

## To Show Virtue Her Own Feature

Pavel Wonsowicz



### ABSTRACT

Each year, the UCLA School of Law presents the Rutter Award for Excellence in Teaching to an outstanding law professor. On April 3, 2012, this honor was given to Professor Pavel Wonsowicz. *UCLA Law Review Discourse* is proud to continue its tradition of publishing a modified version of the ceremony speech delivered by the award recipient.

### AUTHOR

Professor Pavel Wonsowicz teaches Evidence and Constitutional Law and serves as the Director of the Academic Support Program at UCLA School of Law. He previously taught at UNLV's Boyd School of Law and Vermont Law School, where he won the Student Bar Association's Professor of the Year Award at both schools.

About seven years ago, I had a wonderful day job—I was a professor at the Boyd School of Law at University of Nevada, Las Vegas. But, I also had a great night job (no, I wasn't a cocktail waiter or a blackjack dealer)—I acted with a repertory theater company that performed Shakespeare in the park. One year we performed *Hamlet*, and I played two roles—the ghost of Hamlet's father, and the Player King. The Player King was the lead actor in the play within the play that Hamlet wrote. The Player King was brash, insecure, a junior varsity pretty boy, and a total ham. It was the role that I was born to play.

And, in *Hamlet*, the character of Hamlet gave the Player King advice on how to be an actor. This teenage punk prince, born with a silver spoon in his mouth, is telling me, the Player King, how to act. His advice went like this:

Speak the speech, I pray you, as I pronounced it to  
you, trippingly on the tongue . . . .  
. . . Nor do not saw the air  
too much with your hand, thus, but use all gently;  
for in the very torrent, tempest, and . . .  
. . . whirlwind of passion, you must acquire and beget  
a temperance that may give it smoothness. . . .  
. . . .  
Be not too tame neither, but let your own discretion  
be your tutor: suit the action to the word, the  
word to the action; with this special observance, that you o'erstep not  
the modesty of nature: for any thing so overdone is  
[removed] from the purpose of playing, whose end . . .  
. . . was and is, to hold . . . the  
mirror up to nature; to show virtue her own feature . . . .<sup>1</sup>

My character was insulted by Hamlet's words, but a funny thing happened to the actor. The words from my night job started seeping into my day job. For a long time, I had believed that the role of the professor is professing. I thought that this professor gig was about knowledge transmission rather than learner empowerment. I used the Socratic Method as a default, and, far too often, I wanted to be the one articulating all the intelligent insights in the class. But maybe Hamlet had something to teach me—like an actor, maybe a professor should be “hold[ing] . . . the mirror up to nature; to show virtue her own feature.”<sup>2</sup>

Now, that's a bit deeper than I usually like to think, but I wanted to explore it more. If I'm holding a mirror up to nature, does that mean that I should be

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1. WILLIAM SHAKESPEARE, *HAMLET* act 3, sc. 2.  
2. *Id.*

putting the outside world in the mirror to show to my students? That certainly didn't make me feel comfortable. I wasn't sure I had that knowledge. First, if I possessed deep, unique insight into how the world truly is, why wasn't I making more money? Second, I believe that knowledge is socially constructed, so any world I put in that mirror is going to be filtered by me. In short, if I was supposed to be the lighthouse, this beacon of absolute truth, then a lot of ships were going to crash on the shore.

But, maybe there was a better interpretation. Maybe, just maybe, I should be showing the mirror to the students, to show each of you the virtue in your features—your intelligence and passion, your love of learning, and your quest for justice. Maybe this was the way to go from knowledge transmission to learner empowerment. And this interpretation immediately felt right. From my vantage point, I never felt comfortable in the “Sage on the Stage” role; I'd much rather be the “Guide on the Side.”<sup>3</sup> From a pedagogical perspective, this also felt right. I always felt, as both a student and a professor, that the classroom was a radical space of possibility.<sup>4</sup> In the best classes, anything felt possible and no question seemed unanswerable—we grappled with ideas, rethought our assumptions, and examined our mental models of reality. It wasn't the professor's class or the students' class, but *our* class. Sharing the power in the classroom would allow students to feel engaged, empowered, and connected to each other; this didn't have to be adversarial, and it didn't have to be about me hoarding all the power in the classroom.

Plus, this fit with my personal beliefs. I'm an absolute sucker for the poetry of Walt Whitman, and I share his view that “your very flesh shall be a great poem.”<sup>5</sup> I wanted to share in the poetry of my students and maybe share a poem or two of my own. I remembered how I felt as a law student—awkward, riddled with self-doubt, fearing failure (I'm sure I'm the only law student who ever felt this way)—and didn't want that in my classroom. So, it was decided, seven years ago: I would make my class a mirror reflecting the virtue of my students.

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3. See generally Alison King, *From Sage on the Stage to Guide on the Side*, 41 C. TEACHING 30 (1993).

4. I first encountered the terminology “radical space of possibility” in the work of bell hooks. See BELL HOOKS, *TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM* 12 (1994).

5. WALT WHITMAN, *LEAVES OF GRASS*, at vii (David S. Reynolds ed., Oxford Univ. Press 2005) (1855) (“[A]nd your very flesh shall be a great poem and have the richest fluency not only in its words but in the silent lines of its lips and face and between the lashes of your eyes and in every motion and joint of your body . . .”).

Now that was a good day's work. I could have thought about how to accomplish that end, but I lived in Vegas, so I went to the Bellagio and played poker until 3:00 a.m. instead.

But, at some point, I needed to figure out how to turn this vision into a reality in the classroom. I assumed that this insight would just naturally flow to my teaching. My new insight would allow me to speak "trippingly on the tongue"<sup>6</sup> and empower everyone in the room. I stepped up to the podium with a head full of lightning, but I left the podium with a hat full of rain. Hamlet's advice mocked me: in the very torrent, tempest, and whirlwind of passion, I did not acquire a temperance that would give it smoothness; I was just sawing the air with my hands.<sup>7</sup> It's one thing to say, as I do, that my goal is to make you the best advocate in whatever room you're in; it's another to help you get there. It's one thing to say, as I do, that my class is about lawyering and not law; it's another to make that true. You learn a great deal when you fail to realize your vision. You learn about courage; you learn about dignity; you learn about grace. In my case, I learned that I do not possess courage, dignity, or grace. I really started to have doubts that I could make my vision a reality.

I started to think about my mentors and how they taught me. Let me tell you about two mentors I had. Perhaps the best legal mentor I ever had when I was a lawyer was someone I'll call Big Man. Big Man started a firm with four friends that eventually became a firm of 150 lawyers. He's one of the best trial attorneys in the country. One day, when I was a second-year associate, he called me into his office. In the firm, this was called the Hand of God—you were going to work with Big Man, and he had hand chosen you for a task. And, boy, did I learn from him. I went from being a lawyer to an advocate over the span of that one case. One problem: not only couldn't he pronounce my last name, he didn't even want to learn it. For some odd reason, he called me "Tolstoy". Maybe he called every Slavic person he met Tolstoy. I don't know. I remember one day, after we had been working on the case for months, I heard him screaming at a secretary down the hall: "Where's Tolstoy?!" The frightened secretary had no idea whom he was talking about. He kept screaming, "Where's Tolstoy?" until, somehow, she said meekly, "You mean Pavel?" "Yeah," said Big Man, "where's Pavel Tolstoy?" This is the person from whom I learned to be a persuasive, effective advocate: a brilliant man who treated me like a fungible good—I was freely exchangeable or replaceable. That's not the mentor Pavel Tolstoy wanted to be.

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6. WILLIAM SHAKESPEARE, *HAMLET* act 3, sc. 2.

7. *Id.*

I contrast that with the biggest mentor in my life—my father. My father, a farmer with an eighth grade education, fought in the Polish Army in World War II, was captured and spent time in a Soviet gulag in Siberia for two years, and, when he was released, became a mercenary to continue to fight the Nazis—he fought with the British at the Battle of Monte Cassino. He fought in a war and saw his friends die around him; he went to a prison camp and saw his friends die around him; he decided to fight again and, again, saw his friends die around him. If anyone deserved to be bitter, it was my father. Yet, he was the funniest, most charming man you would ever meet. I remember asking him how he could always be so positive when he experienced more pain than any person should. He told me (delivered in a strong Slavic accent), “Nothing can make me what I am not.” He knew who he was, he was true to it, and he didn’t allow the world to crush it. And, throughout his life, he was—and remains, despite his passing—my North Star, guiding me in all manners of my life. I remember calling him once from law school, complaining about how hard everything was. He said (again, delivered in a strong Slavic accent): “Yes, reading book very hard. Ideas—very, very, hard. Try digging ditch in Siberia!” He said it with a smile, but that’s some tough love. Nonetheless, he showed me that he survived, and that I possessed that strength as well. And, through the way he lived his life, he proved to me that nothing can make me what I am not. That’s the mentor I wanted to be.

So, I went back to the drawing board to think about how I could conduct a class that would show students the virtue of their own feature. I started thinking about my learning objectives; I was reverse engineering—what do I want us to walk away with after class? My first conclusion was that I needed to broaden my learning objectives because too much of my time in the class was focused on the four corners of a case. Not that I have a problem with case holdings—I’m a big fan of them—but it’s only one tool in the toolbox. I felt that I needed to focus more on creativity, practical judgment, factfinding, persuasively advocating, speaking, listening, strategic planning, the ability to see the world from the eyes of others, integrity, self-evaluation, passion, and engagement.<sup>8</sup> You know—the stuff lawyers do. The only way I could see to do that was to create a natural, critical

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8. The skills mentioned are part of a list crafted in MARJORIE MAGUIRE SHULTZ & SHELDON ZEDECK, FINAL REPORT—IDENTIFICATION, DEVELOPMENT, AND VALIDATION OF PREDICTORS FOR SUCCESSFUL LAWYERING 15–16 (2009), *available at* [http://papers.ssm.com/sol3/papers.cfm?abstract\\_id=1353554](http://papers.ssm.com/sol3/papers.cfm?abstract_id=1353554). In their work, Shultz & Zedeck interviewed hundreds of lawyers in order to identify “effectiveness factors” that related to competent lawyering. Their analysis confirmed what I always instinctually believed: The definition of “thinking like a lawyer” should be broadened to encompass all the skills necessary to practice law, and the classroom should develop all the tools a lawyer will need in her legal toolbox.

learning environment. By natural, I mean I would give students authentic, real-world tasks. By critical, I mean we would not only examine our understanding of the law, its application, and its synthesis, but also try to provoke an imagination that leads to possibilities and solutions. Students would be reasoning rather than memorizing. The content wouldn't be the end; it would be a means by which to advance learning outcomes. Content would be used to teach how to learn.

My second conclusion was to revisit the Socratic Method. I know—what the heck? Wasn't that what I was just running from? Why am I embracing it again? The Socratic Method—my star-crossed lover—wherever I turned, there she was. I turned to the Socratic Method because I realized that to make this work, I needed to give the students a good problem, guide them through it, focus on higher-order thinking (such as evaluating and synthesizing), and leave the students to come up with the next question on their own. People learn best when they answer their own questions and receive feedback on their efforts. In this way, knowledge is constructed, not received. The Socratic Method, done with respect and with humor, could do that. The Socratic Method that I had previously utilized, however, was a game of "Guess what Pavel is thinking today":

Pavel: Well, Student, let's do problem 7. What's Pavel thinking today?

Student: Um, that this is hearsay?

Pavel: No, that is not what Pavel is thinking today!

I had to aspire to do better, to build a process where we think about what the law is, why it's that way, and how we influence it. This change could allow students to develop learning skills and the confidence to use them. I had to trust that you do not need to be an expert before interacting with the law—it's not like welding, where the blowtorch can hurt a novice welder. The law rarely leaves visible scars. I wanted students to explore material, handle it, relate it to their own life experiences, and feel challenged by it.<sup>9</sup>

But I did not want them to feel belittled. I didn't want the invisible scars that come from that I-just-don't-get-this feeling. My third conclusion, then, was that I would open my teaching method to all learning styles, so that different types of learners would not be shut out of the process. Hamlet echoes in my ears again: be not too tame—suit the action to the word, the word to the action.<sup>10</sup> Some things are best taught through the Socratic Method. Some things are not.

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9. The idea that students should actively construct their knowledge rather than passively receive it is a core tenet of constructivism, a prominent educational theory that focuses on learner-centered teaching. See MARYELLEN WEIMER, LEARNER-CENTERED TEACHING 8–17 (2002).

10. WILLIAM SHAKESPEARE, HAMLET act 3, sc. 2.

If I'm going to test you on what the Mona Lisa looks like, I should show you a picture of the Mona Lisa ("Um, I don't have a picture, but she's a brunette, in her thirties, kinda sly look on her face"). But even if the Socratic Method is a good way of teaching something, you must circle back to that learning objective to cater to different learning styles—show a movie clip for the visual learners, do a brainstorming exercise for the kinesthetic learners, and/or lecture in a way that assists read/write learners. Keep circling back to your learning objectives in different ways so that students can try it on their own, get confused, receive feedback, and try it again. That, to me, is how you move from novice to expert.

My fourth and final conclusion was that I would teach with passion, humor, and respect. Let us go back to Hamlet again: do not o'erstep the modesty of nature, for any thing so overdone drifts from the purpose of playing.<sup>11</sup> And "modesty" is the operative word here. Like my father, to my own self I'd be true.<sup>12</sup> I've never felt like some high priest of arcane legal mysteries. I'm a person who needs to be confused before I can reach a higher level of understanding (for example, it took me two years to figure out Parking Structure #3). But that background influences my classroom. I certainly trust that my students want to learn and absolutely are able to learn. I trust that if you enjoy the classroom environment, you'll learn better. But my trust goes deeper than that. I trust that I can be candid with you about my journey. I trust that we can teach one another. Perhaps most importantly, I trust that we can do great things together—that we can create a radical space of possibility.<sup>13</sup>

And you have always rewarded that trust, making me a better professor and person. I am very aware and so deeply humbled by the student support I received when the Rutter Committee was deciding who would receive this award. I was even more humbled by all the individual messages I received from many of you after winning the award. This is the third law school at which I've won a teaching award, and, due to your openness and kindness, it means the most to me. I want to show you that I mean what I say, so I'll announce today that I will be donating a portion of my very generous honorarium to UCLA's Law Fellows

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11. *Id.*

12. My father never read Shakespeare, but I know that he would bless the advice that Polonius gives to his son, Laertes, in *Hamlet*:

This above all: to thine ownself be true,  
And it must follow, as the night the day,  
Thou canst not then be false to any man.

*Id.* at act 1, sc. 3.

13. An insightful exploration of the role of trust in the classroom can be found in KEN BAIN, WHAT THE BEST COLLEGE TEACHERS DO 18, 135–149 (2004).

program so that they can continue the important work that they do. It's the least I can do to express my gratitude for your support and for all the ways you've influenced me.

Along those lines, I want to thank the Rutter family for establishing this award and for their commitment to legal education. There are so many people within the UCLA community I want to thank, but I don't want to add twenty minutes to this speech, so thank you all—you are wonderful friends and mentors. However, let me specifically say thank you to my family, for their love, support, and understanding. I absolutely would not be standing here without you. And, thank you to the students of UCLA Law: your virtues are so obvious to me that holding the mirror to you makes this a truly great job. It sure beats digging a ditch in Siberia. Thank you.