

**“IN A CASE, IN A BOOK, THEY WILL NOT TAKE A  
SECOND LOOK!”  
CRITICAL READING IN THE LEGAL WRITING  
CLASSROOM**

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“STUDENT I AM”

Students need to learn to read  
But students want to read with speed  
Every week from fall to May  
This is what you hear them say:  
“I do not like to read things twice.  
I just want *you* to give advice.  
I will not read another book.  
I will *not* take a second look.  
How courts reason is so dense.  
Cases, statutes, make no sense.  
In a contract or in a tort,  
In a state or federal court  
I will not read another line,  
Reading is a waste of time.”<sup>1</sup>

I. INTRODUCTION

This Article is based on a presentation that was first assembled for the Southeastern Regional Legal Writing Conference in Septem-

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1. Created by Debra Moss Curtis and Judith R. Karp, September 2003. Our gratitude is extended to Abigail Mario, William Lazarchick, and Jennifer Tuby for their research assistance.

ber 2003.<sup>2</sup> The theme of that conference was “The Basics and Beyond: Building Solid Skills on Flawed Foundations.” As legal writing professors with nine years of teaching experience between us, we immediately honed in on “reading” as a core lawyering skill—though it is the one that seemed most flawed in the first-year legal writing class.<sup>3</sup> We determined that case analysis, statute analysis, synthesis, and application were not possible unless students *critically* read the material with which they were working. Many students in our classes were not actively engaging in the material that they were reading.<sup>4</sup> As we spoke with colleagues nationwide, we found this to be the case elsewhere as well. These anecdotal experiences reflect a nationwide trend in the decline in the number of adult literary readers in the United States.<sup>5</sup> Over the past twenty years, literary reading has declined among all education levels and age groups, with the steepest decline among readers within the age group of 18- to 24-year-olds.<sup>6</sup> The rate of decline for these young adult readers is 55% greater than those of the total adult population.<sup>7</sup> Furthermore, the decline in reading correlates to an increase in the use of electronic media devices, including the Internet, video games, and other digital devices.<sup>8</sup> This decline in interest in literary reading is consistent with the lack of critical active reading that we observed within our classes. Given the intended use of legal materials—for them to be understood, synthesized, and applied in legal memo format—a lack of cognitive process in reading has great implications. We decided to address them.

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2. The Southeastern Regional Legal Writing Conference was hosted by Stetson University School of Law on September 20, 2003.

3. At Nova Southeastern University Shepard Broad Law Center, the first-year legal writing program is a “Lawyering Skills and Values” (LSV) program. The program consists of a full year of study divided into two three-credit courses and encompasses drafting, negotiation and mediation skills, research, and writing.

4. It is acknowledged that while a reader’s purpose may influence the depth and level of engagement in the reading, there is no question that academic material should be read critically. See *Writing About Literature*, Saskatchewan Indian Federated College, First Nation’s University of Canada, at [http://www.sifc.edu/english/writersguide/76TRRdCrit\\_1Strategies.htm](http://www.sifc.edu/english/writersguide/76TRRdCrit_1Strategies.htm) (last visited Nov. 9, 2004).

5. N



cally, we began a year-long examination of critical reading. We specifically analyzed what “critical reading” is, why it is necessary to teach and use it in the legal writing classroom, and what sorts of exercises could be used to incorporate this important skill in the first-year writing curriculum. This Article explains the concept of critical reading, how it may be taught in the legal writing classroom, and guides the reader through exercises developed to teach these skills.