

**Boston College Law School**  
**Digital Commons @ Boston College Law School**

---

Boston College Law School Magazine

---

4-1-2004

# BC Law Magazine Spring/Summer 2004

Boston College Law School

Follow this and additional works at: <http://lawdigitalcommons.bc.edu/bclsm>



Part of the [Legal Education Commons](#)

---

## Recommended Citation

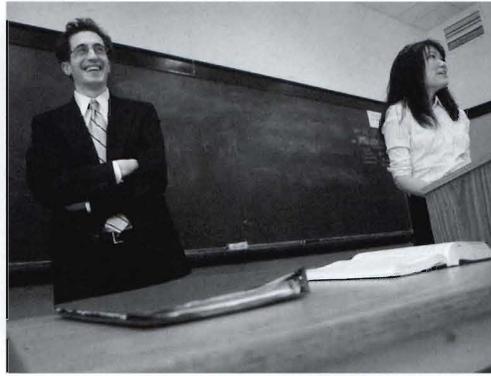
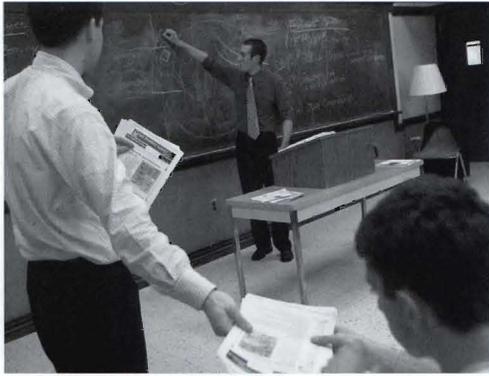
Boston College Law School, "BC Law Magazine Spring/Summer 2004" (2004). *Boston College Law School Magazine*. Book 24.  
<http://lawdigitalcommons.bc.edu/bclsm/24>

This Magazine is brought to you for free and open access by Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Law School Magazine by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact [nick.szydowski@bc.edu](mailto:nick.szydowski@bc.edu).

# NOT *your ordinary* LAW CLASS



**IN AN UNUSUAL PROGRAM,**  
A SELECT GROUP OF LAW STUDENTS ARE PUT THROUGH  
THEIR PEDAGOGICAL PACES AS THEY LEARN TO TEACH  
ENVIRONMENTAL LAW TO UNDERGRADUATES



ON THE SECOND DAY OF CLASS, Coli McMahon '04 and Aaron Mango ('04 Boston University School of Law) brought a tomato. It isn't that they didn't like the professor. Indeed, in this class, there was no professor. McMahon and Mango were teaching PO 201-02, an undergraduate political science course at Boston College. The subject: Environmental Law. The case: *Boomer v. Atlantic Cement Company*. The tomato: a prop for getting students to think about what happens when a cement plant pollutes. Setting the stage, Mango and McMahon told the class, "Okay, you're making dinner, and you go out to your garden to gather vegetables for your salad. You pick a tomato. This is what it looks like."

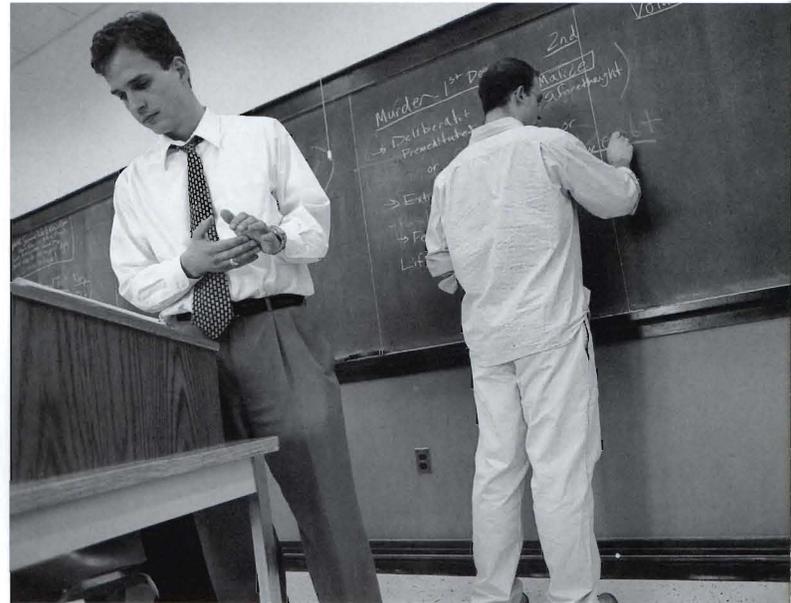
And they plopped the tomato down on a student's desk. It was dusted unapetizingly—and alarmingly—with talcum powder. "How do you feel about that?" they asked.

Everyone stopped to regard the tainted tomato, imagining how unwelcome it would be on their salad plates. "It was very dramatic," reports Mango. And effective. McMahon and Mango had just brought the dense casebook language of law to life.

McMahon and Mango are two of eight 3Ls who, during academic year 2003-2004, participated in Environmental Law Teaching (EL-T), a program directed by Professor of Law Zygmunt J. B. Plater. Every year since 1991, Plater has, on his own time, selected, trained, and supported law students to become teachers of college-level environmental law. This story recounts the experiences of the eight law students who, working in co-teaching pairs, taught four sections of Environmental Law to undergraduates at BC during the Spring 2004 semester.

Plater seeks applicants at BC Law and, by special agreement, at Harvard Law School and Boston University School of Law. Many students learn of EL-T through his postings, or because they have taken his classes. Plater also networks, keeping track of students he thinks would be good candidates. Plater invited Mango, for example, after Mango sought his assistance with an environmental law note he was writing for a law journal.

With about thirty to thirty-five students applying for the program each year and a goal of filling about eight slots, Plater needs to weed people out. At the initial mass meeting, he introduces the program and winnows the group down by telling horror stories: Do you

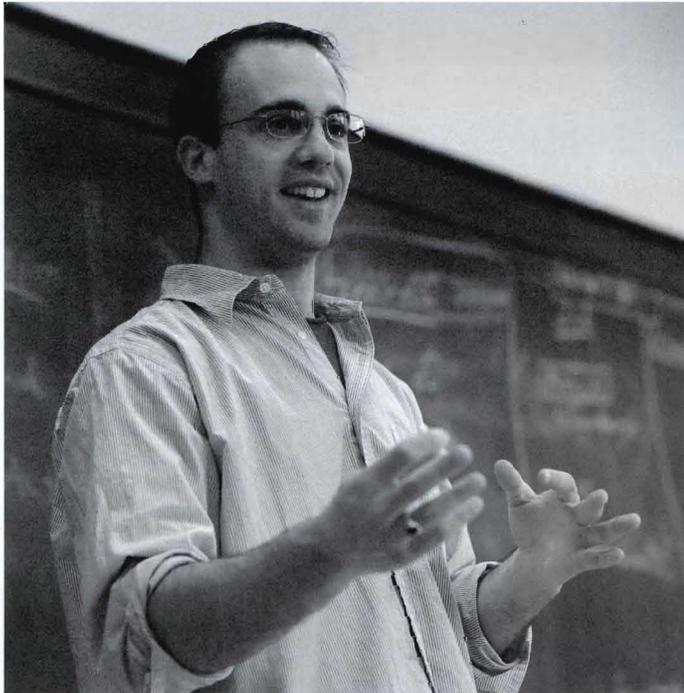


"SIMULATION ISN'T A REPLACEMENT FOR THE REAL THING." —David Galalis  
 Clockwise: Justin Henderson (l) and David Galalis. Eli Scheiman (l) and Una Kang. Katie Conrad. Coli McMahon (l) and Aaron Mango. Opposite page: Professor Zygmunt Plater guided eight third-year law students through the Environmental Law Teaching program.

BY JERI ZEDER

PHOTOGRAPHS BY MICHAEL MANNING

“I tell the students that if they have to make a choice between preparing to teach their class and preparing for a law school class, I expect them to choose the environmental law class they’re teaching.” —PROFESSOR PLATER



realize this is going to hurt your GPA? You’re not going to have a spring vacation. This is going to be more work than you’ve ever done here, and it’s only for three lousy pass-fail credits. The tactic works; about half of those who show up for the meeting opt out. The remaining fifteen or sixteen, Plater interviews, confronting them with a daunting checklist of rules and expectations. He tells them they must:

- teach a course of sufficient quality and depth that BC will welcome the program back next year;
- comprehensively cover the basic structure and process of the legal system and of environmental law;
- prepare for teaching in the spring semester by participating in intensive training sessions in the fall;
- market their courses to ensure optimal enrollments;
- make their students their top priority, even when obligations conflict;
- treat their teaching partners as respected colleagues and valuable co-workers;
- barring an emergency, be at every class session;
- keep office hours, counsel students, write reference letters, etc.;
- write, administer, and grade exams;
- keep a Legacy Notebook for future teachers; and
- not date the students.

Plater selects only those he feels will meet these expectations, but he does take risks. Occasionally he chooses a couple of peo-

ple about whom he’s not completely sure. “I may think they are not yet ready to start teaching, not naturally gifted. But our training program can do something for these people ... that can change their lives.” For Plater, the program implements his philosophy: that teaching is a way to get down to people’s cores, to deepen and change their intellectual modes of thought and personal perceptions.

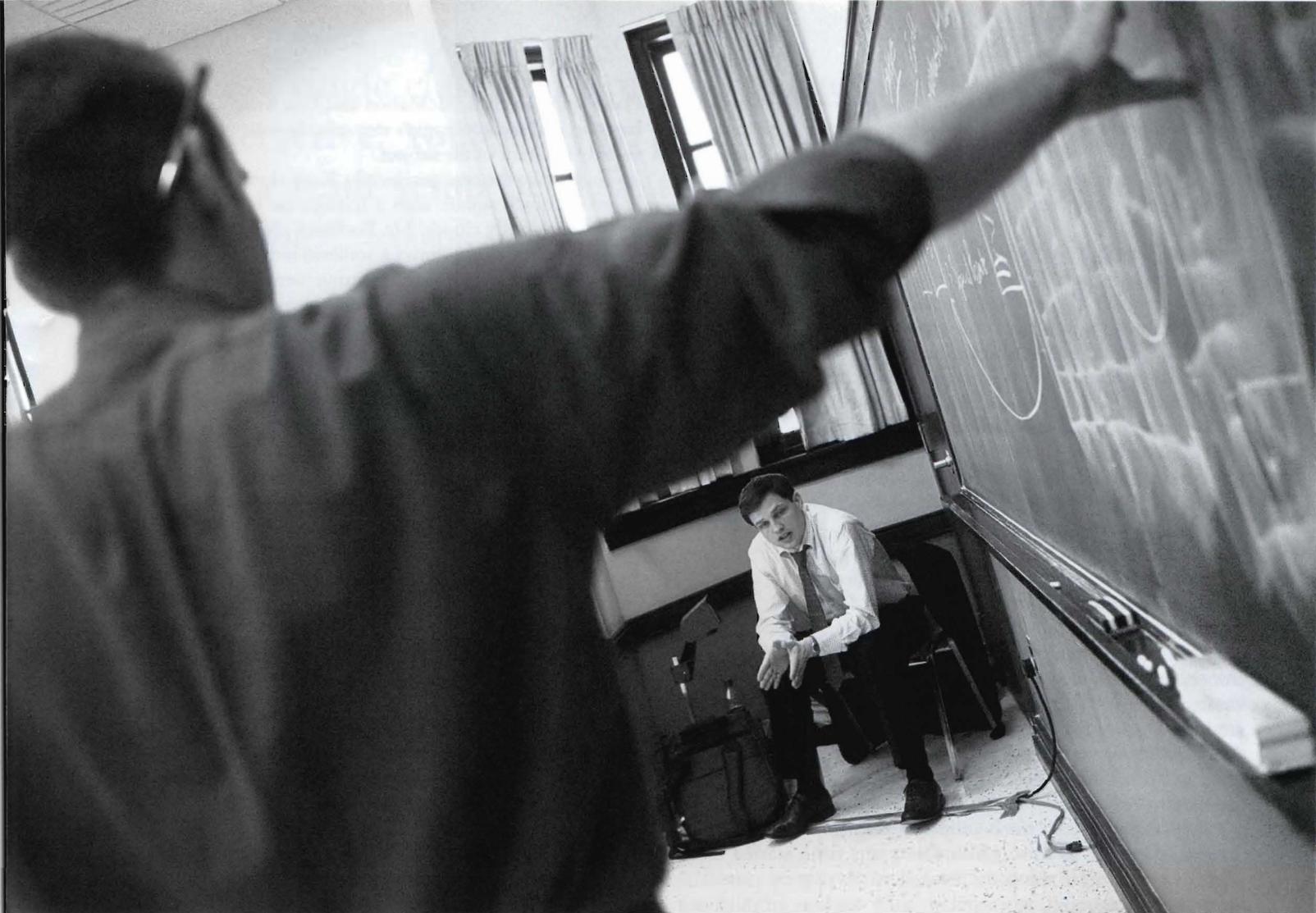
Given the enormous expectations of the program and the small apparent return, why would anyone want to be involved? Part of the answer may lie in the type of person who is drawn to the legal profession. With their strong communication skills and, in many cases, natural tendencies toward theatrics, many people who choose law have a lot in common with those who teach. Indeed, practicing lawyers often serve in law schools as adjuncts and lecturers. There is a teaching component to practicing law as well: Lawyers must prepare and understand their material and be able to explain complex ideas in a way both lay people and legal experts will understand. And they have responsibilities to the profession to train and mentor their younger colleagues.

Of the eight 2003–2004 EL-T participants, six have prior teaching experience or say teaching might be something they’ll do in the future. Eli Scheiman ’04, who has been a teaching and research assistant for one of the Law School’s first-year legal writing courses, says, “This is a good way to decide if I want to teach or not. I’m more interested in academics than traditional legal practice.”

All the participants believe that EL-T will help them be better lawyers. “I think standing up in a classroom is good practice for a hostile courtroom,” says Mango. And some simply love the subject of environmental law and believe teaching is the best way to learn it. “Teaching is a challenge for me to get to know the material better,” says Jeremy McDiarmid ’04, who has made environmental law the focus of his law school career.

SOME STUDENTS HAVE VERY SPECIFIC and personal reasons for being part of EL-T. McMahon took Environmental Law from BC Law students when he was a college sophomore. “I felt like I was learning something kind of above what other people were learning at the college level. It stuck out in my mind,” he says, explaining his participation now that he is a law student himself. David Galalis ’04 says, “I have a lot of significant mentoring experiences in my background. I can point to what it was about certain professors that allowed them to have a dramatic effect on my intellectual development. Being able to take what I received from these professors and give it back to other college students is my way of saying ‘thanks.’”

Finally, there’s the Plater factor: Some students have become close to Plater in their time at BC Law and want to take their affiliation with him to another level. McDiarmid says he is drawn to Plater’s enthusiasm for ideas. “He also treats students like they’re colleagues,” McDiarmid further explains. “He’s very



loyal; he'll write recommendations and push for students he believes in. That makes him a good professor and a good mentor."

Which brings the issue to what motivates Plater. He could probably write an entire book answering the question, but he makes two telling points.

One is that EL-T formally addresses a niche that often goes unnoticed at law schools. "Many people who have been in this program find themselves teaching as adjunct faculty at nearby universities while practicing law. I would say over the years I've had more than 100 students who have done this program, of whom a large number, perhaps more than half, occasionally teach, or regularly teach part time, and a half-dozen are now full-time teachers, either in law school or standard university programs," he says.

The other point speaks to Plater's own passion for teaching. "I've become very fond of these people. In part I share with them in a way I can't share in most of my classes. There are some students who are on teachers' wavelength.... They become colleagues." Students are too often passive consumers of education, and the teaching styles of too many professors reinforce that,



**Above:** Una Kang (l) and Eli Scheiman draw on each other for support as they team-teach their class. **Top:** Drawing diagrams of a case's fact pattern is an interactive technique David Galalis (l) and Justin Henderson have incorporated into their teaching. **Opposite page:** Aaron Mango has learned how to engage his students, not merely lecture at them.

Plater believes. Students who become teachers—the sort of teachers he’s trying to mold them into—become active explorers and manipulators of the material. His EL-T colleagues, Plater says, know there is a vast difference between tossing out nuggets of information and engaging in high-level thinking.

**BEGINNING IN OCTOBER**, the law students gather around the conference table in East Wing 308, a seminar room, to start their teacher training. It’s early in the program; the law students are a bit tentative with each other and have not yet started sharing the bagels, bite-sized peanut butter cups, and other law-student comfort foods they will as time goes on. On this day, they reserve the head of the table for Plater, but that will also change as they start absorbing Plater’s admonitions that they are colleagues—equals.

Plater starts speaking. They discuss logistics: how to market the course to ensure full enrollments; syllabi: how to organize the substantive flow of the course; and pedagogy: what to teach and how to teach it.

Plater is clear and uncompromising. There are no ideological knee-jerk answers to the questions your students will ask you, he tells them. “You guys are showing how the world gets worked upon by the legal system.” He expects the teachers, through the lens of environmental law, to focus on the basic structure of the American legal system. They’ll teach how a lawsuit originates, is crafted and litigated; what the sources are of legal power and authority; how legislatures, courts, and executive agencies apply law; and about common law, statutory law, regulation, federalism, and constitutional doctrine. The teachers will write several drafts of syllabi before Plater is satisfied.

They learn how to teach primarily through simulations followed by group critiques, which Plater gets them started on as soon as possible. He wants the teachers to develop an interactive style in the classroom, to encourage their students to think out loud and actively discover the material. At the first simulation session early in October, the law students have prepared to “teach” *Boomer v. Atlantic Cement Company*. To select who goes first,

Plater spins a pencil. McMahon and Una Kang ’04 are “it.” The two rise, and their colleagues step into the roles of college students entirely ignorant of the subject.

To describe the case graphically, Kang sketches it on the blackboard—a quick square with a triangle on top, flanked by lines topped with puffy clouds: Mr. Boomer’s idyllic home surrounded by trees. Beside it, she draws a soulless, industrial-sized rectangle, topped with a “smokestack” emitting menacing squiggles headed straight toward Mr. Boomer’s property. Slowly, McMahon teases out of the class the elements of a private nuisance. Kang jots the words “substantial and unreasonable harm” on the blackboard.

McMahon asks the class, “What is Boomer going to do about the pollution ruining his property?”

A “student” raises his hand.

“Yes?” says McMahon. “What’s your name?”

“Darral. Darral Stein,” answers Plater, in the persona of his perpetually confused alter ego. Stein has a knack for asking questions in the most perplexing way. “Isn’t he bringing it to the government?” McMahon hesitates, and Kang jumps in, explaining the differences between regulatory agencies, the legislative system, and common law. Then, she asks the class to discuss Boomer from the perspective of the defendant.

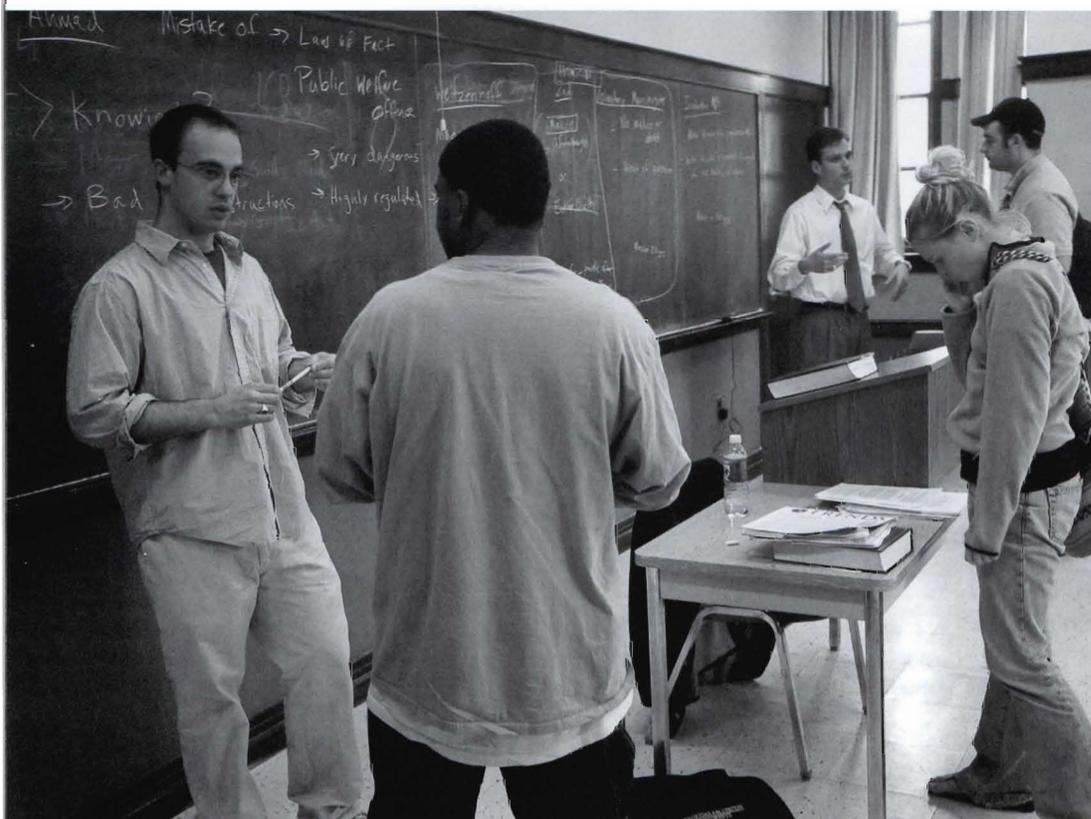
After fifteen minutes, which includes more lecturing time from McMahon and Kang than Plater prefers, Plater halts the exercise and launches into critique. “First, these guys were cool. They didn’t get rattled,” Plater says. “What worked? What didn’t work?” he asks the group. “How could Coli have gotten to the information without lecturing? Engage the students.” He tells the group to let the case shape the discussion, to get the students themselves to describe the story behind the lawsuit. Use the blackboard, he tells them. “Say, ‘what do I draw?’ Get the students active right away.”

Simulations, it turns out, are invaluable. “If I didn’t have these simulated meetings, I’d be going in with a false sense of confidence,” says McMahon later. “I realized how fast things can fall apart if you don’t know what you’re talking about.”

“I plan to try to focus on the story first and make sure the students understand what the people involved were doing or thinking when they started the lawsuit,” says Jeremy McDiarmid. “In the second role play, Darral Stein tripped me up considerably. The challenge is to think on my feet and respond accurately and with confidence and to say, ‘I don’t know,’ in a way that doesn’t take away the student’s confidence in my ability to teach.”

Just having a semester to think about teaching is helpful. “I’m not consciously mimicking anybody,” says Eli Scheiman. “But I do pay attention now to what my teachers do.” And having a partner for support is critical. “Every

**Left: Aaron Mango (l) and Coli McMahon take five after class to respond to student questions. Opposite page: Jeremy McDiarmid has mastered the ability to think on his feet.**



“Every single class you need to engage people and make it interactive. You can’t just present a lecture. It’s good to have a team setup because this is a hard way to teach. It’s tiring.” —AARON MANGO

single class you need to engage people, make it interactive. You can’t just present a lecture,” says Mango. “It’s good to have a team setup because this is a hard way to teach. It’s tiring.”

Plater concurs. “When you’re teaching alone, there’s nobody you can tag to help when you need it. Team teaching, I think, is part of the secret of this project’s success.”

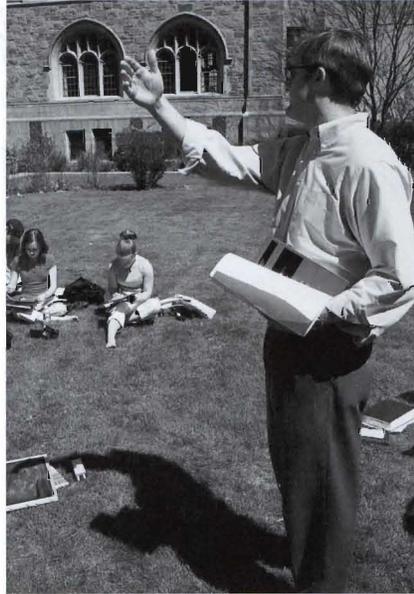
Despite the months of practice and preparation, it’s clear that simulations hardly substitute for the real thing. David Galalis, mere days from teaching his first class, realizes, “I had the naïve assumption that I would have been molded into a teaching dynamo by this point. But that’s not true. We’re only going to learn through the process of teaching the class. I have more uncertainty than I thought I would as to what to expect and how to handle different situations. Simulation isn’t a replacement for the real thing.”

Come the spring semester, each team teaches twice a week, Tuesdays and Thursdays, for an hour and a half per class. Prep time per class can run as much as five hours; then, there’s the seminar, which continues to meet weekly throughout the spring semester, plus office hours, plus any unexpected requests from the college students. Mango, for example, was asked to write a reference letter for a student applying for a scholarship. On top of all this are the demands of law school. “I pulled an all-nighter on something,” reports McMahon. “Class was tough the next day. Everyone looks at you and expects you to teach. It’s not a good idea not to get any sleep. Aaron claims he didn’t notice!”

Anticipating experiences like McMahon’s, Plater says, “I tell people that if they have to make a choice between preparing to teach their class and preparing for a law school class, I expect them to choose the class that they’re teaching. But I don’t have to tell them that; the process itself is so motivating. When you teach and you’ve had a bad day, you say, ‘I’m never going to let that happen again.’”

Scheiman, Kang, and Galalis, having entered law school straight from college, are the youngest of the teachers. They tend to express the most concern about maintaining an appropriately authoritative and professional relationship with their students. “I feel like I look young,” says Scheiman. “How are the students viewing me? I’ve been wearing a suit to counteract the impression.” Galalis has unexpectedly run into some of his students outside of class. “I try to steer the conversation toward the class. I don’t want to become friends with some students and not with others. I want to keep the student-teacher relationship both equitable and professional.”

At some point, each teacher finds a groove. “I was always look-



ing at this from my perspective, what I have to do to succeed,” says McMahon. “But that’s half or less of the picture. It’s about what they, the students, will get out of it. I want to be a litigator, need to be fast on my feet. This will help me get there, but that’s not what this class is about. There are thirty other people who come into play. They have nothing to do with my personal growth. Law school sometimes gives you tunnel vision. I’m kind of glad I realized that now.”

By mid-semester, all the teachers report that preparing and teaching have gotten much easier, and that being in the classroom is certainly less terrifying than it was at first. And yet, they still have a long way to go. “I’m beginning to see where my intrinsic weakness is as a teacher,” says Galalis thoughtfully. “I still feel like there is an invisible wall between the front of the classroom and the class.... The last step is to gain mastery over the art.”

Three months have passed since McMahon and Mango brought that tomato to class. One day, a student approaches them after class to tell them he was just admitted to law school. McMahon recounts his student’s words. “He said, ‘I feel like I have a leg up, like I’ve gotten a good background. I just wanted to thank you.’ It almost gave me chills!” says McMahon.

It’s 1:25 p.m.; class starts in five minutes. A late March storm brings gray skies and a gentle snowfall. Students are filing into Gasson 309. Mango takes a last minute look at the environmental law casebook. A student holds a pink highlighter, poised for marking. Another passes the time engrossed in a novel. McMahon comes in, sets up the lectern, arranges his notes, and assesses attendance.

One-thirty. Today’s topic is the Clean Water Act, the case, *Atlantic States Legal Foundation, Inc. v. Eastman Kodak Company*. Mango assigns some students to role-play the perspectives of the plaintiff and defendant.

Mango: Why are the plaintiffs upset with you?

Student: We’re putting pollutants into the Genesee River. But we have a permit.

Mango: Plaintiffs, what’s wrong?

Student: They’re discharging things that aren’t in the permit.

All eyes are on Mango and the role players. Students laugh at Mango’s hyperboles and toss out a few of their own. The room feels charged with interest. No one appears nervous or unsure anymore—not the students, and certainly not Mango and McMahon. As class is ending, the teachers assign twenty-two pages of heavy casebook reading for the weekend. No one blinks an eye.

---

*Jeri Zeder is a contributing writer to this magazine.*