

Reading Like a Lawyer

Ruth Ann McKinney, *Reading Like a Lawyer: Time-Saving Strategies for Reading Law Like an Expert*, Carolina Press, 2005, has identified a “top ten” list for critical reading concepts; how experts read.

1. Reading with energy and curiosity is key. You can't read law well when you're too tired to think creatively.
2. All good reading involves a dialogue between the reader and the author. Casebook reading is no exception, and students who read law well end up creating new meaning from the interplay of their ideas with those of the writer – they don't read to blindly learn flat information.
3. Law students do not have the luxury of reading at a leisurely pace. Time is of the essence and legal readers need to be time aware and focused on efficiency when they read;
4. Good readers spend a lot of their reading time guessing – forming hypotheses about the material they are covering based on drawing inferences – and they're not afraid to guess wrong and are happy to correct themselves when they find their original guess no longer makes sense;
5. All readers read more effectively and faster when they read recursively (in a looping fashion, revisiting ideas, moving forward to search for answers, coming back to consider something already read). Thus, students who insist on reading from the first word to the last word of a text, never varying pace or diction, will take more time and glean less from their reading than those who move around in the text;
6. People read faster and more effectively when they read selectively, paying the most attention to what helps them get to the “main idea” of the text in the context that the reading is assigned;
7. Cases contain lots of “micropropositions” (building block information) that students need to understand in order to ultimately understand the macropropositions” of the case (the deeper broader import of the case). The micropropositions are NOT the main idea of the text – but are important stepping stones to getting there;
8. To read effectively, students need to have opinions about what they read. Even though the judges who author the cases they read are powerful figures with more legal expertise than most students will have for many years, students should use their own minds to decide if they agree or disagree and to sort out why they agree or disagree;

9. Students who vividly visualize the action in a case are going to get more from their reading than students who do not visualize (or visualize inaccurately) as they read. Students can learn to be better legal readers by “seeing” images created by the words they read and begin open to learning how others visualize the same material – perhaps widening their horizons and challenging their reading assumptions
10. Acquisition of a rich legal vocabulary speed up reading (and understanding) by helping students visualize more accurately and get orientated more quickly to what is going on in the test. Words matter.

Ruth advocates that two protocols can be used to teach critical reading; “read aloud” and “think aloud.” In a “read aloud” protocol, academics studying reading would have the student read material out loud, stopping the student at important places in the text to investigate what the student is thinking about as he or she reads. In a “think aloud” protocol, the student reads silently but would share what he is thinking about as he reads. Without a name for what we have been doing, many of us already use an interplay of these two protocols when we teach case briefing during orientation. As they are effective ways to get students thinking and thinking about their reading we should expand their use in our classrooms.

Additional works that might be of interest on this topic include:

- Mary Kate Kearney & Mary Beth Beazley, *Teaching Students How to “Think Like Lawyers”: Integrating Socratic Method with the Writing Process*, 64 Temp. L. Rev. 885 (1991).
- Debra Moss Curtis & Judith R. Karp, “*In a Case, In a Book, They Will not Take a Second Look!*” *Critical Reading in the Legal Writing Classroom*, 41 Willamette L. Rev. 293 (2005).
- Laurel Currie Oates, *Beating the Odds: Reading Strategies of Law Students Admitted Through Alternative Admissions Programs*, 83 Iowa L. Rev. 139 (1997).