and caring leadership styles.<sup>15</sup>

To some extent, the disconnect between the law review Knize describes and my own experience is probably due to variations in the law review experience among law schools and individuals.<sup>16</sup> But on a more fundamental level, I believe the gladiator model is an incomplete tool for analyzing flaws in the law review

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9. *Id.* at 325–26.

10. *Id.* at 326–28.

11. *Id.* at 326–27.

12. *Id.* at 332–36.

13. *Id.*

14. *Id.* at 327.

15. *Id.*

16. Cf. Felice Batlan, PhD et al., *Not Our Mother's Law School?: A Third-Wave Feminist Study of Women's Experiences in Law School*, 39 U. BALT. L.F. 124, 127 (2009) (describing the results of a survey of women's experiences in law school that challenged the idea that all women share a common law school experience, which other studies concerning women's inequality have presumed).

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culture, because the definition of success that drives Professor Sturm's gladiator model differs in significant ways from the definition of success on the law review. A central premise of Professor Sturm's gladiator model is that a misguided focus on litigation in the legal profession has caused legal education to develop in a way that celebrates the skills that are necessary to win an argument or a case.<sup>17</sup> In contrast, the student-run organization and publishing aspects common to all law reviews require some degree of teamwork for success. Therefore, the individual qualities that are necessary for the law review to be successful undermine the application of Professor Sturm's gladiator model in that context.

In addition, many of the aspects of the law review that Knize criticizes—the hierarchical structure, rules, and deadlines—serve important purposes for accomplishing publication that have nothing to do with gender.<sup>18</sup> When the law review is viewed through a gender-neutral “team paradigm,” Knize's criticisms of these aspects of the law review as making women “uncomfortable”<sup>19</sup> are troubling. Knize's argument could be read to suggest that women in general are not as capable of working in a hierarchy, following rules, and meeting deadlines. I do not believe this was Knize's intent, but it is a potential pitfall of trying to manipulate the gladiator model to fit the law review.

## II. PROFESSOR STURM'S GLADIATOR MODEL IN CONTEXT

Professor Sturm used the gladiator model to link three previously separate conversations: the marginalization of women and minorities, “the appropriateness of the values and goals of the prevailing legal educational mission,” and the traditional law school curriculum's lack of emphasis on ethics and professionalism.<sup>20</sup> She suggested that an examination of “women's experience in law school and in the profession” can lend important insight into “more general institutional limitations.”<sup>21</sup> Therefore, she analyzed the gladiator model's negative impact on women as part of her broader critique of the entire legal profession's misguided focus on litigation.<sup>22</sup> Professor Sturm explained that “the litigation model continues to drive much of the analysis of lawyers' roles,” but it “does not accurately depict the range of demands on lawyers, including

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17. Sturm, *supra* note 3, at 121.

18. See generally Knize, *supra* note 2.

19. *Id.* at 327–31.

20. Sturm, *supra* note 3, at 119–21.

21. *Id.* at 126.

22. See generally Sturm, *supra* note 3. Professor Sturm cautioned that “[l]aw schools may well be socializing students to operate within a model of professionalism that is deeply problematic in the current economic and political world.” *Id.* at 132.

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counseling, mediating, advising, planning, problem-solving, and facilitating transactions.”<sup>23</sup>

Professor Sturm argued that the gladiator model defines success as winning, due to the legal profession’s overwhelming focus on litigation.<sup>24</sup> In legal practice, success means winning “an argument, a conflict, or a case.”<sup>25</sup> Therefore, qualities such as “toughness,” “competitiveness,” “quick thinking,” and “intellectual rigor” are highly valued.<sup>26</sup> Unsurprisingly, legal educational curricula and teaching methods have developed with a focus on cultivating these skills in future attorneys.<sup>27</sup> Professor Sturm reasoned:

Legal education plays a pivotal role in socializing lawyers to the primacy of the gladiator model. Law schools’ pedagogy, curriculum, and placement tend to be structured around this one-size-fits-all gladiator model of lawyering. The gladiator model channels who is accepted into law school: those predicted to be analytically rigorous, as measured by performance on law school entrance exams. It frames the content of the curriculum, which is organized around an adversarial, litigation model aimed at using tools of analytic reasoning to advance a claim and win an argument. It structures how students are taught: in large, hierarchical classes emphasizing quickness and performance, as opposed to deep thinking and communication. It emerges in the prevailing system of evaluation: issue spotting, timed exams, and an emphasis on abstract analytical reasoning. All of these aspects of dominant law school culture are highly individualistic in their mode of learning, performance, and evaluation. Determining winners and losers defines the pattern of interaction, both substantively and pedagogically.<sup>28</sup>

Professor Sturm used this criticism of legal education to further explain gender inequality in law school.<sup>29</sup> She noted:

There is some evidence that the overwhelming emphasis in law classes on conflict, winning a fight, and demonstrating the capacity to demolish opposing perspectives contributes to lower levels of participation [by women]. The structure and implicit culture of the gladiator model tolerates and may encourage peer harassment, one of the more enduring forms of exclusion in the law school culture. The law school examination

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23. *Id.* at 134–35.

24. *Id.* at 121.

25. *Id.*

26. *Id.* at 121, 128.

27. *Id.* at 128–29.

28. *Id.*

29. *Id.* at 131.

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system, with its focus on issue spotting and quickness, devalues other aspects of successful performance that may be as or more important to successful performance as a lawyer.<sup>30</sup>

Therefore, a central premise of Professor Sturm's gladiator model is that the development of legal education has been shaped by the purpose legal education purports to serve—preparing law students for practice.<sup>31</sup> The ultimate goal of legal education perpetuates the gladiator ethos and drives legal educational curricula, teaching methods, and law school culture generally.<sup>32</sup>

### III. KNIZE'S CRITICISMS OF THE LAW REVIEW

Knize avers that the gladiator ethos Professor Sturm described also pervades the law review.<sup>33</sup> She claims that the gladiator ethos manifests itself by "emphasizing competition over collaboration, prioritizing rules over relationships, and encouraging 'masculine' leadership characteristics."<sup>34</sup> According to Knize, the gladiator ethos deters women from joining the law review and from attaining leadership positions on the law review's editorial board.<sup>35</sup>

Knize contends that the gladiator ethos manifests its emphasis on competition and individualism over collaboration during membership selection, the Comment writing process, and editorial board selection.<sup>36</sup> She argues that students compete against their peers to join the law review by "battling during their first year for top grades or by enduring a write-on competition that may involve seclusion for a week or more while editing citations and preparing a legal analysis that will be judged by experienced law review editors."<sup>37</sup> Knize avers that, once accepted onto the law review, members experience the gladiator ethos' preference for individualism over collaboration through the solitary nature of their work, which primarily consists of editing articles for publication and writing a student Comment or Note.<sup>38</sup> According to Knize, new members compete with each other to gain favor with editors,<sup>39</sup> who select the next group of leaders to run

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30. *Id.*

31. *Id.*

32. *Id.*

33. Knize, *supra* note 2, at 325–26.

34. *Id.* at 309.

35. *Id.* at 327, 329.

36. *Id.* at 326.

37. *Id.*

38. *Id.*

39. Law students typically join the law review in their second year of law school. I use the term "members" to describe these second-year law students who are new to the law review. Towards the end of their first year of membership, members can seek leadership positions on the board of editors, which governs the student-run law review. For consistency with Knize's article, I use the term "editors" to refer to members of the

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the organization.<sup>40</sup> Knize posits that “[s]tudents work all year to complete a paper that meets the editors’ strict criteria, which means law review members must frequently defend their writing style and research to their editors, while also revising and returning drafts under tight deadlines.”<sup>41</sup> According to Knize, these aspects of the law review deter women from even seeking membership, because women generally prefer collaborating over working individually and building relationships over following rules.<sup>42</sup>

Knize also claims that the gladiator ethos is “reflected by both highly restrictive rules for law review members and rules within the institution’s structure.”<sup>43</sup> According to Knize, “[e]ditors will deem successful those students who always meet deadlines and who adhere to the traditional format of law review writing.”<sup>44</sup> She contends that law review bylaws that require editors to punish student members who turn in assignments even a minute late “discourage editors from ‘relaxing the rules’ or showing empathy and compassion for a colleague who cannot finish her work on time.”<sup>45</sup> Knize also notes that editors punish members whose work is incomplete or contains errors.<sup>46</sup> Knize opines that the hierarchical structure and emphasis on rules make it difficult for student members to foster relationships with editors.<sup>47</sup> According to Knize, this hierarchical structure and focus on rules and deadlines alienates women by “send[ing] a message that a female ethic of care is inappropriate and unwelcome.”<sup>48</sup>

Knize also argues that the pervasive gladiator ethos promotes leaders who are “decisive, aggressive, and steadfast,” which Knize describes as traditionally “male” leadership traits.<sup>49</sup> She suggests that “the outgoing [editors] may look for leadership that reflects their own image, probably voting for students who will exhibit a tough, masculine leadership style.”<sup>50</sup> Knize notes that in contrast to men, women tend to have more nurturing and caring leadership styles.<sup>51</sup>

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board of editors. At McGeorge, we also had an intermediate level of “primary editors” who oversaw the editing and writing of a group of members. Cf. *McGeorge Law Review: Publications*, MCGEORGE.EDU [http://www.mcgeorge.edu/Publications/McGeorge\\_Law\\_Review/Editorial\\_Staff.htm](http://www.mcgeorge.edu/Publications/McGeorge_Law_Review/Editorial_Staff.htm) (last visited Sept. 2, 2013) (on file with the *McGeorge Law Review*).

40. Knize, *supra* note 2, at 326.

41. *Id.*

42. *See id.* at 327.

43. *Id.*

44. *Id.* at 328.

45. *Id.*

46. *See id.*

47. *See id.*

48. *Id.* at 328–29.

49. *Id.*

50. *Id.* at 329–30.

51. *Id.* at 329.

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Knize relies on the “different voice” theory for her argument that the gladiator ethos has a negative effect on women’s participation on law review.<sup>52</sup> The “different voice” theory is based on the premise that men and women possess fundamentally different characteristics and values.<sup>53</sup> According to the “different voice” theory, our society undervalues female characteristics and values.<sup>54</sup> As Knize explains, “[w]here the culture of an institution values male qualities and male communication styles, women who embrace a different voice and choose not to speak male as a second language may feel ignored and marginalized.”<sup>55</sup> Applying this theory to the law review, Knize argues that women may self-select themselves out of the law review experience because they feel “uncomfortable” working in an organization that emphasizes rules, deadlines, and individualism over collaboration and relationships.<sup>56</sup> Similarly, Knize contends women may choose not to seek leadership positions on the editorial board because they do not want to conform to a “male” leadership style or suffer the inevitable criticism that accompanies the “double bind.”<sup>57</sup>

In her article, Knize describes a law review where students are pitted against each other as adversaries in high-pressure situations at every stage of participation, from the initial membership selection process through appointment or election to the board of editors.<sup>58</sup> Members of the board of editors, whom Knize describes as “decisive, aggressive, and steadfast,”<sup>59</sup> strictly enforce the rules and deadlines and administer harsh punishment to staff members who fail to comply.<sup>60</sup> According to Knize, law reviews actually promote and encourage such behavior.<sup>61</sup>

While Knize recognizes that “the gladiator model is especially problematic for those who do not agree with the model’s definition of ‘success’ as ‘winning in battle,’”<sup>62</sup> she does not explain what incentives the law review has, if any, to perpetuate the gladiator ethos. She implies that the gladiator ethos is ingrained in the institution’s structure and processes,<sup>63</sup> which parallels Professor Sturm’s argument. However, Professor Sturm’s gladiator model is based on the premise that the definition of success in the legal profession—winning battles—

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52. *See id.* at 317–20, 326–27.

53. Katharine T. Bartlett, *Feminist Perspectives on the Ideological Impact of Legal Education upon the Profession*, 72 N.C. L. REV. 1259, 1260 (1994).

54. *Id.*

55. Knize, *supra* note 2, at 318 (internal quotation marks and citations omitted).

56. *See id.* at 321, 327–29.

57. *Id.* at 329–31; *see also* Deborah L. Rhode, *Gender and the Profession: The No-Problem Problem*, 30 HOFSTRA L. REV. 1001, 1004–06 (2002) (discussing the “double-bind”).

58. Knize, *supra* note 2, at 326–27.

59. *Id.* at 329.

60. *Id.* at 323–24, 326, 328.

61. *Id.* at 310, 325–26.

62. *Id.* at 326.

63. *Id.* at 322–24.



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perpetuates the gladiator ethos in legal education because the goal of legal education is to prepare students for practice.<sup>64</sup> Professor Sturm argues that due to the legal profession's persistent but misguided focus on litigation, legal education has evolved with a focus on developing the skills necessary to be a successful litigator, including toughness, competitiveness, and analytical rigor.<sup>65</sup> Unlike legal education generally, the law review is not singularly focused on preparing its members to litigate.<sup>66</sup>

#### IV. A DIFFERENT PERSPECTIVE

The student-run law review is unique as an institution because it is a student organization, a publication, and a component of legal education. In this sense, it serves a variety of purposes, which Knize acknowledges in her article.<sup>67</sup> Ideally, the law review publication enhances its law school's reputation and provides meaningful contributions to legal discourse through the publication of scholarly articles.<sup>68</sup> The law review also offers its members the opportunity to develop their editing, legal research, legal analysis, and writing skills.<sup>69</sup> In addition, the law review affords the opportunity to gain "experience in managing a student-run publication, in getting the issues out on deadline, in keeping within a budget, and in dealing with temperamental, and often imperious, contributors of articles."<sup>70</sup>

While the law review experience will undoubtedly vary depending on the individual, an inherent, common experience does emerge in some respects as a result of every law review's common goal of publication. The definition of success on any law review necessarily requires publishing a certain number of issues each year. Due to the amount of work necessary to meet the publishing requirement, members of the law review must work as a team.<sup>71</sup> The organizational hierarchy, rules, and deadlines Knize criticizes facilitate

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64. Sturm, *supra* note 3, at 134–35.

65. *Id.* at 121, 128–29.

66. *Cf.* Hibbitts, *supra* note 1 (noting other purposes that the law review serves).

67. Knize, *supra* note 2, at 322–23 (citing E. Joshua Rosenkranz, *Law Review's Empire*, 39 HASTINGS L.J. 859, 901 (1988)).

68. *Id.* at 322; *see also* Hibbitts, *supra* note 1, at 621–24 (discussing the evolution and purposes of law reviews).

69. Knize, *supra* note 2, at 322.

70. Dolores K. Sloviter, *In Praise of Law Reviews*, 75 TEMP. L. REV. 7, 7 (2002).

71. *See* E. Joshua Rosenkranz, *Law Review's Empire*, 39 HASTINGS L.J. 859, 871 (1988) (“[T]he law review’s members . . . must work hard toward a common goal: to create a product that bears their names and reflects their collective identity.”); SHERYL SANDBERG, *LEAN IN: WOMEN, WORK, AND THE WILL TO LEAD* 48 (2013) (“By definition, all organizations consist of people working together. Focusing on the team leads to better results for the simple reason that well-functioning groups are stronger than individuals. Teams that work together well outperform those that don’t.”).

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teamwork. These aspects of the law review also prepare law students for practice in ways that traditional classroom education does not.<sup>72</sup>

The *McGeorge Law Review (MLR)* provides a concrete example of how the publication requirement fosters teamwork and influences the law review culture. The *MLR* is required to publish four issues per year. Each issue contains several hundred pages of text and hundreds or thousands of citations to other scholarly works. Members of the *MLR* edit the text of each article for grammar, spelling, and typographical errors. Each citation must be cross-checked with the source to ensure that the author accurately attributed the cited proposition to the correct source and did not plagiarize. Because the source-checking process requires the members to view each original source cited in each article, the *MLR* collects a copy of each source cited in each article before the editing begins to make the cite-checking process more efficient.

In addition, members of the editorial board must oversee the organization, formatting, and other details that are necessary to create a cohesive publication. Hundreds of articles submitted for publication must be read and offers extended to authors whose articles the *MLR* wishes to publish. It is also necessary for a representative of the *MLR* to communicate with each author concerning proposed changes to his or her article on numerous occasions throughout the publishing process. The sheer amount of work required to publish four issues in a single year is more than one person, or even a few hard-working individuals, can accomplish in that short time-frame. Therefore, members of the *MLR* must work as a team to achieve publication.

To that end, the hierarchical structure of the *MLR* reflects a natural division of labor necessary to accomplish publication. The newest, least experienced editors are the first to review each article in detail and substance, and hopefully they identify the most obvious errors. During my time on the *MLR*, two members simultaneously but independently edited the same section of an article to increase the chances of catching every error. At the same time, these less experienced team members learn how to research the cited sources, find errors, think about ways in which the author can communicate his or her ideas more effectively, use

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72. David C. Yamada, *Therapeutic Jurisprudence and the Practice of Legal Scholarship*, 41 U. MEM. L. REV. 121, 146 (2010).

As the Honorable Dolores K. Sloviter, Judge for the Third Circuit Court of Appeals, noted:

[Law reviews] provide an opportunity for intensive legal analysis with another student on a one-on-one basis. While working on a law review, a student develops, often for the first time, the skill of taking criticism from a peer rather than a professor, and conversely, as an editor, giving criticism that is both tactful and constructive. These skills developed by working in small groups on a single project will be essential in law practice, whether in a large firm or small one. They will be similarly important in government legal offices where young lawyers are likely to be carefully supervised and the briefs they draft strictly edited. Law reviews provide experience in managing a student-run publication, in getting the issues out on deadline, in keeping within a budget, and in dealing with temperamental, and often imperious, contributors of articles.

Sloviter, *supra* note 70, at 7.

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a citation manual, and budget their time.<sup>73</sup> Meanwhile, the more experienced editors select articles, communicate with authors, decide how to apportion the editing work as fairly and evenly as possible, set deadlines, make decisions that affect the quality, organization, and uniformity of the publication, and perform their own in-depth edits of each article.

The amount of work and the need for uniformity and quality also require the law review to set and follow rules. During my time on the *MLR*, the organization consisted of approximately fifty members, including new members, "primary editors," who were in their second year of law review and oversaw small groups of new members, and the editorial board. Rules governing procedures for gathering sources, use of law review resources, and substantive editing were essential to coordinate the work of fifty individuals into a single product. In addition, some of these rules actually supported bonding between new members. For instance, one rule prohibited members from removing from the law review workspace the pre-gathered sources that were necessary for citation-checking to ensure that the materials would be available to everyone. This rule essentially forced members to complete the bulk of their editing work in the law review office alongside their peers. Members were encouraged to discuss the editing and collaborate on solutions to editing problems that were not straightforwardly addressed in the citation manual, bylaws, or grammar books. The only limitation on this process was that each member was required to individually complete an edit of the section to which he or she was assigned. Although members frequently complained to each other during the edits about the amount and nature of the work, the common editing experience more frequently led to bonding between peers, not competition.

In addition to rules that govern an organization, publishing *requires* setting and enforcing deadlines. Even with aggressive deadlines, publication often falls well behind schedule due to unforeseen circumstances. The more work that is completed on schedule, the easier it is for the editorial board to work around the unexpected problems that inevitably arise. Knize's main criticism of rules and deadlines is that, in the law review she describes, editors unnecessarily and harshly enforce those rules and deadlines.<sup>74</sup> However, in my experience, the deadlines were always reasonable and fair to the members. The editorial board took great care not to assign editing just before or during exams and made sure the editing deadlines were staggered between periodic deadlines for completing portions of student Notes or Comments. Members were informed well in advance that they would receive an editing assignment on a certain date and that the

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73. Yamada, *supra* note 72, at 146 (noting that "[e]diting articles for publication offers [an] intensive drill in the detail-oriented work of a lawyer" and that "[s]tudents holding editorial board positions are afforded opportunities to develop management, communications, and interpersonal skills"); Joshua D. Baker, *Relics or Relevant?: The Value of the Modern Law Review*, 111 W. VA. L. REV. 919, 929-30 (2009).

74. Knize, *supra* note 2, at 328.

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assignment would be due on a particular date, usually several weeks after they received the assignment. This sharing of information allowed members to plan ahead for the extra work of an editing assignment. Members had plenty of notice of upcoming assignments and sufficient time to complete those assignments if they did not wait until the night before the assignment was due to start working on it. In my experience, most missed deadlines were due to procrastination and not legitimate reasons, such as experiencing a sudden illness or family emergency.<sup>75</sup> Ultimately, rules and deadlines are essential to coordinating and completing the work of such a large team.

Working effectively as an individual *and* on a team within a hierarchical organization, following rules, and meeting deadlines are necessary for success in almost any field, not just the law. Arguably, the abilities to read and follow rules and complete work in a timely manner are necessary for mere competence in the law, not just success. In my experience as a judicial law clerk in both state and federal courts, too many attorneys routinely fail to follow rules and meet deadlines to their clients' detriment. For these reasons, a hierarchical structure, rules, and deadlines serve important purposes that have nothing to do with gender—they are necessary to successfully advocate for clients in the legal profession and accomplish publication in the law review context.

The law review also creates natural opportunities for new members to develop mentoring relationships with editors and professors. The *MLR* was organized so that each new member was paired with at least three different primary editors, who oversaw the new member's source-gathering, editing, or progress on his or her student Note or Comment.<sup>76</sup> The pairing of new members with more experienced editors was an aspect of the hierarchy that provided the opportunity to foster mentoring relationships with other editors. In addition, each member was required to find a professor who would serve as a resource for that member's student Note or Comment. Members were encouraged to keep their professors apprised of their progress and seek advice from them.<sup>77</sup> Therefore, the hierarchical structure and the writing process actually encouraged the development of mentoring relationships rather than undermining it.

Further, successful publication requires teamwork; leadership qualities such as consensus-building, nurturing, and the ability to work effectively with, or

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75. Our editorial board had a consistent policy of granting extensions and working with students who needed an extension due to these types of reasons.

76. This observation was also noted in a study conducted by Professor Jennifer C. Mullins and Assistant Professor Nancy Leong. See Jennifer C. Mullins & Nancy Leong, *The Persistent Gender Disparity in Student Note Publication*, 23 *YALE L.J.* 385 (2011). The study showed that twenty-seven of twenty-nine law reviews that responded to a survey reported having formal Note writing processes in which members were required to complete a student Note or Comment "with the guidance of a third year editor or mentor." *Id.* at 404–05.

77. Professors Mullins and Leong also noted the vital role of professor involvement in the Note and Comment writing process in another survey they performed. See *id.* at 409–10 (concluding that "professor involvement vitally influenced many published notes" based on a survey of student authors whose Notes or Comments were published).

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“manage,” a variety of strong personalities are equally as important as toughness, decisiveness,<sup>78</sup> and analytical rigor in fostering teamwork.<sup>79</sup> At times, Knize describes members of the law review as “adversarial,” “aggressive,” and “arrogant.”<sup>80</sup> A leader who behaves in an adversarial, aggressive, or arrogant manner towards his or her own team has the potential to destroy the law review’s productivity and create distractions.<sup>81</sup> In my experience as an outgoing editor selecting the next group of leaders, we tried to avoid individuals like those Knize describes, not promote them. In addition, we did not merely select individuals for specific positions on the editorial board; we also tried to build a cohesive team of leaders who we believed could work together effectively and would put the needs of the organization above their own individual needs.<sup>82</sup>

In this regard, the traditionally “feminine” characteristics Knize describes—empathy, nurturing, caring, and a preference for collaboration and teamwork<sup>83</sup>—are important characteristics for an effective leader—and an effective attorney—to have.<sup>84</sup> For instance, if a law review member experiences a family emergency or sudden illness just before an editing assignment is due and cannot meet the deadline, the editors could approach that situation in different ways. One option would be to rigidly enforce the deadline, chastise that person, and assign them additional work to be completed at a later date. However, this approach would probably alienate the member, male or female, because he or she would not feel like a valued member of the team. Alienating a member of the team is counterproductive. A better course might be to express empathy and either provide some latitude on the deadline or seek volunteers who could pick up the slack. Therefore, the law review provides an opportunity for women to attain leadership roles in which nurturing and caring leadership qualities are valued.

To be clear on this last point, however, I am not suggesting that someone who only exhibits empathy and caring, and who is unwilling or unable to be decisive, tough, or, at times, aggressive, would be an effective leader of the law review. Rather, based on my observations of both men and women who have

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78. Knize, *supra* note 2, at 329.

79. Sturm, *supra* note 3, at 121.

80. See Knize, *supra* note 2, at 311, 315, 329.

81. Cf. SANDBERG, *supra* note 71, at 34 (distinguishing confidence from arrogance and noting that “no one likes [arrogance] in men or women”).

82. I am not asserting that members of the editorial board like those Knize describes do not hold leadership positions. However, I think those individuals hold leadership positions in spite of arrogance, not because the law review culture encourages it.

83. Knize, *supra* note 2, at 326–27, 329.

84. Jennifer L. Rosato, *The Socratic Method and Women Law Students: Humanize, Don't Feminize*, 7 S. CAL. REV. L. & WOMEN'S STUD. 37, 57 (1997) (“The ultimate goal is for all lawyers to speak multiple languages to foster the most effective legal representation and the development of a just world.”); Caitlin Howell, *Combating Gender Inequities in Law School: Time for A New Feminist Rhetoric That Encourages Practical Change*, 4 MODERN AM. 36 (2008) (“[T]he legal profession increasingly values collaboration, group problem-solving, role flexibility, and proffering question as well as criticisms.”).

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held leadership positions on the law review, effective leaders in the law review context have a range of skills and qualities and, most importantly, the good judgment to know which one to employ in any given situation. In certain situations, the only way to advance the best interests of the law review is to be aggressive, decisive, or steadfast. In other situations, it is necessary for a leader to demonstrate empathy or nurturing to bring the team together. I also believe, again based on my own experience, that there is intrinsic value in having the ability to exhibit some of the qualities that Knize criticizes. It is important to be able to be tough, decisive, and aggressive if a situation calls for it, especially as an attorney. I do not believe a woman has to completely abandon her “feminine” strengths to be tough and stand up for herself or others.<sup>85</sup>

Finally, the aspects of the law review described above also undermine the prevalence of competition among members of the law review. Knize avers that competition exists in the membership selection, the Note- and Comment-writing process, and editorial board selection.<sup>86</sup> I agree that the membership selection process can be competitive. Like many law reviews, the *MLR* allowed students whose first-year grades placed them in a certain percentile to “write-on” to the *MLR*. However, receiving first-year grades that made a student eligible to participate in the write-on process was the most competitive aspect of law review membership selection. Students who participated in the write-on process did not compete against their peers for a place on the team. Class rank was not considered during the selection process. More importantly, there was no ceiling on the number of students who could join the law review. The editors could select as many students as they felt would be valuable editors and writers. In addition, the write-on process was gender-blind in the sense that it was completely anonymous.

The only competitive aspect of the Note- or Comment-writing process was in seeking publication. However, members received support and encouragement from professors and editors in this pursuit, so they were not completely alone. In addition, members were not limited to seeking publication in the *McGeorge Law Review*; they were free to seek publication elsewhere as well. Similarly, there was competition for positions on the editorial board in the sense that there was a limited number of positions available to fill. However, the outgoing editors were looking to build an editorial team in which each individual editor would place the needs of the organization above his or her own personal needs. Therefore, behaving too competitively or aggressively with peers did not benefit those members in the editorial board selection process. In addition, many members bonded with their peers and editors through the grueling editing experience. Since “[d]etermining winners and losers [did not] defin[e] the pattern of

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85. Cf. Knize, *supra* note 2, at 315–16 (arguing that the gladiator ethos alienates people “who do not wish to challenge their professors or defend their thinking in front of an audience”).

86. *Id.* at 326.

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interaction, both substantively and pedagogically,<sup>87</sup> on the *MLR* as it does in the law school classroom, competition was not as prevalent on the *MLR* as Knize suggests it is in her description of the law review.

V. CONCLUSION

I recognize that experiences vary greatly among law reviews and individuals. Despite individual differences among law review cultures, the need to publish issues influences the definition of success on all law reviews, which creates a common experience in some respects. Furthermore, this need to publish differentiates the definition of success in the law review context from the definition of success in the legal field and legal education. The main weakness of the gladiator model as an analytical tool for criticizing the law review is that it fails to take into account the full definition of success on the law review. Whereas the definition of success as winning drives the gladiator culture at law schools under Professor Sturm's gladiator theory, the definition of success on the law review also includes producing a publication, which requires the members to work as a team. Publication cannot be accomplished without many of the aspects of the law review that Knize criticizes. In addition, the publication requirement encourages teamwork and creates an environment that celebrates prioritizing the needs of the team over the desires of the individual.

I am not arguing that the law review as an institution is perfect, nor do I believe that it is insulated from gender inequality. Rather, I am suggesting in response to Knize's article that the necessity for teamwork on the law review counteracts the potential effect of the gladiator ethos and makes the law review more female-friendly than the typical law school classroom. Further, the hierarchical structure, rules, and deadlines serve essential gender-neutral purposes on law review and beyond.

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87. Sturm, *supra* note 3, at 128–29.