Court’s In Session: The Development of Pre-Law Programs at Cal Poly

History 303 Research and Writing Seminar in History: Cal Poly History Project

Presented to

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California Polytechnic State University, San Luis Obispo

A Course Taken in Partial Fulfillment of My Bachelor of Arts Degree in History

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February 2020
Keywords: Pre-law, Mock Trial, Law and Society Minor, Phi Alpha Delta, Political Science, Undergraduate Law Association

Abstract:

The American Bar Association, the association which accredits lawyers, allowing them to practice law, does not recommend a specific path or major in preparation for law school. It does, however, recommend taking demanding courses that will foster skills like problem-solving, critical reading, research, etc. So how does one prepare for law school, especially like a Polytechnic School at Cal Poly? When Cal Poly was founded in 1903, it did not even have a pre-law program, let alone any programs in the liberal arts/social sciences area. It was not until the later development of the Political Science Department that pre-law programs took off at Cal Poly. In looking at the development of academic curriculum related to pre-law and the development of pre-law student organizations on campus from the start of the Political Science department in 1973 to current times, I will argue that pre-law opportunities on campus have improved and provided students a way to better determine if they want to attend law school or pursue a career in law. I will also argue that the development of these programs were student-driven and as they were developed, they better fit Cal Poly’s learn by doing ideology.
Introduction

At a school known for agriculture and engineering, other areas of study especially in the liberal arts, get overlooked. There are many interesting programs within the College of Liberal Arts including pre-law programs, pre-law referring to “forming a foundation for legal studies” or “taking or studying a pre-law course.”¹ Therefore, the topic I am focusing on for my research project is pre-law at Cal Poly. More specifically, I want to look at the development of pre-law programs, courses, and clubs, analyze what led to their formation and growth, and determine what effects the implementation of these items had on the students and the school. Today, Cal Poly has pre-law clubs, including a chapter of Phi Alpha Delta, the Undergraduate Law Association, and Mock Trial in addition to academic programs, like the Pre-Law Concentration within the Political Science Major and a Law and Society Minor. In the 1970s due to student demands and efforts at Cal Poly, programs like these were implemented. Over time, they grew to better fit Cal Poly’s learn by doing vision and helped students better understand what law school and a legal career would entail.

Historiography

Most scholarly work on the subject of pre-law consists of what scholars perceive is the best undergraduate foundation for law school. For example, Louis M. Brown in her book review of Dean Gavit’s 1952 Introduction to Law argues that pre-law education would be beneficial for teaching background information on the legal profession so that in law school, technical aspects of law can be focused on instead.² Not only does this demonstrate a need and desire for further

preparation through pre-law programs in law school, but it also shows that the concept of pre-law arose after the development of law school, not simultaneously or before.

While Brown views the idea of pre-law education positively, not all authors do. In some articles like David C. Saffel’s “Prelaw: A Political Approach to the Undergraduate Study of Law,” he argues against a law-focused curriculum in undergraduate institutions. Saffel asserts that law-focused curriculums are not beneficial because they are irrelevant if the student decides not to attend law school. Furthermore, he believes that the skills needed for law school can be better gained through interdisciplinary studies. The American Bar Association (ABA) which issues accreditation for lawyers enabling them to practice law, expresses a similar sentiment. The ABA does not suggest a specific course of study for pre-law but does recommend taking demanding courses especially ones that encourage skills or values like problem-solving, critical reading, research, amongst other things. Since there is no standard prescription for what makes up a pre-law program, it’s up to an individual university’s discretion in what their pre-law program(s) include. This is integral information as it explains why student opinion and demand helped drive pre-law development at Cal Poly. Cal Poly had freedom in developing its own curriculum thus the opinions of Cal Poly students could be better accounted for.

**Academics and Pre-Law Curriculum**

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Most of the academic, pre-law programs at Cal Poly are located in the Political Science Department. The Political Science major was started at Cal Poly in 1971. However, the major did not offer a specialized concentration focused on the legal field until 1974 when a Legal Assistance concentration was approved. The concentration was changed to a Pre-Law concentration in 1976, however, because it was felt that the legal assistance “might refer to a person with a two-year post-high school education” which the Chancellor’s Office believed to be misleading. Thus, on July 3, 1976, the new Pre-Law concentration was born from the ashes of the legal assistance concentration. The Pre-Law concentration continues to exist as an option for Political Science majors. While this concentration is only offered to Political Science majors, there is a similar alternative for students from other majors. According to Dr. Ronald Den Otter, a professor in the Political Science department, a Law and Society minor was created because students outside of the Political Science major wanted to receive some sort of recognition for taking law-related courses. Therefore, popular demand led to the creation of this minor. This minor did not appear in course catalogs until the 2003-2005 edition suggesting that the minor was created sometime around 2003.

While the Pre-Law concentration and the Law and Society minor continue to exist today, they have evolved. This evolution can be tracked by looking at the curriculum and changes in the curriculum. Some notable changes to the curriculum include the increased structuration of

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5 There is a Criminal Justice Concentration in the Social Sciences Department, however, it is not just pre-law focused which is why I chose not to examine it in this paper.
6 Political Science Newsletter 1977, 1977, Political Science Department, Box 410.05.12 Folder 410.05 Political Science Newsletter 1975-1985, Special Collections and Archives, Cal Poly, San Luis Obispo.
the pre-law concentration. In the 1977-1979 academic years, there was not a certain set of courses that needed to be taken. To complete the concentration, one simply just had to complete 27 units of advisor-approved electives.\textsuperscript{10} However, as time progressed this was no longer true. This had changed by 1988 when the catalog outlined specific courses students completing the concentration had to take. Students still had fourteen units of free, advisor-approved elective. However, there were four courses all students in the concentration had to take.\textsuperscript{11} The increased structuration of the concentration has continued into today. By 2007, students only had eight free, advisor-approved electives and that continues to hold true to the concentration today.\textsuperscript{12} The concentration may have become more strictly outlined due to experimentation. As time progressed, the Political Science Department found a set of courses which they felt created the best pre-law program. Furthermore, they may have had the desire to make the concentration more uniform. By limiting the number of free electives, all of the pre-law concentration students would be taking more of the same classes.

Looking at the specific change in courses also gives better insight into how the pre-law concentration evolved. A major change in the Pre-Law concentration curriculum was the elimination of ENGL 302 Writing: Advanced Composition course. This course was present in the 1988-1990 Catalog but was no longer seen present in the 2007-2009 Catalog.\textsuperscript{13} There are numerous reasons as to why this could have occurred. One reason could be, the Political Science


\textsuperscript{13} California Polytechnic State University, “2007-2009 Catalog,” 246.
Department felt like there were courses that were more important to the pre-law curriculum. A concentration can only constitute of so many units, therefore, ENGL 302 could have been removed to make room for another course. Another reason could be, the Political Science Department found the course unnecessary. Many Political Science courses, including the ones in the pre-law concentration, were already writing-intensive, therefore, it could have been believed that a separate class about writing was unnecessary. Furthermore, there were G.E. requirements for writing so perhaps the Political Science Department felt like that was enough writing, so another English writing course would be of no use within the concentration.

There were also many continuities within the curriculum. For example, from the catalog year 1988-1990 to now, students have been required to take POLS 310 Jurisprudence, POLS 321 American Constitutional Law, and POLS 321 Civil Liberties. Civil Liberties was briefly taken off of the required class list in the 1989-1990 catalog year, but its return demonstrates the value placed on the class by the political science department. Since these classes have been a prevalent part of the curriculum for all these years, they are seen as important to the pre-law curriculum at Cal Poly. They are important because they provide a foundation on basic topics often covered in the legal field. For example, Jurisprudence looks at the nature of law which is vital to understand if going into law. If one does not understand how law works, they cannot be successful in the legal field. Therefore, their continued existence demonstrates that they must

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16 California Polytechnic State University, “2019-2020 Catalog Pre-Law Concentration.”
be successful and effective in preparing students in the pre-law path if they have not yet to be removed from the curriculum.

The curriculum for the Law and Society minor also changed over time. For example, students now have more freedom when it comes to choosing courses for the minor. When the minor was first created students had four courses they were required to take and another set of three courses they had to choose two courses from. Additionally, they only had eight units of advisor-approved electives to complete the minor. The only courses students are required to take for the minor now are POLS 341 American Constitution and POLS 345 Judicial Process. However, much like in the 2003-2005 catalog, they must choose two courses from a set of three. Students now also have twelve advisor-approved electives. One reason why students may have more of a choice when it comes to minor classes is the Political Science Department, which the minor is housed under, may feel like it would best benefit students if they could tailor their pre-law education to best fit their needs. The free electives are still law based but are in many different areas of law like Land Used Law and Environmental Law, so by giving students more free electives, they could better explore areas of law that interest them. It is interesting to note, however, that this trend is the opposite of what is seen in the Pre-Law Concentration which became more standardized over time. This could be because the Pre-Law concentration lies within a specific major while a minor can be added by students from any major. Another notable change, is the subtraction of English C4 general education courses as option for Law and Society.

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19 California Polytechnic State University, “2019-2020 Catalog Law and Society Minor.”
Minor students to choose from. In the pre-law concentration, students at one point were required to take an English course as part of the concentration requirement. The elimination of the English C4 general education courses as options to fulfill the minor could be for similar reasons.

Although, there were changes within the minor, like with the concentration, there were also continuities in the minor curriculum. For one, students have always been required to take POLS 341 American Constitution and POLS 345 Judicial Process. Since these courses have been required since the beginning, the Political Science Department must find them important to the Law and Society Curriculum. POLS 341 American Constitution must be seen as especially integral to the pre-law curriculum at Cal Poly as not only has it been always required in the minor, but it has always also been a required course in the Pre-Law concentration. Looking at the pre-law concentration and Law and Society minor course requirements through time is important because it reveals what Cal Poly believes to be the best pre-law curriculum.

While faculty and staff are largely responsible for the curriculum at Cal Poly, students also have an impact. According to Dr. Matthew Moore, a professor in the Political Science Department, the school tries to cater to the students’ needs and wants when it comes to creating and continuing courses. For example, as student organizations have increased and students have gained a broader understanding of different areas of law, there is a higher demand for different topics in law. Cal Poly tries to meet this interest and can be seen in a smaller level within

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classes. Dr. Moore mentioned how in his Jurisprudence class a student pointed out that none of the work was written by females. He then changed his class curriculum in order to include the female perspective.23 Of course, none of this is possible without the faculty. In order to teach certain classes, certain faculty is needed. For example, POLS 417, Feminist Legal Class did not come into existence until after Professor Jennifer Denbow started at Cal Poly in 2015.24 Therefore, the interplay between student demand and the available faculty help shape and have helped shape Cal Poly’s courses and consequently its pre-law academics.

**Student Clubs and Organizations**

While classes and academics are an important foundation for law school, so are extracurricular involvements. There is only so much a class can provide. Around the same time the pre-law concentration was formed, the Pre-Law Club was formed. In 1978, the Pre-Law club was formed with Political Science professor John Culver as the advisor.25 The Pre-Law club did things such as bring in speakers, provide information on legal careers, answer questions that students may have about law school, and provide LSAT assistance.26 At the time, this was the only pre-law club that existed on campus.

Other pre-law organizations were not really created until more recent times. These organizations include the Undergraduate Law Association, Phi Alpha Delta, and Mock Trial. Although the Undergraduate Law Association, or ULA, is a more current club, it actually

25 Political Science Newsletter 1978, 1978, Political Science Department, Box 410.05.12 Folder 410.05 Political Science Newsletter 1975-1985, Special Collections and Archives, Cal Poly, San Luis Obispo.
26 Political Science Newsletter 1983-84, 1984, Political Science Department, Box 410.05.12 Folder 410.05 Political Science Newsletter 1975-1985, Special Collections and Archives, Cal Poly, San Luis Obispo.
stemmed from the Pre-Law club that was formed in 1978. Over time, the Pre-Law club folded into the Political Science club due to a lack of attendance. However, in 2002 ULA was rechartered by the joint efforts of Dr. Fetzer and student William Plevy in order to “provide students interested in law with information regarding legal opportunities and to familiarize those interested students with ABA-approved law schools throughout the United States and their admissions procedures.”

Unfortunately, once again, ULA disappeared and was not revived until 2005 by Dr. Den Otter. While it may seem that ULA keeps dissipating due to a lack of interest this is not the case. Dr. Den Otter only expected to have 10-15 members when he revived it but had more than 40 join. In 2006, the club had over 50 members. Clearly, there was student interest in this extracurricular, pre-law resource. ULA continues to exist as a club today and is led by Lauren Tankeh. ULA offers TestMasters Prep, holds panels with lawyers and other professionals in the legal field, and also holds mock Law School Admission Tests (LSATs) all with the goal of better preparing students for law school. These resources are important for many reasons. For example, panels help expose students to the experiences and perspectives of actual attorneys. Mock LSATs are also a significant resource as the LSAT weighs heavily in admissions decisions into Law School. By holding mock LSATs, ULA provides students the opportunity to practice taking this test in an environment that simulates test day.

In addition to ULA, Cal Poly also is the home to a chapter of Phi Alpha Delta, an international co-ed pre-law fraternity. The Cal Poly chapter of Phi Alpha Delta was founded in
While the chapter on campus is only a few years old, the history of Phi Alpha Delta itself goes much deeper. According to the Phi Alpha Delta website, Phi Alpha Delta was formed on November 8, 1902 at Kent College. It stemmed partly from the Law Student League which was formed to seek “exemption from the provisions of the ‘Rule 39’ which required all candidates for admission to the Bar to be graduates of high school, followed by three years of legal study.” The Law Student League presumptively hoped that they could enact change which would allow them to take the bar without going to law school since the students in the league were already receiving a college education. Fast forward to today, there are now 213 law chapters and 368 pre-law chapters including the chapter at Cal Poly.32

In an interview, current President and founding member Taryn McLaughlin provided insights on why the organization began, what niche Phi Alpha Delta filled on campus, and the benefits students reap from being a part of the fraternity. According to McLaughlin, Jasmine Fashami, who was the first president of the organization, was the one responsible for getting the fraternity started on campus. She reached out on the Cal Poly 2020 Facebook page with the desire to increase the pre-law resources on campus because at the time there was a lack of presence of pre-law organizations. McLaughlin, wanted to get involved with the founding of the fraternity herself because the only thing she was involved in at the time was campus dining. Furthermore, as an English major she struggled to find others around her who also wanted to attend law school. She believed the fraternity would be a good resource to connect those interested in pre-law, no matter their major, to each other.

Since its founding, Phi Alpha Delta has grown exponentially. The first couple years, the organization struggled to have a high retention rate. However, the organization is now seeing a lot of people come back. The organization started with fifteen founding members, dipped to ten members in early Fall 2018, and now has about seventy members. Why do these students return? Phi Alpha Delta provides many benefits and resources unique to other pre-law organizations on campus. For example, Phi Alpha Delta takes law school trips two times each year. In the Winter of 2019, Phi Alpha Delta members had the opportunity to sit in on a 1L, a first year, Contract Law class at Pepperdine; this was a valuable experience as it allowed students to see what a real law school course looks like. Furthermore, Phi Alpha Delta has a partnership with TestMasters, brings in lawyers for students to speak with, has admissions officers from schools like the University of San Diego (USD) visit to inform members about getting into law school amongst other things.33

Not only does Phi Alpha Delta provide these valuable resources to its members, but it connected pre-law students as well. As McLaughlin mentioned, it is difficult finding other students with the same career path if you are not a Political Science student with a pre-law concentration. Phi Alpha Delta allows you to “see that there is a space for you as a pre-law student at a Polytechnic campus,” says McLaughlin. While Phi Alpha Delta provided and continues to provide valuable pre-law resources to students, especially to those who do not have lawyer parents and do not know much about the law school admissions process, the organization has faced some difficulties. One difficulty stems from the fact that Cal Poly does not have a law school. Other chapters like Berkeley Phi Alpha Delta are afforded this luxury which gives them easier access to law school resources. Additionally, Cal Poly Phi Alpha Delta is so new that it

does not have the network that other chapters nationwide and internationally have. However, through the efforts of current members, Cal Poly Phi Alpha Delta is working to establish itself and is continuing to grow and offer its members more and more services.\(^{34}\)

Another more recent student organization that has a growing presence on campus is Mock Trial. In 2007, Dr. Matthew Moore worked with students to bring Mock Trial to Cal Poly.\(^ {35}\) Lauren Lailao was the student working with Dr. Moore to start the Mock Trial program here. She participated in Mock Trial in high school and wanted the opportunity to participate in it at the collegiate level as well. Dr. Moore, eager to introduce another “Learn by Doing” opportunity on campus, was more than happy to help her begin this club.\(^ {36}\) While Mock Trial only had one team from the club during the 2008-2009 school year,\(^ {37}\) the club now has ninety students that compete.\(^ {38}\) This is likely due to the hands on experience that the club provides.

Current President, Dillon Garcia, touches on some of the impacts that Mock Trial has had in an interview. When asked if Mock Trial has helped encourage more students to pursue a career in law, Garcia said absolutely. For him personally, when he chose to take the pre-law route he only did it because of the show “Law and Order.” However, after being a part of Mock Trial, Garcia now knows that law is something he is definitely interested in.\(^ {39}\) Besides providing clarity about pursuing law, as mentioned before, Mock Trial also provides valuable hands on experience that other pre-law organizations do not. Garcia explains that Mock Trial provides a

\(^{34}\) Ibid.


\(^{36}\) Matthew Moore, interview by Megan Hayes, February 26, 2020.


\(^{39}\) Ibid.
trial experience that reflects one of the real world. Students argue in front of someone who knows the law and use the actual federal rules of evidence.\textsuperscript{40} This sentiment is reflected by Dr. Moore. Dr. Moore spoke to a coach from another Mock Trial team who said that someone would not be considered for litigation at a firm unless they did Mock Trial in high school, undergraduate, or at law school. Mock trial provides the courtroom experience and can allow one to see if they truly like it which is why Mock trial is taken into account when choosing lawyers to litigate.\textsuperscript{41}

Cal Poly student organizations are created and almost completely run by students. Therefore, the pre-law organizations on campus in the past and in the present are driven by student interest. While there was only one pre-law organization in the early days of pre-law at Cal Poly, due to popular demand, there are now three large pre-law organizations that provide students with opportunities to better grasp the concept of law school and a legal career. Dr. Moore does not necessarily believe that the creation of these pre-law organizations has influenced law school attendance rates, but does believe that students are going to law school with a better idea about what they are getting themselves into, which is important as law school is very expensive.\textsuperscript{42} With the opportunities students are creating for themselves, they now have the opportunity to better grasp law school and a legal career are like, in a more interactive way.

**Conclusion**

\textsuperscript{40} Ibid.  
\textsuperscript{41} Matthew Moore, interview by Megan Hayes, February 26, 2020.  
\textsuperscript{42} Ibid.
Although Cal Poly was primarily known as a polytechnic school with an emphasis on agriculture and engineering, Cal Poly still had strong programs in other areas including in pre-law. In fact, in his senior project, David Robertson reported that,

Over 90% of all the questionnaire replies concerning this issue indicated that Cal Poly graduates felt just as qualified as students from the U.C. system or private ‘snob’ undergraduate schools. In fact, most cited Poly’s diverse education as an important asset in their graduate studies.\textsuperscript{43}

The results of this questionnaire, which came from alumni in the 1970s who attended law school, demonstrate that students not only felt like Cal Poly prepared them for law school but also found that it’s diverse education differing from other schools was a valuable asset. By diverse education it could mean an education that was not solely liberal arts based as Cal Poly was historically a polytechnic, not a liberal arts school. Furthermore, it could be referring to the range of courses offered at Cal Poly. Nonetheless, this was back before all the pre-law options Cal Poly has today.

Cal Poly has only continued to grow their pre-law options as it has transitioned into a more comprehensive polytechnic school. Despite the fact that Cal Poly still mainly focuses on engineering, since the 70s, Cal Poly has seen the addition of a Law and Society Minor and many clubs including Phi Alpha Delta and Mock Trial. These clubs and academic programs add to the pre-law resources Cal Poly has and allow students at Cal Poly to gain a better understanding of law and law school. Furthermore, the new course curriculums and extracurriculars provide opportunities that have made it so students can explore pre-law in a more interactive way, a way

\textsuperscript{43} David Robertson, “The Pre-Law Student’s Guide” (senior project, California Polytechnic State University, 1979), 2.
that better fits Cal Poly’s learn by doing ideology. In fact, since students have been highly influential in the formation and development of the program, in a way, the whole development of pre-law programs was a learn by doing process. While it has taken time for Cal Poly to get to this point, it shows that Cal Poly has become more than just an agricultural and engineering school. There is a place for students interested in other career pathways like law, at Cal Poly.
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