

How do undergraduate law students experience the learning threshold of law case reading?

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Research Objective

- To identify law case reading as a learning threshold in studying law at undergraduate level using the Threshold Concepts Framework (TCF)
- To explore undergraduate law students' experience of handling the difficulties they encounter in reading law cases – their process of negotiating the liminal space
- To propose suggestions for improving the way law case reading is taught to undergraduate law students

Framing Law Case Reading as a Learning Threshold under the Threshold Concepts Framework

5 interviews with teaching staff in Durham Law School have shown that law case reading demonstrate the typical characteristics of a learning threshold under the TCF, namely that it comprises of troublesome knowledge, ritual knowledge, and students demonstrate mimicked understanding before developing real mastery of it. Thus, law case reading can be identified as a learning threshold under TCF.

Problem of troublesome knowledge: the troubles of reading law cases is manifold.

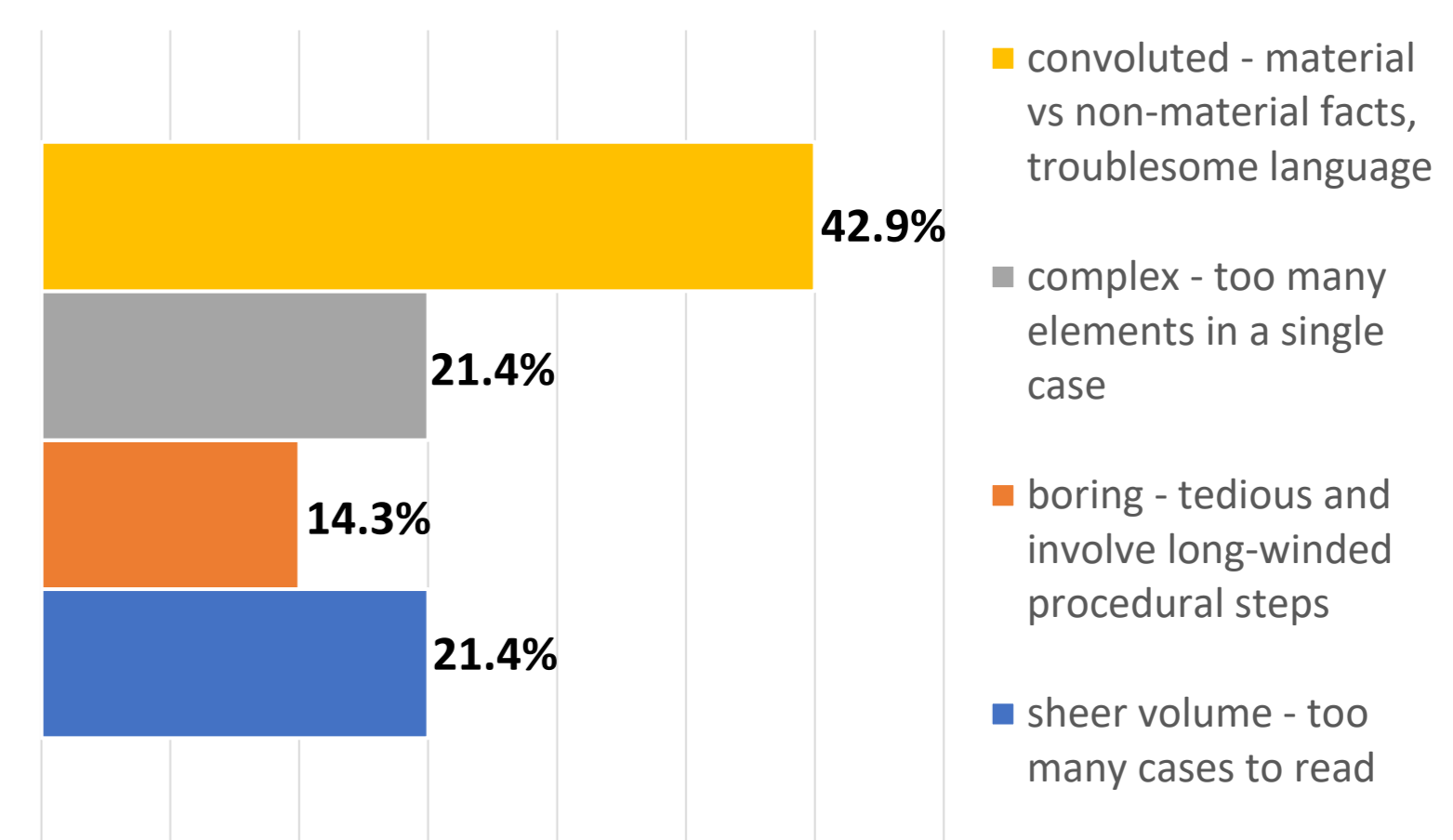
- Firstly, significant cases usually involve more than one judgment. The judges' reasonings and verdicts are often different and sometimes contradictory to one another's, creating confusion for students.
- Secondly, contextualising cases can be troublesome. Many areas of law are very embedded in social, historical, and political context, so diving right into a case without understanding the context in which it had happened can often pose challenges for students' understanding.
- Thirdly, legal language can be troublesome. In UK law cases, especially more dated ones, Latin, obscure terminology, and antiquated language are often used, which are distracting and pose additional obstacles to understanding cases. In EU law cases, judges, some of who are non-native French speakers, have to give rulings in French, which is then translated into all Member States languages, and this can at times obscure the original meaning expressed.
- Fourthly, locating cases can be difficult. There are different ways of finding cases, i.e. different law reports, and when students are just starting out on reading law cases, the confusion and sense of loss as to how to find cases might be daunting and add to their resistance to reading cases.

Problem of ritual knowledge: students join the course with already-held strong opinions about certain issues (e.g. gay rights), and even after they learn the more nuanced legal arguments about the topic, they fail to make the connection between a strongly-held opinion and its root in legal discourse.

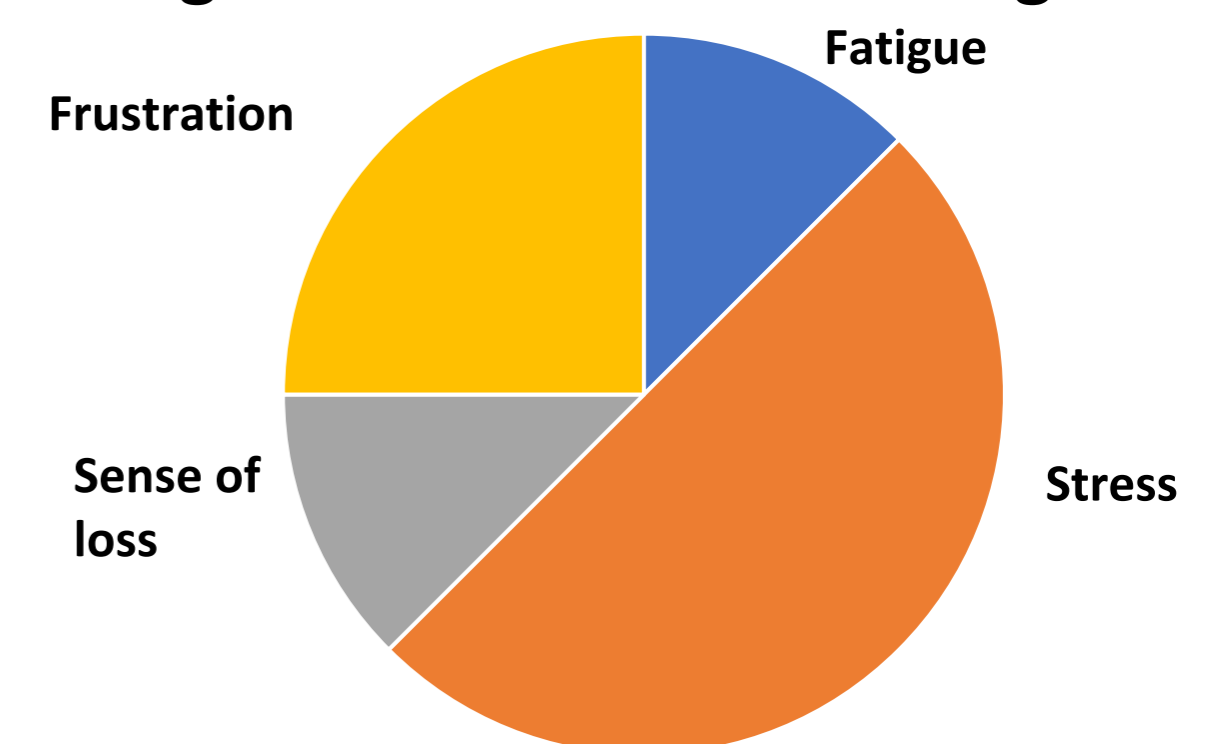
Mimicked understanding: students can fall prey to a false impression that they have understood a case when they: did not read the case in full and only read a blog article about it, thereby missing details and nuances in arguments, misunderstand reasonings offered by judges, or misidentify the significance of a case. Mimicked understanding is identified when students misuse a legal concept in class.

Students' Experience in Handling Law Cases

Main Obstacles in Case Reading



Feelings associated with reading cases



Suggestions to Improve Case Reading Skills

- Guide students to read cases from a research perspective, dive in with a specific focus so it is faster and they know what they are looking for.
- Don't read a case cold – a case shouldn't be the starting point of research; read articles, commentaries, blog posts from credible sources as jumping boards before starting on a significant case, so as to understand the context under which it happened. This will help understand the why the case was decided the way it was.
- Forming a working group to discuss cases – What did you find convincing? What did you like about the reasoning in the case? What do you find problematic?