

Teaching Law students to write lawsuits: a didactic proposal to improve learning

Paulina Meza¹[0000-0001-8300-9681] and Felipe González-Catalán²[0000-0003-1153-1723]

¹ Universidad de La Serena, La Serena, Chile

² Pontificia Universidad Católica de Valparaíso, Valparaíso, Chile

Abstract. The aim of this study is to put forward a didactic proposal that will help Law students to write better texts of the Lawsuit genre. With that objective in mind, an investigation with a multi-methodological focus was carried out. The main outcome of this investigation is a three-part didactic proposal that will help to teach future lawyers how to write the Lawsuit genre. This proposal has the advantage of being based off empirical research on Judicial genres, as well as being developed by an interdisciplinary team with experience in teaching Law students. Moreover, this proposal can also be considered useful for further training of lawyers that are already practicing. Finally, it is a flexible proposal, since it can be customized for its use with other types of texts from the Judicial genre. The main limitation of this proposal is that it has not been implemented yet. However, implementation is meant to be carried out in future stages of the study. In regard of future research, it is expected that this proposal can be adapted to other genres.

Keywords: Writing, Law, Teaching Approach, Development of Teaching Methods.

1 Introduction

Writing academic texts may represent a challenge for any university student, especially when writing texts related to their degree. This issue becomes even more evident when said texts correspond to highly specialized areas such as Law. In most cases, Law students lack the skills needed to write texts in general (Meza et al., 2021) and are, moreover, unable to apply the writing conventions commonly used in their subject area. This is one of the reasons students fail classes or even leave their programs. After graduation, the lack of knowledge on writing conventions also frequently affects their work performance (Meza y González-Catalán, 2021).

According to recent research, the Lawsuit genre is one of the most written genres amongst Law students and lawyers (Meza and González, in revision). However, not all students go through the formal training required to write texts up to par with what their community needs. Even though there has been major progress when it comes to the definition and the theoretical study of the different Judicial genres, there is still no

didactic proposal that aids students and lawyers in the crafting of a well-written Lawsuit.

In this regard, the objective of this study is to put forward a didactic proposal that aids Law students in the writing of Lawsuit texts. Several complementary research strategies were used in this study, resulting in a multi-methodological investigation.

2 Theoretical Framework

This study is based on two main concepts: professional genres used for academic purposes and the Lawsuit genre. The first concept refers to genres used in academic spaces that, even though being used in academia, still possess characteristics of a professional genre. Their main purpose is educational, and they are used as training tools for students to acquire knowledge before entering the working force (Meza et al., 2021).

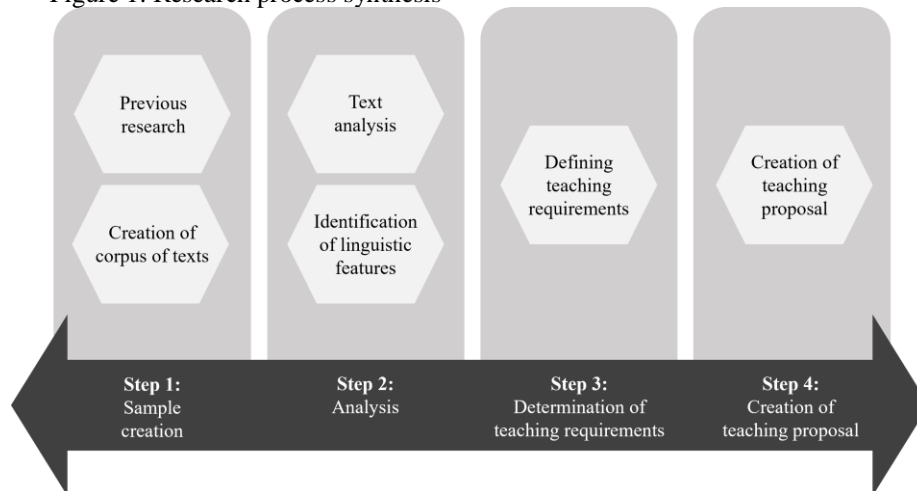
The Lawsuit, on the other hand, is a genre in writing whose main communicative purpose is to apply in Court for a termination of obligations or the recognition of a perceived right. As for its discursive characteristics, it has a predominantly argumentative organization (Meza et al., 2023). From a teaching point of view, the Lawsuit is part of the family of professional genres, since its objective is to demonstrate mastery of the subject of Law and of the professional skills related to it (Meza et al., 2020).

3 Approach

Several complementary research strategies were used in this study to develop the didactic proposal, resulting in a multi-methodological investigation. Specifically, the research procedure was carried out with an intra-paradigmatic focus, since the data-collection and data-analysis strategies applied were of a qualitative nature. Design-wise, the model employed was the multiple-strategies model, as the different data-collection and data-analysis strategies used were integrated complementarily without assigning a primary/secondary relation between the results (Bericat, 1998; Tashakkori and Teddlie, 2003).

Regarding the sample, empiric data from previous studies was considered (Meza et al., 2022). This data specifically refers to a specialized corpus of 24 Lawsuits (12 of them written by Law students and the other 12 written by professional lawyers). The investigation process has been outlined and explained in the image below:

Figure 1: Research process synthesis

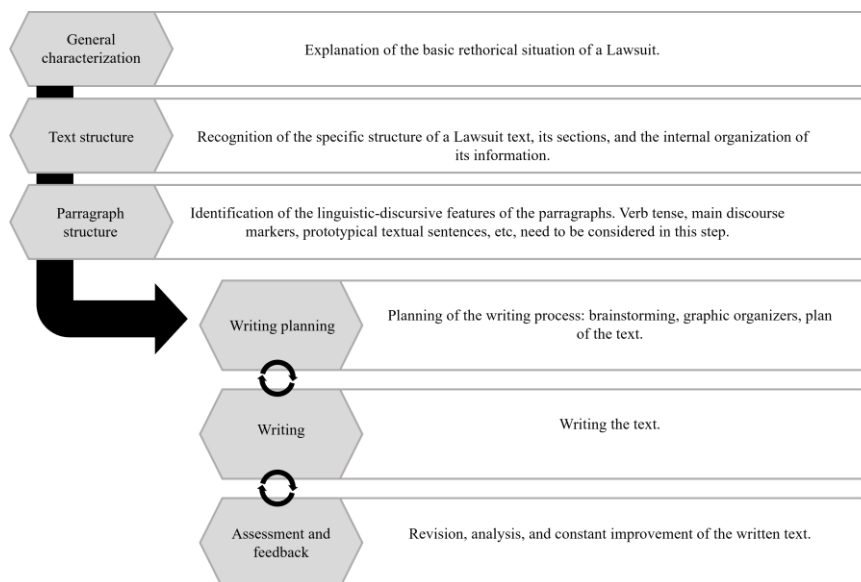


Legend: Stages associated with the process of creating the didactic proposal

4 Results

The main outcome of this study was the creation of a teaching approach for the Lawsuit genre that helps lawyers learn to write a lawsuit. This proposal, based on the work of Meza et al. (2020), can furthermore be broken down into the following characteristics and steps:

Figure 2: Synthesis of the teaching proposal



Legend: Phases of the didactic proposal to teach Law students to write lawsuits

5 Discussion

The result obtained is a set of teaching tools meant to surpass the effectivity of current practices when it comes to writing Law texts. Current practices usually consist of copying formats or models already in existence (Meza et al., 2020). The model offered in this study is a flexible and adaptable tool for writing lawsuits. The first three steps of this writing tool, which are related to the subject matter of the text, become of great importance based on this model. This means that the subject matter of the lawsuit will determine, to some extent, the specific characteristics of the text written.

6 Conclusion

This proposal has the advantage of being based off empirical research on Judicial genres. It has also been developed by an interdisciplinary team with experience teaching Law students. Moreover, this proposal can also be considered useful for further training of lawyers that are already practicing. Finally, it is a flexible proposal, since it can be customized for its use in other types of texts from the Judicial genre.

7 Limitations and further research

One of the main limitations of this proposal is that it has not been implemented yet. However, implementation is meant to be carried out in further stages of this study. In regard of future research, it is expected that this proposal can be adapted to other genres.

References

- Bericat, E. (1998). *La integración de los métodos cuantitativo y cualitativo en la investigación social: Significado y medida*. Editorial Ariel.
- Blanco, N. (2012). *Actitud de los investigadores en el campo de la gerencia hacia los enfoques de investigación y complementariedad metodológica*. Doctoral thesis, Universidad de Zulia. <https://bit.ly/3ER9Sp6>
- Meza, P., González-Catalán, F., Pastén, A., and Barahona, M. (2020). Clases textuales de la formación en Derecho: descripción y orientaciones para su enseñanza. *Revista Pedagogía Universitaria y Didáctica del Derecho*, 7(1), 63-90.
- Meza, P. and González-Catalán, F. (2021). Un instrumento para evaluar la calidad lingüístico-discursiva de textos disciplinares producidos por estudiantes de Derecho. *Revista Onomázein*, 51, 163-184.
- Meza, P., Castellón, M., and Gladic, J. (2021). Problemas de escritura en la producción de textos de estudiantes de Derecho y Medicina. *DELTA: Documentação de Estudos em Lingüística Teórica e Aplicada*, 37(2), 1-29.
- Meza, P., Gladic, J., Gladic, D., and Valenzuela, R. (2022). Estrategias de posicionamiento del autor en el género jurídico Demanda: análisis comparativo entre estudiantes de Derecho y abogados. *Revista de la Asociación Latinoamericana de Estudios del Discurso. RALED*, 22 (1), 101-121.
- Meza, P., Lillo-Fuentes, F., and Gutiérrez, I. (2023). Rasgos lingüísticos de géneros jurídicos: su correlación con la calidad del texto, la evaluación disciplinar y la percepción de autoeficacia. *Revista Signos. Estudios de Lingüística*, 56(111), 100-126.
- Meza, P. and González, M. (in revision). Géneros Jurídicos y formación de abogados: ¿Existe concordancia entre el proceso de formación y los requerimientos de la vida profesional?. *Revista Signos*.
- Tashakkori, A. and Teddlie, Ch. (2003). *Handbook of mixed methods in social and behavioral research*. Sage Publications.