

Meeting the Carnegie Report's Challenge to Make Legal Analysis Explicit—Subsidiary Skills to the IRAC Framework

Nelson P. Miller* and Bradley J. Charles**

I. Accepting the Challenge

"No one asked how subject matter was transformed from the knowledge of the teacher into the content of instruction."

Lee Shulman

This article accepts the now-common assertion, recently repeated in the Carnegie Foundation report *Educating Lawyers*, that law professors should make explicit the analytical skills their students must learn.¹ Although the traditional view has been that teaching critical thinking is straightforward, more recently it has been suggested that the traditional view is seriously misleading.² Cognitive psychology has taught us that the best students and, for that matter, the best experts, are those who master the subsidiary skills of analysis.³ The traditional view holds that students are expected to acquire analytical skills by immersion, which can mean sink-or-swim. Students do learn that way, although not as quickly or efficiently as they could if *what* they were learning— rules of law—and

* Nelson P. Miller is Professor of Law at Thomas M. Cooley Law School. He is also Associate Dean of its Grand Rapids campus.

** Bradley J. Charles is Assistant Professor of Law at Thomas M. Cooley Law School.

¹ William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* 11 (Jossey-Bass 2007) (legal analysis should "be made visible" so students can "be coached toward performing as professionals"); *id.* at 26 (law instruction should "mak[e] explicit important features of good performance through various conceptual models and representations).

² Richard W. Paul, *Critical Thinking: What Every Person Needs to Survive in a Rapidly Changing World* 376 (Found. for Critical Thinking, 3rd ed. 1993) (contrasting the traditional view represented by Bloom's Taxonomy with more recent studies showing the complexity of critical thinking); see also Paul MaHarg, *Transforming Legal Education: Learning and Teaching Law in the Early Twenty-First Century* 5 (Ashgate, 2007) (criticizing the uni-modal educational practices of traditional law schools).

³ Paul, *supra* note 2, at 378 ("students (and experts) who do the best analyses, syntheses, and evaluations tend to do them mindfully with a clear sense of their component elements"); see also *Critical Reasoning in Contemporary Culture* 11, 19 (Richard A. Talaska, ed., SUNY Press, 1992) [hereinafter *Critical Reasoning*].

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F. Xavier Olleros, Majlinda Zhegu



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Research Handbook on Digital Transformations F. Xavier Olleros, Majlinda Zhegu, 2016-09-30 The digital transition of our economies is now entering a phase of broad and deep societal impact While there is one overall transition there are many different sectoral transformations from health and legal services to tax reports and taxi rides as well as a rising number of transversal trends and policy issues from widespread precarious employment and privacy concerns to market monopoly and cybercrime They all are fertile ground for researchers as established laws and regulations organizational structures business models value networks and workflow routines are contested and displaced by newer alternatives This Research Handbook offers a rich and interdisciplinary synthesis of some of the current thinking on the digital transformations underway *Rutgers Computer & Technology Law Journal: Volume 41, Number 1 - 2015* Rutgers Computer & Technology Law Journal, 2015-02-17 The Rutgers Computer teaching next gen research methods such as Ravel and Casetext to law students regulating 3D printing as firearms creators employment privacy and social media and privacy issues of cell phone tracking In the new ebook edition quality presentation includes active TOC linked notes active URLs in notes proper digital and Bluebook formatting and inclusion of images and tables from the original print edition Founded in 1969 the Journal is the oldest computer law periodical in the academic world Since its inception the Journal has maintained a tradition of excellence and has designed each publication issue to foster critical discourse on the technological breakthroughs impacting the legal landscape *Non-Adversarial Justice* Michael King, Arie Freiberg, Becky Batagol, Ross Hyams, 2014-07-04 This book outlines key aspects of the use of non adversarial practices in the Australian justice system with reference to similar developments in the United States Canada New Zealand and the United Kingdom It examines in detail non adversarial theories and practices such as therapeutic jurisprudence restorative justice preventive law creative problem solving holistic law appropriate or alternative dispute resolution collaborative law problem oriented courts diversion programs indigenous courts coroners courts and managerial and administrative procedures **A Handbook of Legal Education in Nigeria** Emiri, Oghenemaro Festus, 2018-05-22 This book is on the nature and practice of legal education in Nigeria with comparative material sometimes deployed to shed light on current local situation The primary goal of legal education is to prepare students for the profession To do this a faculty will need to pay attention to a theory of learning to guide it in implementing a programme that will serve the mission It is hoped that the basic information here provided on the basic structure and content of legal education and ensuing challenges should point in more fruitful directions to all in the legal profession in Nigeria Teaching Legal Research Barbara Bintliff, Duncan Alford, 2013-09-13 Legal research is a fundamental skill for all law students and attorneys Regardless of practice area or work venue knowledge of the sources and processes of legal research underpins the legal professional's work Academic law librarians as research experts are uniquely qualified to teach legal research Whether participating in the mandatory first year law school curriculum or offering advanced or specialized legal research instruction

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Legal Education in the Global Context Christopher Gane, Robin Hui Huang, 2017-05-15 This book discusses the opportunities and challenges facing legal education in the era of globalization It identifies the knowledge and skills that law students will require in order to prepare for the practice of tomorrow and explores pedagogical shifts legal education needs to make inside and outside of the classroom With contributions from leading experts on legal education from various jurisdictions across the globe the work combines theoretical depth with practical insights Seeking to understand the changing landscape of legal education in the era of globalization the contributions find that law schools can and must adopt educational strategies that at least present students with different understandings of what studying and practicing law is meant to be about They find that law schools need to offer their students choices a vision of practice that is not driven entirely by the demands of the marketplace or the needs of major international law firms Bridging the gap between theory and practice this book makes a significant contribution to the impact of globalization on legal education and how students and law schools need to adapt for the future It will be of great interest to academics and students of comparative legal studies and legal education as well as policy makers and practitioners

Essentials of Lawyering Skills in Africa Festus Emiri, Ernest Owusu-Dapaa, 2020-07-01 In twenty two chapters divided into six parts for convenience the authors not only lay bare the art of lawyering but also provide invaluable nuggets of perfecting and excelling as a solicitor and advocate There is little doubt that the contents of this book dramatically make a lawyer especially the lawyer in Africa to be more effective more skilful and a proper lawyer useful to the client and society

Integrating Practical Skills Into the Law School Curriculum, 2010 The report reviews curriculum reform at U S law schools with a specific focus on integrating practical skills and professionalism into the curriculum It also provides an overview of the historical and theoretical context of law school curriculum reform

Annual Report - Carnegie Foundation for the Advancement of Teaching Carnegie Foundation for the Advancement of Teaching, 1925

Manitoba Law Journal: A Review of the Current Legal Landscape 2017 Volume 39(2) Darcy L. MacPherson, et al., The Manitoba Law Journal is a peer reviewed journal founded in 1961 The MLJ s current mission is to provide lively independent and high caliber commentary on legal events in Manitoba or events of special interest to our community This issue has articles from a variety of contributing authors including Academic Affairs Committee Alvin Esau Bryan P Schwartz Cameron Harvey Canadian Bar Association Cliff Edwards Dale Gibson Debra Parkes E K Williams Eleanor Andres Gerald Heckman Jack R London Law

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