

CHAPTER 1 (READING IN LAW SCHOOL):

In italics below, you will find some thoughts from the author about ways you might have responded to this chapter's practice exercises. If you responded differently, you may have had good reason for doing so. Take the author's ideas as food for further thought as you develop your legal reading skills.

Practice Exercises:

1. Scholars of rhetoric (effective communication) would call the unique world inhabited by lawyers a “discourse community.” A discourse community is a group of individuals who share a common language, common knowledge base, common thinking habits, and common intellectual assumptions. There is, for example, a medical discourse community. People with experience in the field of medicine share common assumptions, experiences, and means of expression that are not shared by people with no experience in medicine. Within the medical discourse community, there are numerous sub-discourse communities comprised, for example, of nurses or anesthesiologists or lab technicians. While these sub-discourse community members all share things in common with each other (because they're all members of the medical discourse community) they also have unique attributes and means of expression not shared by individuals outside their own sub-community. We are all members of numerous “discourse” communities and sub-communities. Name one discourse community that you are a member of:

There will be as many answers to this question as there are individuals reading this book. Think about your education, your work experience, your family life, your heritage as you consider the many discourse communities you are already part of. The important thing is that you understand the concept of a “discourse community.” One “discourse community” I am personally a member of is the counseling discourse community, because I hold an M.Ed. in counseling and used to work as a counselor in the public schools.

Is this discourse community a sub-community of a larger discourse community? *Yes, mine is a sub-community of the larger public education discourse community and/or the larger psychological discourse community.*

Are there sub-communities within your immediate discourse community? *Yes, I was a junior high school guidance counselor, which was a slightly different work environment than that of high school guidance counselors or elementary school guidance counselors.*

2. Name three vocabulary words that might have a special meaning within your discourse community, but a different meaning outside of your discourse community:

- (1) Self-actualization (the ability to reach one's full potential)*
- (2) Genuineness (the obligation of a counselor to be honest and open about his/her feelings during the counseling process)*
- (3) Unconditional Positive Regard (the ability to value someone without judging that person's values or choices)*

3. How did you become a member of this discourse community?

Again, everyone's answers will be different. I became a member of this discourse community through graduate school and through on-the-job experience afterwards as a certified public school counselor. I learned from my professors in graduate school and from my supervising counselors in my practicum placement and in my first job.

4. How would you help bring a novice into this discourse community? In other words, how could you teach someone what people who share this profession, this hobby, or this social network know, how they think, and how they express themselves?

I would encourage them to take classes in the subject, to do outside reading, to observe others who are serving as counselors, to get supervised opportunities to practice counseling (live or on videotape), to get lots of feedback, etc.

5. How is the process you described in (4) above similar to the process followed in law schools as educators try to bring beginning law students into the legal discourse community? How is it different?

Law school also offers the chance to read, but less about theory and more focus on primary material (in other words, the reading is more like my early simulated videotaped counseling opportunities were, and less like my background reading in counseling theory). My models are my professors AND upperclass students plus attorneys I might get to know through summer work. There seems to be more emphasis on simulation through reading in law school and less opportunity for close one-on-one mentoring and personal supervised practice experience (at least early on).

6. Why does the ability to read well (in an active, engaged, and effective manner) have such an important role in introducing newcomers to the legal discourse community?

Reading cases for class discussion provides the "grist for the mill" to begin to see how lawyers think. Fledgling lawyers aren't apprenticed anymore to practicing lawyers to learn how to become lawyers themselves. Rather, following Langdell's model, the law school classroom is our learning lab and the material we have to practice with comes from reading about things that have already happened, not from real life, present reality. The real life, present reality comes into it when the professor poses hypotheticals in class, or when students raise questions, that cause us to think about how what we've read about would play out today. If I'm not reading with the right strategies, I could miss the boat on a lot that is going on in the classroom without even realizing it.