

To: 3rd Year Planners

19 November 1974

From: R.G. Schmitt

Re: Some Comments on the Mandatory Characteristics of the 3rd Year

My primary concern with the 3rd year program is the mandatory nature of the large-credit-hour practicum/seminar/workshop. I am unconvinced of the benefits of this approach for all second year students for the following reasons:

1) The 3rd year program certainly continues the "pioneering/innovative" spirit. However, let us remember that some current and past "innovations" have been received with less than enthusiasm by our class and, by implication, have had less than the designed effectiveness. Further, my interest in law school has been declining for the past 11 months, in spite of our "radical program" which has been advertised as a relief from "second-year malaise." I think this speaks for a number of other students. Hopefully, these facts would cause faculty planners to be cautious, rather than bold, concerning future "innovations;"

2) Lack of resources/manpower has been offered as a reason for limited course offerings in the third year, and, by implication, the workshop approach is justified as the most efficient system to maximize scarce resources. However, in the absence of figures that dimension the resources, the argument is, at the present time, not convincing. (faculty x faculty workload - first/second year requirements = third year resources. What is that number?) I don't wish to seem selfish, but in view of the scarcity of past options and the promises our class has received regarding the third year, it would seem that all resource priority should go to prospective third year course offerings, even if it means short-changing some other programs.

My observation is that the faculty is not currently used to its maximum, and I would suggest that part-time and/or volunteer faculty (as used by the medical school) might maximize course offerings.

3) Class attendance in the second year is averaging 70% (two-week survey). From these figures and general conversation, it could be said that nearly one-third of our class deems the present program to be something less than essential

to their legal education. This should cast some doubt on our present program and raise some other considerations:

a) If the present program is not de facto mandatory, what's the logic of making any third year "system" mandatory? Isn't this mixing apples and oranges?

b) Not only are many second year students, by reason of absences, on different educational "tracks" and/or "trips", but also the current practicum options are producing a wide variety of experiences, certainly not comparable. After next semester, there will be even a wider disparity between skills developed. It would therefore seem pointless to speak of a "minimum level of competence" as justifying a mandatory program since we've all been "marching to the beat of different drummers" and by any objective measurement, already have different skill and competence levels developed.

4) I would further aver that the "minimum level of competence" is a highly subjective term and, in my opinion, given current capabilities and future plans of some students, may have been already reached. I would like to be enlightened on precisely what this term means and how some courses have contributed to it.

5) The heavy experiential approach to a workshop/seminar has been defended as being capable of developing skills transferable to any future legal specialty. I might agree, but the unspoken premise is: "Assuming all teachers are equal..." I do not have any pre-conceived notions that education must be painful to be good or that some suffering must be endured to attain enlightenment. Consequently, I would quite frankly spend 15 hours listening to brilliant, personable Professor X ^{rather} lecture on "The Civil Code of Ancient Mesopotamia" rather than 3 hours with the dull Professor Y, who guarantees he will unlock the secrets of the universe. Therefore, I will buy no more "pigs in a poke." I think the third year class deserves a "full disclosure" of teachers and courses, some second semester experience, and the freedom to choose similar educational pleasures.

In conclusion, I suspect that a majority of third year students would be content to fit themselves into one of three or four workshops. Given more information- and next semester's experience- I may also make a similar choice. But I think the option for a more individualized program must exist and a good faith effort by the faculty to maximize resources, counseling, and choices seems most appropriate, if not mandatory.

Dr. Schmitt

I support these views

Bruce Anderson

I support Bruce Anderson - P.U. Jock