

THE IMPORTANCE OF A LEGAL EDUCATION*

*Theodore A. Feitshans***

My fellow members of the American Agricultural Law Association and honored guests, I thank you for allowing me to serve as your President for the past year. It has been an honor and a privilege as well as a real education. The diversity of legal practice throughout these fifty states never ceases to amaze me. I wish to thank each and every one of you for making this conference possible—panel organizers, speakers, sponsors, our Board and Executive Director, committee chairs and members, the Hilton staff, and you, the attendees. On a personal note, it is a particular pleasure to be in Omaha as my mother's family is from eastern Nebraska. We all have our own reasons for attending this conference and for participating in the American Agricultural Law Association. There is one purpose, however, that all of us share. It is the purpose for which this organization was founded—legal education.

Before I address legal education itself, I must address the reason that every citizen must have some legal education—the rule of law. As Neil Hamilton, a winner of our Association's highest award, has noted, the rule of law is critical to the performance of agriculture; a criticality that is underappreciated.¹ The rule of law, simply stated, is the ideal that no person is above the law. It is an ancient concept discussed by both Plato and Aristotle. In its modern conception it is the notion that all are equal before the law without regard to irrelevant factors, such as economic status, religion, or race. Only those factors relevant to the decision to be made by a tribunal, government official, or agency should be considered. Unlike a "law" in physics or some other science, the rule of law is a human construct. As with any such human construct, the reality will always fall short of the ideal.

Nonetheless, the ideal is a powerful motivator. Indeed, most human progress has come through the pursuit of ideals. That we may never, in this imperfect world, ever reach an ideal should not deter us. It is in the effort that great

* Presented as the Presidential Address at the 31st Annual Meeting of the American Agricultural Law Association, Omaha, Nebraska, October 8, 2010.

** Extension Associate Professor in the Department of Agricultural and Resource Economics at North Carolina State University, where the author has taught since 1995 and run the extension education program in agricultural law.

1. See Neil D. Hamilton, *Feeding the World's Future: Agrarian Justice and the Rule of Law*, 13 DRAKE J. AGRIC. LAW 545, 549-50 (2008).

character for both individuals and nations is built. So why is the rule of law an ideal worthy of our pursuit?

Business and innovation—the world’s primary forces for creation of wealth, improved living conditions, and increased employment—thrive in a legal environment where the law and its application are predictable. Individuals can live and sleep securely in a legal environment where they can be sure that they have conformed their behavior to the requirements of the law. Indeed, civilized intercourse itself depends upon the rule of law. The converse is a world where the rules are constantly shifting and no one can invest with any certainty that a change in the rules will not eliminate their investment, the fruits of their labor, or even their lives. It is a world where the fruits of one’s labors are never secure.

The importance of the rule of law as a guiding ideal has come to me gradually. Years ago I had a student from a country rich in natural resources, with a creative and industrious population, known for its productive farmland and well-watered pastures. Unfortunately, the same country is also known for its repeated financial crises that continue to threaten both the adequacy of housing and food for its people. So I asked this student, why is it that his country is not able to consistently generate wealth with so many advantages—many more than some countries that are much wealthier. His answer caught me by surprise. He said that the legal system of his country was inferior to those of wealthier countries. He elaborated. He was due a substantial inheritance at the untimely death of his father. Nonetheless, through manipulation of the legal system, his father’s business associates left his mother as well as him and his siblings impoverished. This creative and hardworking young man voted with his feet and is now a legal resident of North Carolina where he has contributed to our economy and the growth of employment through his business activities.

Reflecting upon my childhood has had a poignant impact on my understanding of the rule of law. When I was a child in Georgia, everything, from gas station restrooms to schools to our family doctor’s waiting room, was strictly segregated by race. After the 1964 Civil Rights Act, everything changed, to a considerable extent through the rulings of some very courageous judges. In applying the law, many of these judges risked alienating not only the members of their own race but even their kith and kin. Indeed, I dare say that some of these judges did not agree with the social changes that their rulings set in motion. Yet they so cherished the ideal of the rule of law that they set aside their own prejudices and fear of ostracism, ignoring even threats of violence, to uphold the law. I doubt that the great, and largely peaceful, success of the civil rights movement could have occurred absent our cherished ideal of the rule of law.

I could stand here and tell you that the ideal of the rule of law is under unprecedented threat; however, that would do an injustice to the efforts and sacrifices of those who came before us. The rule of law is, as is civilization itself,

always fragile, always under threat. Each generation must renew its faith that the ideal of the rule of law is something worth upholding and defending, even to the sacrifice of one's life. The threats to the ideal are many, but I wish to discuss only one in the brief time that I have.

The threat that I wish to address is our collective failure to educate our young about the legal system and the importance of the rule of law. The majority of students who graduate with a four-year college degree have never taken a single course in law. North Carolina State University is probably typical. We have around 40 courses that address some aspect of law. Roughly 1500 students take these courses in any given year. With about 34,000 students enrolled, even the math-challenged, such as I, can calculate that the majority of NC State students will graduate without taking a single course in law. For those who do not pursue a college degree, the situation is much worse. Few high schools offer any coursework in law.

I recently heard the President call for increased emphasis on science and math in education.² I said, "Here we go again. I have heard this for my entire life!" Have any of you ever heard a president call for increased education about our legal system? And yet a math and science education without an understanding of a well-functioning legal system is like a bicycle without wheels. Of what use is it? How can one discharge one's duties as a citizen or understand one's obligations when administering a grant that supports science, for instance. How can a democratic republic endure without its citizens understanding the importance of the rule of law?

The current budget climate in most states is grim. Most undergraduate courses in law are taught by attorneys in departments of other disciplines. For almost all of us who teach undergraduate courses in agricultural law, we are either the only lawyer or one of a few in a department dominated by another discipline, most often agricultural economics. While this has been a good relationship for many years, budget cuts have made it increasingly difficult to replace law faculty when they retire or leave. In the current budget climate, there are also often serious gaps in the core disciplines that hold higher priorities.

There are some bright spots. Some of us educators in the AALA have been addressing the problem through the AG*IDEA agricultural law certificate project.³ This project will pool undergraduate courses in agricultural law, environmental and natural resources law, and rural health law offered by a national consortium of land grant universities.

2. See, e.g., *White House Wants 10,000 STEM Teachers*, BLOG ARCHIVES: INNOVATE & EDUCATE (Sept. 27, 2010), <http://www.innovate-educate.org/blog/archive/2010/09/>.

3. See *About AG*IDEA*, AG*IDEA, <http://www.agidea.org/> (last visited May 24, 2011).

I would also like to see some legal education starting in junior high school or high school. However, few secondary schools have ever offered courses in law. Reduced budgets and the exigencies of preparing for end-of-grade tests have eliminated many of those that did exist. In case you were wondering, end-of-grade tests do not include law as a topic.⁴

I am not here to ask a great sacrifice of you. What I am asking of you is that you use every opportunity to promote education in law as a critical part of every education. When you get that fundraising letter from your alma mater, let them know that you think having undergraduate courses in law is important. Support those existing programs in law schools that educate students in agricultural law. When you attend the PTA meeting at your child's school, let people know that every student should know something about the rule of law. Volunteer to teach a course at a local college. You might even have fun!

4. See MetaMetrics, Inc., *Performance Standards*, PUB. SCHS. N.C. (Dec. 2008), <http://www.publicschools.org/docs/accountability/lexiles/lexperformstand.pdf> (explaining the different subjects tested at 3-8 grade levels in North Carolina).