

# Law Quadrangle (formerly Law Quad Notes)

---

Volume 15 | Number 3

Article 6

---

Spring 1971

## Law Students Teaching College Students: A Golden Opportunity

Charles J. Averbook

*University of Michigan Law School*

Follow this and additional works at: <https://repository.law.umich.edu/lqnotes>

---

### Recommended Citation

Charles J. Averbook, *Law Students Teaching College Students: A Golden Opportunity*, 15 *Law Quadrangle (formerly Law Quad Notes)* - (1971).

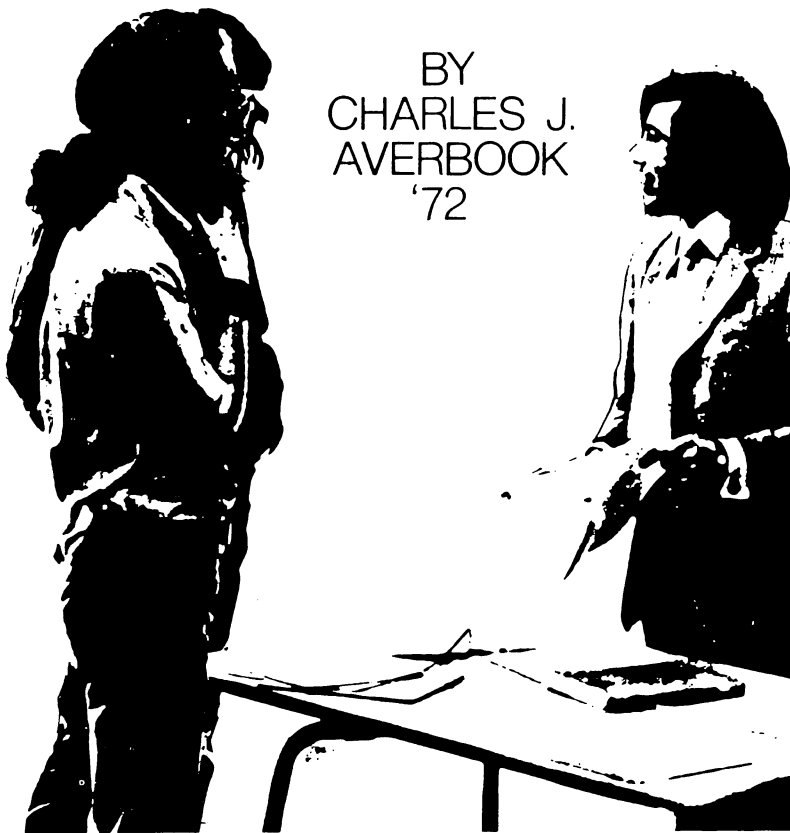
Available at: <https://repository.law.umich.edu/lqnotes/vol15/iss3/6>

This Article is brought to you for free and open access by University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Law Quadrangle (formerly Law Quad Notes) by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact [mlaw.repository@umich.edu](mailto:mlaw.repository@umich.edu).

# law students teaching college students

## a golden opportunity

BY  
CHARLES J.  
AVERBOOK  
'72



Not often in the field of higher education does there exist an opportunity for hundreds of college students to learn relevant and important subjects at no cost to themselves or their institutions. And not often in the field of *legal* education do law students find an exciting means of developing the non-research related skills that every attorney should possess. Even more rare would be a procedure that combines both of these needs into one single program. Sound impossible? Not at all. Simply let law students teach law courses to undergraduates.

### Opportunities for Law Students

The benefits of teaching that would accrue to the law student are numerous. Teaching allows practice in the fundamental art of understanding a body of law, then managing, selecting, organizing, and presenting the material in a clear and interesting manner. Furthermore, it promotes the law student's ability to handle questions thrown at him from all directions. Thus, teaching can be an invaluable exercise in acquiring the fingertip control of legal theories that is essential to the success of any advocate.

Teaching also serves other important functions. For the law student who feels he would eventually like to be a professor, the experience can provide a relatively painless opportunity to decide, at an early stage in his legal career, whether or not he will enjoy the teaching profession *and* whether or not his students will enjoy him. Furthermore, for the student who had never considered teaching as a vocation, the enlightening experience may be an impetus for moving into that field. In either case, the law student's edification is immeasurable.

### Opportunities for Undergraduates

The undergraduate student body can also be richly rewarded by the implementation of this program. In a time when students everywhere are becoming increasingly aware of the legal system's impact on their lives, there is a clamor for the filling of the lacuna of knowledge which now prevails in many individuals. Undergraduate students are anxious to learn even *general* aspects of landlord-tenant law, basic tort law, and the laws of arrest, search, and seizure, to name but a few topics. They need an opportunity to really understand this judicial system that is so basic to the functioning of our society. Indeed, Harvard Law Professor Harold J. Berman, writing on this subject a decade ago, maintained:

"They [colleges] should be graduating people who are prepared to take responsibility—and I include here responsibility for ideas as well as for action. The study of law provides such a preparation, because it presents to the student a record of responsible decisions—judicial, legislative, and administrative—and it presents this record in a form that challenges him to make up his own mind as to what decision *he* would have made in each case, and *why*."

In the same vein, and about the same time, William M. Beaney, a Michigan Law School graduate who was then teaching political science at Princeton, noted:

"The present situation is to be deplored. A steady and substantial effort is necessary if there is to be any broadening and deepening of the quality of law teaching in the liberal arts program . . . [T]here can be no true liberal arts program without adequate attention to the vital and enduring role of the law in human affairs."

Moreover, in addition to alleviating a lack of legal knowledge, matriculation in a law course can, for the undergraduate student, function as a vital decision-making tool. For the student who is considering future enrollment in Law School, it can either reinforce his desires or be an *a priori* discovery of his lack of interest in pursuing the rigors of a legal career. On the other hand, for the student who has never considered Law School, it may be the discovery of a heretofore unrecognized road to the fulfillment of either personal or humanitarian ambitions.

## Implementation of the Program

The implementation of such a program is not difficult. In fact, at The University of Michigan, the machinery already exists. A department in the School of Literature, Science, and Arts called Course Mart allows a graduate student to initiate his own undergraduate course. The student must first obtain a "sponsor" of professorial status to vouch for his ability. Then he must prepare a course outline describing the subject matter to be covered, the teaching materials to be used, the method of grading, and the number of credits which undergraduates would receive. Finally, the law student must be interviewed by, and submit his proposal to, the LSA Curriculum Committee. If the Committee approves of him and his course, he's ready to go. A salient distinction (and some of us engaged in the program like to think the only real distinction) between a Course Mart teacher and any other University instructor is that the Course Mart teacher does not get paid. This fact, from the University's point of view, is the economic selling point of Course Mart.

### A Case Study

If at this point the reader feels that the idea sounds a bit hypothetical, it may be of help to interject my personal experience. In September, 1970, after following all Course Mart procedures and obtaining the sponsorship of Prof. Yale Kamisar of the Law School, my mentor (and tormentor) in the field of Criminal Procedure, I began teaching a course called "Legal Rights and Police Practices."

Despite the fact that there was little time for publicity about the course (it was not listed in the catalog) I ended up with 81 students—about 50 more than I had expected. In order to effectively present the material and to illustrate what the study of law is like, the text I used was *Basic Criminal Procedure*, 3rd Ed., by Professors Livingston Hall, Yale Kamisar, Wayne LaFave, and Jerold Israel (a volume based on the same authors' much larger *Modern Criminal Procedure*, used in the Law School). The class met twice each week, and when the term ended we had covered due process, arrest, search and seizure, wiretapping and electronic surveillance, entrapment, police interrogations and confessions, and appropriate smatterings of right to counsel, self-incrimination, and habeas corpus. Both the midterm and final examinations were old Kamisar Criminal Procedure exams, and the students performed quite well on both of them.

Personally, I found the teaching experience to be the most valuable endeavor of my admittedly limited Law School career. As for the Course Mart Director and the Curriculum Committee, they, too, were quite pleased. In fact, for this term they approved the teaching of *two* sections of "Legal Rights and Police Practices" plus a separate "Independent Legal Study" course which I am teaching to accommodate those students from last term who wished to engage in further study of the law.

I would like to think that the students' reaction to my courses are well illustrated by the enrollment in this term's classes. Through "grapevine" publicity alone, "Legal Rights and Police Practices" now has over 150 students and, though I had intended to limit the enrollment to 15, my "Independent Legal Study" course has 24 students. Further, in tabulating the results of a detailed student questionnaire completed at the end of last term, I found that, *after* taking my course, 52 per cent of the class was now considering going to law school, whereas only 27 per

cent had been leaning in that direction at the beginning of the year.

This data, I believe, points out the significance of this program from the Law Schools' point of view. The availability of these courses in undergraduate school will mean that many students who are not attracted to graduate schools in the natural sciences, or the arts, or even engineering and medicine, will become exposed to the difficulties and delights of the law, and many of the ablest of them, no doubt, will choose law school for their graduate work.

### Alleged Disadvantages

After describing the advantages and popularity of this plan and the effective completion of one example of it, it is necessary to consider the arguments against the idea.

The first contention is that undergraduate students would not respect and possibly not learn enough from a teacher who is a "mere law student" and is only a couple of years older than they. Recent studies of the phenomenon of "peer group teaching," however, indicate just the opposite. Facts indicate that a formal, strict, authority figure as a teacher is often an impediment to learning—that students are often afraid to ask what may turn out to be "dumb" questions. From discussions with my students and from answers to the questionnaire they completed, I found that the desire to learn and to excel is enhanced when a student's can "relate" to his teacher, and the undergraduate student's confidence and comfort with a law student as a teacher is quite apparent.

Another question which might be raised is the possibility of duplication of the subject matter anent those who go on to law school. True, there may be some. But in an undergraduate course taught by a law student, the atmosphere is much less formal, and the emphasis may be more toward *integrating* the theory with very practical applications. As Professor Berman has observed:

"Granted that much of what [undergraduate students] had learned may have to be corrected and refined; still, they would have gotten some sense of case analysis, of the balance of rule and discretion and of the interrelationship of private and public laws. . . ."

In addition, it seems that the need to inform those who will not go on to law school outweighs any claim of duplication.

The third concern in questioning the plan is that, because of the rigorous Law School curriculum, the law student will not be able to prepare adequately enough to do a good job in such an extra-curricular exercise. Although the point is certainly valid, the problem is easily remedied. Either the law student can take a light academic load during the term he is teaching or, better yet, the Law School could make the teaching *curricular*, not extra-curricular. That is, allow Law School credit for the teaching, maybe as a portion of the credits the Law School now allows for enrollment in graduate level courses in other departments of the University.

### Conclusion

The idea of students teaching students is economically, academically, and practically sound. It allows law students to increase their knowledge and improve their skills while providing an essential opportunity for undergraduates to explore the legal system. It has proven itself in actual practice. The idea of students teaching students is, indeed, a golden opportunity.