

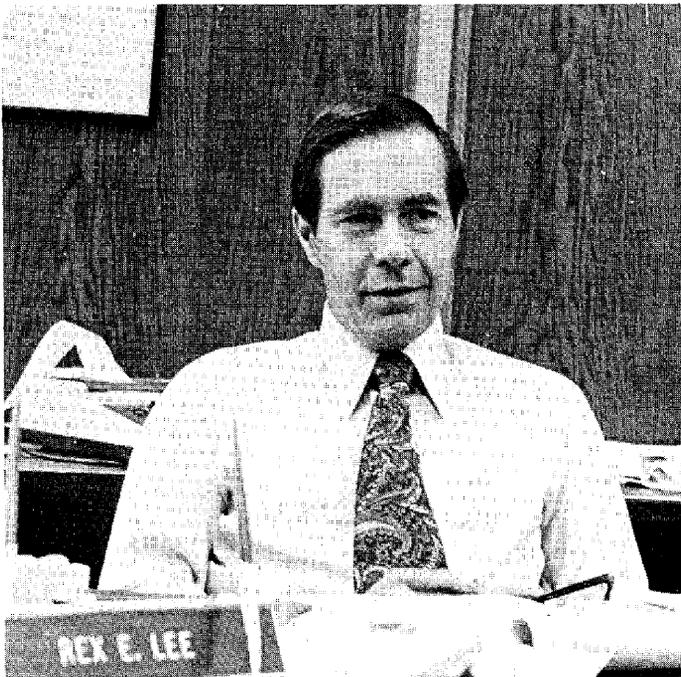
---

# In Law School:

# The Student and Teacher Relationship

Rex E. Lee  
Dean, J. Reuben Clark School of Law

---



Dean Rex E. Lee

Lawyers function in a variety of ways in our society. I have enjoyed all four of the lawyering jobs that I have had since I graduated from law school 15 years ago, but the one I have liked best is my present one. For me, the most attractive single feature of law teaching is my relationship with two groups of colleagues: faculty members and students.

Other lawyering settings offer at least a rough parallel to the colleague relationships among faculty members. Whether in government service, private practice, or working as a law clerk or corporate house counsel, the relationships that a lawyer has with his fellow lawyers must rank high in the list of values that make his professional experience attractive or unattractive.

---

. . . the most attractive single feature of law teaching is my relationship with two groups of colleagues: faculty members and students.

---

By contrast, there is no other lawyer employment that offers a counterpart to the relationship between teacher and student. I have now had about four years experience as a full time law teacher, and with each year I come to appreciate more the importance of the student-teacher relationship as it bears on the attractiveness of law teaching as a profession.

Two aspects of the ties between law students and law teachers that are particularly intriguing are (1) the evolution of that relationship from what is essentially a tutor-pupil arrangement to one in which each regards the other as a professional colleague and (2) the enduring nature, manifest through different human beings in different generations, of the bond between teacher and student.

---

## The Student-Teacher Relationship

---

### Tutor-pupil or professional colleague

The song "I Am A Child of God" contains a subtle reminder that while varying degrees of obedience and submission are required at different stages of the parent-child relationship, each is a child of the same Heavenly Father. For that reason the two persons are not only parent and child, but also brothers and sisters. Over the short run the child needs guidance and instruction, but over the long run he is the parent's peer, and in some respects will be superior to the parents.

There are horizontal as well as vertical relationships between the person who teaches law and the person who studies it. As in the case of parent and child, there is no need for

---

### . . . no other lawyer employment offers a counterpart to the relationship between teacher and student.

---

vertical aspects of the relationship. These are not, however, the aspects of law teaching that make it attractive, and one of the challenges of the law teacher is to convert his own image as a tutor into that of a professional colleague.

This conversion process is necessarily a gradual one. For some it is largely accomplished during the law school years. For some it must await the student's entry into the practicing profession. For some, perhaps most, I am not sure that it is ever completely accomplished.

During my service as a government lawyer, I appeared before a Senate Subcommittee to testify concerning a bill that would have enhanced the powers of Congress at the expense of the Executive Branch. My questioner at that hearing — really my opponent — was my former law professor, Philip Kurland. This experience occurred 13½ years after I had graduated from law school. I was an Assistant Attorney General of the United States. I had behind me the weight of the Department of Justice on whose behalf I appeared. The position I was taking had the personal approval of the Attorney General (who, ironically, was my law school dean at the time Professor Kurland was my teacher). Most important of all, I was convinced of the correctness of my position, even though Mr. Kurland had not seen the light. All of these things notwithstanding, for the first minute or so of our interchange, I was burdened with the tutor-pupil image. He was the teacher, and I was the student. He had the answers, and my job was to see if I could come up with the answer that he knew and I didn't.

For me, the point that comes out of all of this is rather simple. It rests on two premises. First, the extent and the velocity of the change will vary from teacher to teacher and student to student, but there is an inevitable relationship change over time from the vertical to the horizontal, from the tutor-pupil to the professional colleague.

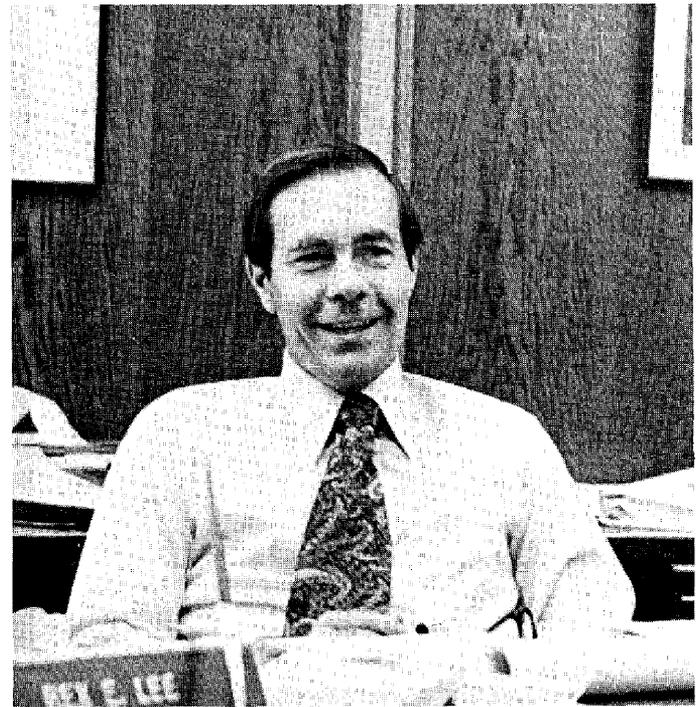
Second, subject only to a few minor qualifications — and they are minor and they are few — the horizontal relationships are much more pleasant and make more of a contribution to the ultimate objective: training students to be competent, ethical members of the legal profession. For these reasons, I believe that

one of the marks of a healthy, mature student-teacher relationship is the extent to which this evolution can occur during the law school years. Matters such as class attendance, class preparation, and class participation would not then be seen as hoops erected by the faculty through which the student must jump as a condition of joining the professional guild to which the faculty members already belong. Rather they would be perceived as mutual undertakings by fellow professionals in pursuit of a mutual professional goal: training for the law

### The enduring nature of the student-teacher relationship

I believe that one of the most poignant of all human dramas concerns the movement of human beings through life's stages, infancy to youth to adulthood and beyond. There are two themes to this drama that have been particularly appealing to me. The first is the comparative speed with which the movement occurs. It is a theme that has fascinated song writers: "Turn around and you're two, turn around and you're four; turn around and you're a young girl going out of the door." Another writer used other words, but the theme is the same: "Is this the little girl I carried? Is this the little boy at play? I don't remember getting older. When did they?"

A second theme is the constancy, across this stream of human change, of certain human characteristics and human relationships. We do move quickly across life's scene. But the same kinds of stories get repeated. The same human relationships exist from generation to generation. And there are the same opportunities for people-to-people contact, guidance, and love. It is indeed a touching theme. But it is this relationship between students and faculty and its enduring nature that makes being a law professor the most rewarding of the lawyering jobs I have to date encountered.



**A Mutual Professional Goal:  
Training for the Law**