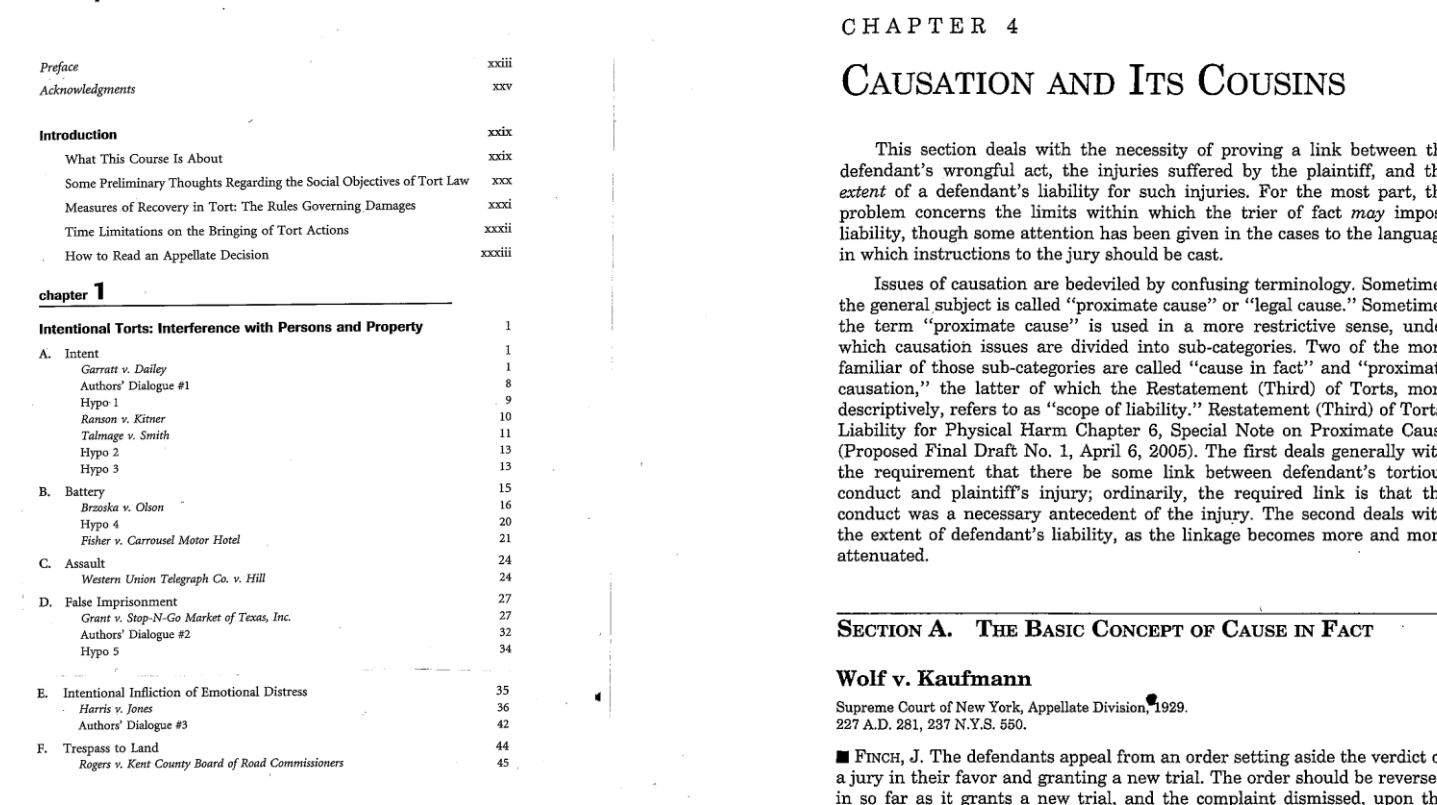


Introduction

- Background:** One of the most important skills every first-year (1L) law student must develop is how to read judicial opinions (aka “case law”) accurately. While many students default to highlighting key text, research shows that other “active reading” strategies lead to better comprehension of text.
- Research question:** Whether first-year law students who use more effective reading strategies understand a judicial opinion better than those who use fewer effective reading strategies.
- Hypothesis:** Those students who use more effective critical reading strategies will demonstrate a more thorough and accurate understanding of a judicial opinion than the students who used fewer effective reading strategies.

Effective Reading Strategies

- Using content cues (table of contents, pre-case and post-case notes and questions, synopsis, headings)



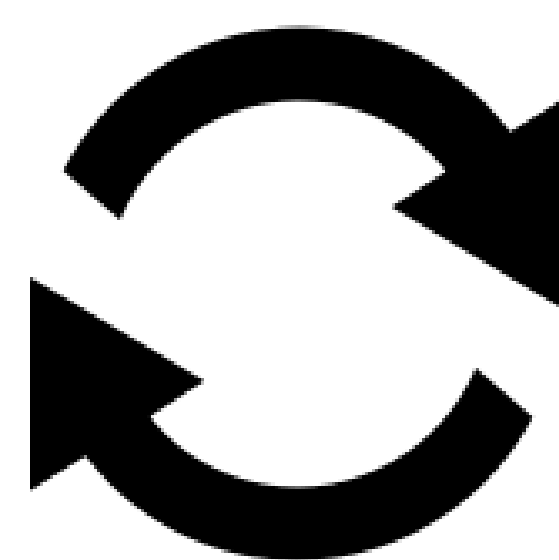
- Knowing your purpose for reading
- Having a dialog with the judge



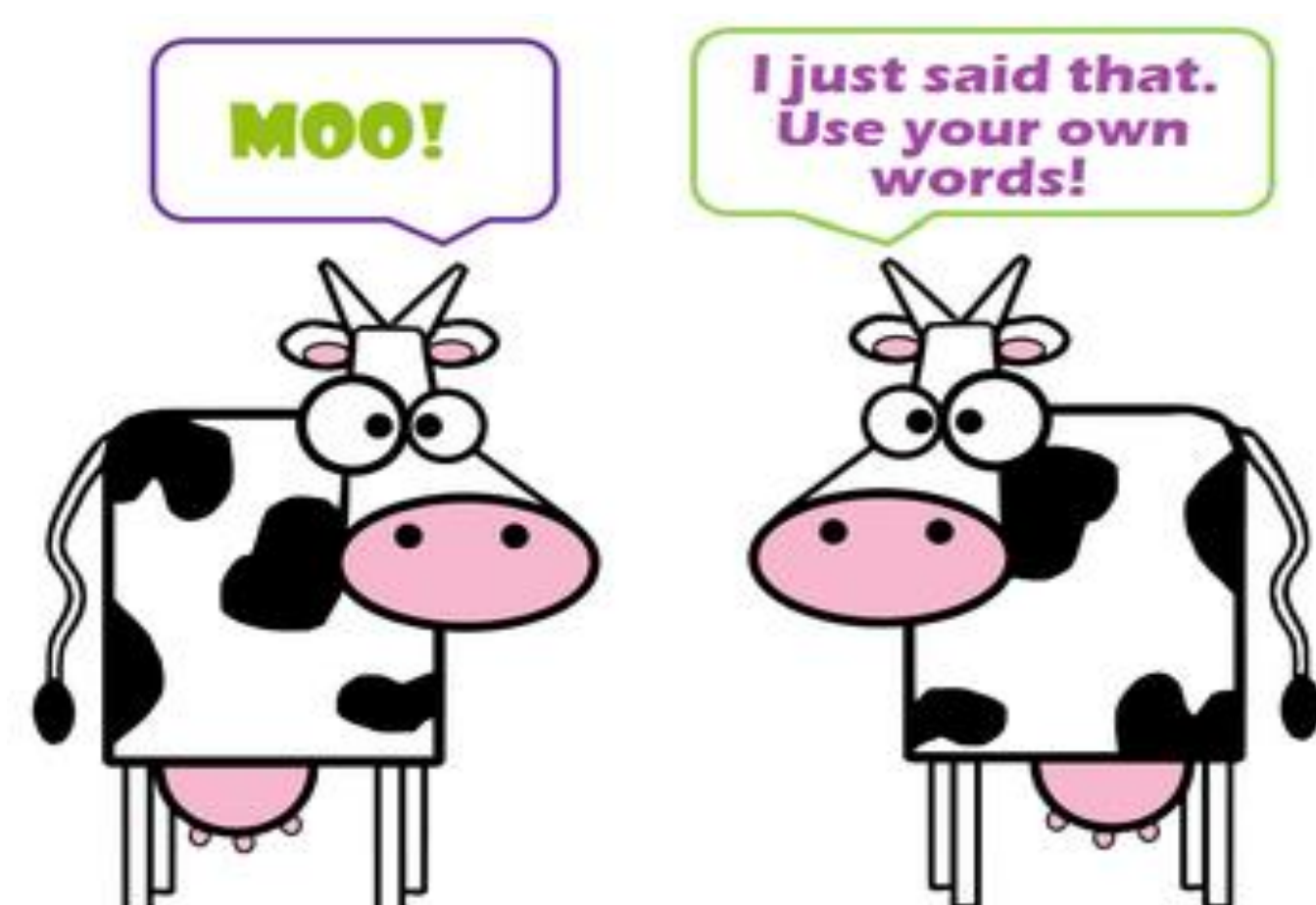
- Reading as an advocate for one side or the other
- Visualizing the action



- Reading cyclically



- Being able to explain the case to someone else in your own words



Materials and Methods

Participants: First-year law students in DU Law's part-time program who were in Professor Roberto Corrada's contracts class.

- Materials:**
- The case *Hawkins v. McGee*
 - A case brief template and a coding rubric for the case brief
 - A survey about reading strategies used while reading the case

Procedures and design: Students read the case *Hawkins v. McGee*, then completed a case brief using the template provided. The template required the students to identify the procedural history, relevant facts, issue(s), conclusion/holding, rule(s), application/ reasoning, and take-away. After completing the case brief, the students completed a survey on Qualtrics that asked them to identify what reading strategies they had used while reading, using a 5-point Likert scale.

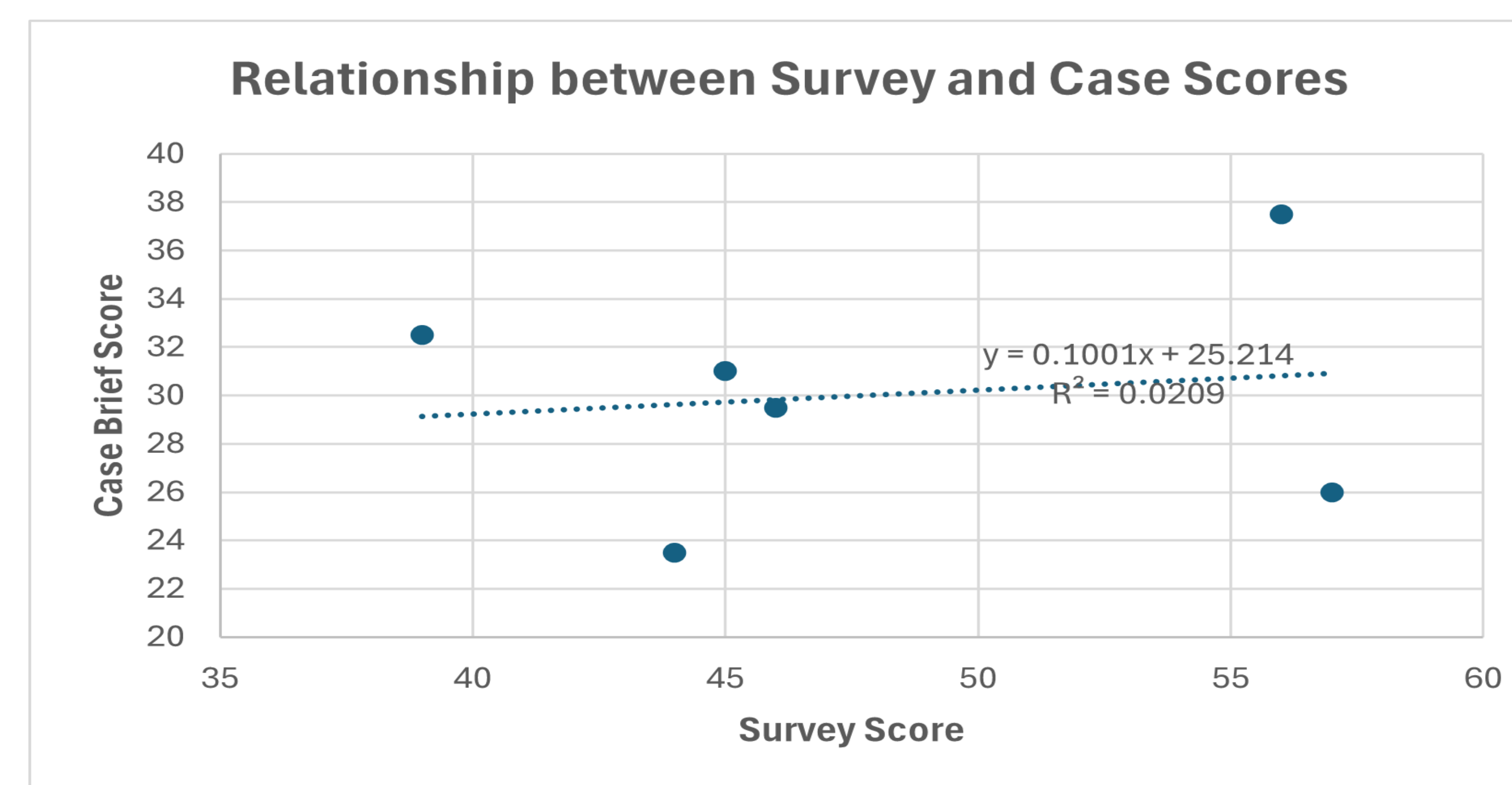
Case Name	Hawkins v. McGee
Procedural History	Jury trial, verdict for Π. Δ's motion for directed verdict on breach of K was denied. Δ's motion to set aside the verdict because damages were excessive was granted (was denied on three other grounds).
Relevant Facts	Π's hand had been injured; Δ grafted skin from Π's chest to his hand. [Opinion doesn't include facts about the hair.] Before operation, Δ said boy would be in hospital no more than four days and that his hand would be 100% good.
Issue(s)	1. Was there a contract when Δ told Π, "I will guarantee to make the hand a hundred percent perfect hand or a hundred percent good hand?" 2. How should damages be calculated?
Conclusion / Holding	1. The question of whether there was a contract was properly given to the jury. 2. See rule below. New trial [because jury instructions re: calculating damages was incorrect].
Rule(s)	Damages: The measure of the vendee's damages is the difference between the value of the goods as they would have been if the warranty as to quality had been true, and the actual value at the time of sale, including gains prevented and losses sustained, and such other damages as could be reasonably anticipated by the parties as likely to be caused by the vendor's failure to keep his agreement, and could not by reasonable care on the part of the vendee have been avoided. In this case, that means the true measure of Π's damages is the difference between the value to him of a perfect hand or a good hand and the value of his hand in its present condition, including any incidental consequences fairly within the contemplation of the parties when they made their contract. 1. Facts that supported the statement being a contract: evidence that Δ repeatedly solicited from Π's father the opportunity to perform the surgery, and suggestion that Δ sought an opportunity to "experiment on skin grafting." 2. Jury instruction re: damages was incorrect because it awarded damages for pain and suffering and ill effects of the operation on Π's hand. • Purpose of damages in contracts is "to put the Π in as good a position as he would have been had the Δ kept his contract." • The measure of recovery "is based upon what the Δ should have given the Π, not what the Π has given the Δ or otherwise expended." • Losses in contract "are such as the parties must have had in mind when the contract was made, or such as they either knew or ought to have known would probably result from a failure to comply with its terms." • The extent of Π's suffering does not measure this difference in value.
Application/ Reasoning	
Take-Away from Case	[Expectation] Damages: Difference in value between what was provided and what was promised.

Please enter the identification number you used on your case brief in the space below. [Space provided to write in number.]					
Indicate to what extent you agree with each statement below regarding how you read Hawkins v. McGee.					
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I read the end of the case first, then read the rest of the case.					
I read the case linearly, from beginning to end.					
I reread parts of the case to be sure I understood it.					
I read the introductory material that precedes the case.					
I read the questions and notes and that follow the case.					
I tried to explain the case in my own words.					
I formed an opinion about the case.					
I highlighted important material as I read.					
I looked up words I did not understand.					
I thought about the purpose for reading the case.					
I read for the main idea of the case.					
I thought of questions I would like to ask the justice who wrote the opinion.					
I thought of questions I would like answered in class.					
I thought about how the case connects to others we have read in class.					

After the students submitted their case briefs and completed the survey, I “graded” the students’ case briefs by comparing them to the model case brief (above). I used a rubric to code the students’ briefs on a scale of 1 (poor) to 6 (excellent). For the surveys, I numbered each response from 1 (less effective reading strategy) to 5 (more effective reading strategy), reverse coding items where necessary. I then did a Pearson correlation to measure the relationship between the quality of the students’ case briefs and their use of effective reading strategies.

Results

Due to the low response rate (6 of 35 students), the results of the study are not statistically significant.



Conclusions

- Data-driven research on law students' use of effective reading strategies is limited
- Due to the low response rate for this study, I was not able to determine if my hypothesis regarding law student reading strategies is correct.
- The study is nonetheless helpful as a pilot for a similar study to be conducted with many more students.

Future Directions

- Repeat the study with many more students, possibly the entire first-year class (250+ students)
- Have students read two or three cases rather than just one, perhaps from different classes, so the results can be generalized to more environments.
- Rather than having students ranks the extent to which they agree with a statement about whether they used a particular reading strategy, I would have students put each reading strategy into one of the following categories:
 - This was one of my main reading strategies
 - I used this reading strategy frequently
 - I used this reading strategy occasionally
 - I rarely used this reading strategy
 - I never used this reading strategy

References

Christensen, L.M. (2007). Legal Reading and Success in Law School: An Empirical Study, *Seattle University Law Review*, 30, 603-648.

Cooper, J.M. (2018). Smarter Law Study Habits: An Empirical Analysis of Law Learning Strategies and Relationship with Law GPA, *St. Louis University Law Journal*, 62, 361-394.

Curtis, D.M., & Karp, J.R. (2005). In a Case, In a Book, They Will Not Take a Second Look! Critical Reading in the Legal Writing Classroom, *Willamette Law Review*, 41, 293-324.

Grisé, J.B. (2017). Critical Reading Instruction: The Road to Successful Legal Writing Skills, *Western Michigan University Cooley Journal of Practical and Clinical Law*, 18, 259-305.

Montana, P.G. (2017). Bridging the Reading Gap in the Law School Classroom, *Capital University Law Review*, 45, 433-455.

Oates, L.C. (1997). Beating the Odds: Reading Strategies of Law Students Admitted Through Alternative Admissions Programs, *Iowa Law Review*, 83, 139-160.

Williams, C.V. (2020). #CriticalReading #WickedProblem, *Southern Illinois University Law Journal*, 44, 179-223.

Share Your Thoughts

- What are your favorite reading strategies when reading difficult material?
- Do your strategies differ if you're reading on a screen rather than on paper?
- What tips would you give to students who are learning how to read and understand written materials in your field of study?

Please use the sticky notes to share your ideas!