Whole-Part-Whole and Socratic Learning in Legal Research, Writing, and Analysis

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I know students learn better when they discover things on their own. This is the foundation of the Socratic method, but I’ve always found it hard to apply this truth to legal writing instruction. I always seem to end up talking through the parts, then demonstrating those parts (here’s a sample rule), then critiquing and refining. Even our textbook often place the sample memos in the back, in an appendix. They lead with the parts.

This year, I was determined to move to a whole-part-whole approach. And I was determined to couple it with a fuller approach to active learning. I decided to spend significant time showing students what our final product looks like and asking them to dissect it on their own. We spent whole classes reviewing memoranda. We used guided questions to explore how memos are structured, how citation is used, when citation is used, what structures we could identify in headings, who the audience was, and much more. Then I asked students to write about memos, explaining what they discerned. We evaluated more effective memos and less effective memos, discussing what worked and what didn’t. We did all of this before we ever talked formally about rules, rule explanation, citation, or the purpose of memos.

Then, after significant time studying the whole, we turned to the parts. We did pretty traditional lessons on writing rules, synthesizing rules, application and the like. Even then, we referred to how the parts fit in the whole memos we studied earlier. Even when teaching technical things like when to cite and how, we referred to what we already learned. Students had already noted that the case name is always used, that the citation contained a specific reference to pages, that it always listed the court, and it came after facts and law from other cases, not the one being analyzed.

Students turned in their memos about three days ago. It was a traditional “closed memo” based on three cases, a statute, and simple facts. From my first look, the memos suffer from fewer form breakdowns than past years. And based on the questions I got before the memos were due, students focused more on analysis and content, and less on structure and CREAC (or IRAC or whatever) than in past years.

After I return the memos, I plan to have students write a reflective piece on what they did right and what they could improve. I’ll ask them to make explicit comparisons between their memos and two sample “excellent memos” from the class. With this, we’ll come full circle, moving from the whole, to the part, and back to the whole. And in doing so, I hope I will have focused the students on discovering information as students of writing, rather than receiving it.

I’m optimistic that this focus on the whole-part-whole approach, coupled with a deeper commitment to letting students discover truths, will lead to better learning.