

course grade. The SC exercise enables the student to apply the law in context.

How to engage students meaningfully in a large-class discussion of the law is a continuing challenge for most teachers. After conducting the SC interviews, the students struggled much more intensely with the pluses and minuses of the witness' potential value to our client's case. The collective discussion was much richer than it had been when they had not been engaged so directly and intimately with the witness.

The logic of including the SC as part of the process of being admitted to practise law seems theoretically unassailable. It is a way of ensuring competence in interviewing and counselling, two skills critical to competent lawyering.

Let's space out: rethinking the design of law book texts

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Lawyers pride themselves on clarity of expression and precision in the use of language. But lawyers and law teachers pay scant attention to the readability of legal texts. Law school casebooks, hornbooks, and many legal documents fail to take advantage of proven principles for improving the clarity and readability of text. Many of these principles not only are well understood, but may be implemented easily and cost-effectively using contemporary word-processing technology.

Law texts are dense and unstructured, with little use of white space, headings, bullets, or other typographic highlighting. The result is undifferentiated text that is difficult to read and understand — even for experts.

The lack of structure in legal texts is not merely an academic problem; it is a professional problem. The fact that even experienced lawyers have trouble reading cases is signalled by numerous professional devices — or crutches — designed to compensate for lack of

textual structure. Most notable of these is the famous West keynote system, which uses both case synopses and structured headnotes to precede appellate opinions, and numerically keys portions of the opinion to match the headnotes. A lawyer using Westlaw benefits from coloured highlighting of passages that are most responsive to the particular search. In contrast, the casebooks assigned to beginning law students are stripped of even these convenient guides. Instead students are presented with pages of choppy edited opinions without headnotes, subtitles, white space, coloured print, or other textual highlights. They are expected somehow to glean from the few headings provided the substantive context of the case and why the author has chosen to include it in this particular section. Then they are expected to wade through the unstructured text and pick out the uncontroverted facts, the disputed legal and factual issues, the procedural history, the rules, holdings, rationales, and analysis of the opinion.

The problem of readability of law school texts grows more acute with each passing year. Contemporary education theory suggests that law students, especially in the first year, would be greatly helped by casebooks and legal texts that make better use of known principles concerning the visual display of textual information.

There is a considerable body of evidence linking text format to the comprehension of content. Modern research has shown that most readers tend to read selectively. Therefore, in order to process ideas effectively, they must be able to perceive the organisation of material and infer content from titles, headings and arrangements of text. Several experts have said that the way blocks of text are laid out on the page or screen serves as a way for the reader to organise the ideas that the text contains. Others have suggested that readers who can identify and use expository text structure and/or main

ideas remember more of what they read.

Research has demonstrated that readers read hierarchically. Main points should be partitioned and placed in a more dominant position than subordinate points because main points are more easily remembered than supporting ones. When we present beginning students with unstructured text, we keep their minds occupied in basic level organisation and interpretation of text, leaving them fewer mental resources to devote to reflection and deep understanding. They are so busy trying to discern the basic structure of the information provided that they have no time for the adjunct mental processing required to assess the relevance, context, or implications of what they are reading.

Several changes in legal education could address the knowledge deficits of the beginning law student. Among the suggestions are oral previews, graphic organisers, concept maps and short courses explicitly describing the structure of legal texts and strategies of case analysis. Law teachers are recommended to provide explicit written guidelines for placing a case in context and reading it analytically. Why not also restructure legal texts, especially first-year law school casebooks, so as to make them more readable?

Some will inevitably object that generating more readable law texts is spoon-feeding the students. However, would it not be better for students, particularly in their first year of law school, to use texts that have been structured for them by professional educators instead of the anonymous writers of canned briefs and outlines? All the research strongly suggests that law students' learning could be enhanced simply by the editing of cases to include subheadings that describe the underlying structure of the opinion: established facts, legal issue, factual issue, rule of law, holding, application of law to facts, and so on.