

The Current State of Legal Education Reform in Latin America:

A Critical Appraisal

Juny Montoya

Despite its rich and numerous resources, Latin America faces the huge challenge of overcoming the highest ratio of inequality¹ and social exclusion in the world.² In this region, where education, and especially higher education, is the privilege of a few, lawyers play a crucial role in shaping society and its institutions.³ But there is general acknowledgment that traditional legal education leaves lawyers ill suited to confront the challenges they must.⁴

This article will assess efforts to tackle this problem, examining efforts to reform legal education in Latin America. To put this scrutiny in context, it will be necessary, first, to see general characteristics of legal education in the region and of the university systems to which it belongs. Next, it will be key to understand the recurrent criticisms in different countries in the region and grasp how they underpin prospective reforms.

In the second section of this article, close attention will be paid to seven law schools in Brazil, Chile, Argentina, Mexico, Colombia and Venezuela. These institutions either are newly created or have attempted major reforms. Their curricula demand detailed examination for their potential and innovation in Latin America and a critical appraisal will be offered of them, along with thoughts about what is needed to improve the quality of legal education in Latin America.

The history of Latin American universities begins with the teaching of “*leyes*” (statutes) in the 16th Century in religious schools. Because of the strong link between the State and the Catholic Church, Colonial universities were public and religious. After their independence, in the 19th Century, most Latin American countries founded public and secular universities. Along with the movement toward secularism, the conviction that universities were a basic instrument for social modernization induced the State to exercise control over universities, and, at the same time, created an obligation to support them.⁵

Since then, Latin American universities have turned their orientation toward teaching, differentiating them from their peers in developed countries where similar institutions aimed to be research centers; Latin American schools have focused on professional education to the exclusion of general education and basic research; faculties have been highly independent; and studies show they have suffered from credentialism, an obsession with degrees, diplomas and other academic trappings.⁶ The institutions also have become enamored with their elitism,⁷ as they see themselves molding and educating the region’s political elite.

Juny Montoya is Associate Professor and head of the Center for Research and Teaching on Education at Universidad de Los Andes, in Bogotá, Colombia.¹ Alberto D. Cimdamore & Antonio David Cattani, *Producción de pobreza y desigualdad en América Latina* (Bogotá 2008).

² Bernardo Kliksberg, *Introducción: ¿Por qué la ética?*, in *La agenda ética pendiente de América Latina* (Bernardo Kliksberg ed., Banco Interamericano de Desarrollo 2005).

³ Carlos Alberto Lista & Ana María Brigido, *La enseñanza del derecho y la formación de la conciencia jurídica* (Sima editores, 2002).

⁴ Carlos Peña González, *Characteristics and Challenges of Latin American Legal Education* (AALS, 2000).

⁵ Eunice Ribeiro Durham, *Introducción: Los estudios comparativos de la educación superior en América Latina*, in *Los temas críticos de la educación superior en América Latina en los años noventa: Estudios comparativos*, ed. Rollin Kent (FLACSO, 2002).

⁶ “Credentialism” is a term used to express the notion that the diploma means everything and that every course needs a diploma.

⁷ Higher education in Latin America is elitist because it serves only a small percentage of the population and only the socioeconomic elite. The masses, both urban and rural, always have been excluded from the system.

Latin American legal education has been embedded in the civil law tradition.⁸ Under this tradition, Law has been part of the European university since its origins in the Middle Ages (XII-XIII centuries), and the teaching of this topic has inherited medieval, dogmatic methods⁹ and later incorporated a further, inner, dogmatism shaped by the ideology of codification.¹⁰

The ideology of codification also gives rise to legal dogmatics, which is the non-contextual analysis of legal systems and their internal relationships in order to reach decisions. In the continental tradition--to which Latin American legal culture is heir--legal dogmatics was organized under the model of Euclidean geometry. This explains why Latin American treatises on law seek to present the law in the form of deductive systems; even though the result in most cases is nothing more than a commentary on a legal text, usually for professional reasons. This also explains why Latin American legal culture is reluctant to make use of inductive methods, such as the case method. This feature of the region's legal culture is, as we will see, especially important in examining the teaching of law.¹¹

To see just how conservative and traditional legal education in Latin America can be, observers need only turn to the standard law curriculum there with its orientation toward covering existing legal rules, disciplines and the main codes. Go to most law classes and what is apparent there is a ritualistic, formalistic method of learning, emphasizing memorization and retention of information previously imparted by the professor; lectures are the most widespread teaching method, consisting on systematic presentation of information by the professor: "What is paramount is the expository, central, and authoritarian role of the teacher. Instead of classroom discussion and debate, students ask questions about what the professor has presented".¹² Finally, the professors themselves, just barely bear up with their low social status, attributable to their labors in a poorly funded educational system that really aspires, instead, to be a culture favoring research and a meritocratic recruitment and track system.¹³

Widespread dissatisfaction about the quality of traditional, Continental legal education is the norm,¹⁴ and it has different faces and origins. In Latin America, the criticisms replicate what is generally attacked about the Continental approach, with the addition of complaints distinctive to the region.

⁸ John Henry Merryman, David S. Clark, & John O. Haley, *The Civil Law Tradition: Europe, Latin America, and East Asia* (The Michie Company 1994).

⁹ See Renán Silva, *Universidad y sociedad en el Nuevo Reino de Granada: Contribucion a un análisis histórico del la formación intelectual de la sociedad* (Banco de la República, 1992).

¹⁰ See Peña González, *supra* note 4.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Just to give examples of concerns voiced about the Continental Civil Law tradition: French legal education has been criticized as elitist, too theoretical, memoirist, uncritical, oriented only to the promotion of academic vocations, and overcrowded, resulting in a lack of personal interaction between students and professors; see Thomas E. Carbonneau, *The French Legal Studies Curriculum: Its History and Relevance as a Model for Reform*, 25 *McGill L. J.* 445 (1980).

Critics assail German legal education for: its excess reliance on lecturing; concentration on teaching the legal codes and their application to hypothetical cases; high-rate of dropouts due to rigid marking and the "conformity" of tests; restriction of studies to legal dogmatics with no exposure to other social sciences; and the absence of training in the skills needed by an advocate; see Erhard Blankenburg & Ulrike Schultz, *German Advocates: A Highly Regulated Profession*, in *Lawyers in Society: The Civil Law World* (Richard L. Abel & Philip S. C. Lewis eds., Univ. of California Press 1988).

Reformers attack Italian legal education for its excess formality, focus on interpretation of doctrine, lack of vocational preparation, and over-reliance on lectures with no compulsory attendance resulting in high absenteeism rates. See Vittorio Olgiati & Valerio Pocar, *The Italian Legal Profession: An Institutional Dilemma*, in Abel & Lewis. Spanish legal education comes under fire for: being too conceptualistic, exegetic, and dogmatic; and for the low quality of its pedagogy, a consequence, perhaps, of "tradition" and the massive number of students that matriculate in its law schools. See Carlos Viladás, *The Legal Profession in Spain: An Understudied but Booming Occupation*, in Abel & Lewis.

In Mexico, critics say legal education has gotten stuck on the transmission of theoretical legal models from the 19th century and that academics there teach by forcing young people to study books—bad compilations of rules and court decisions—written in the 1950s and 1960s. These practices produce poorly prepared lawyers, who cannot possibly advance their society as it needs to be.¹⁵ And some general features of Mexican legal education are shared across Latin America:

a) The basic law degree is earned in undergraduate study, which students undertake after earning a high school degree;

b) Institutions offering the law degree, in general, function only as centers for the transmission of knowledge. Fewer than 20 percent of the institutions of higher education that offer the law degree are involved in research or other scholarly activities. Some institutions offer two or more law degrees in the same facilities by requiring different durations of study, putting students on an array of schedules—whether in part- or full-time or other options—and by running classes at varying times of day.

c) In most law schools, the curriculum is rigid. This means that students at each level are assigned their courses, their professors, and their schedule without choices. In every law program, students take between forty and seventy mandatory courses during their studies;

d) More than 90 percent of the law professors combine teaching with professional practice, and most of the law programs do not have full-time faculty;

e) The cost for opening and operating a law program is low. In general, all that is required is a few lecturers who are paid a meager salary; facilities set up for educational purposes, with one classroom for each level; and a library with the books that are recommended for each course.¹⁶

In Argentina, the attackers of the system say that nation's legal education only attempts to teach legal rules and doctrine like a religion, with no place for criticisms or discussion. Critics say faculties promote a formalist way of thinking focused on those rules and their exegesis, a way of educating students that ends up representing legal science as a finished work and discourages any scrutiny or questioning of enacted law.¹⁷ In the last thirty years, Chile's whole legal profession has been under such attack and in such constant crisis that reformers have found real room to push for steps to overcome a pervasive "legalism."¹⁸

In Venezuela, a well-known socio-legal scholar has said that "the aridity of its materials, the rigidity of its pedagogy, and the requirement of rote memorization, excludes from the profession the liveliest intelligences".¹⁹

¹⁵ See Héctor Fix-Fierro & Sergio López-Ayllon, *La educación jurídica en México: un panorama general*, in *La formación jurídica en América Latina: tensiones e innovaciones en tiempos de la globalización* (Rogelio Pérez-Perdomo & Julia C. Torres eds., Univ. Externado 2006).

¹⁶ Luis Fernando Pérez Hurtado, *The Next Generation of Mexican Lawyers: A Study of Mexico's System of Legal Education and its Law Students* (2008) (unpublished Ph.D. dissertation, Stanford Law School) (on file with the author).

¹⁷ María Inés Bergoglio, *Las facultades de derecho argentinas: Entre las tradiciones y los esfuerzos de cambio*, in *La formación jurídica en América Latina: tensiones e innovaciones en tiempos de la globalización* (Rogelio Pérez-Perdomo & Julia C. Torres eds., Universidad Externado de Colombia, 2006).

¹⁸ Marcelo Montero, *El discurso de la crisis de la profesión legal en Chile: consideraciones analíticas*, Stanford Law School, *available at* <http://cejamericas.org/doc/documentos/cl-monteros-profesion-legal.pdf> (last visited Dec. 30, 2009).

¹⁹ Rogelio Pérez-Perdomo, *Los abogados en Latinoamérica* (Universidad Externado de Colombia, 2004).

In Brazil, the consensus since the 1990s has been a clamor for reforming a legal education system dominated by its dogmatic, positivistic and theoretical approaches and by its remove from contemporary society. Critics also decry that nation's legal education for its lack of an interdisciplinary perspective and incentives for research²⁰.

In Colombia, legal education traditionally has been based on a "generalist curriculum," meaning a five-year study that offers a "panoramic view" of major disciplinary areas. But critics call this approach impractical because: it covers too much at too little depth and does not allow students to pursue alternative professional options; emphasizes the memorization of codes (organized bodies of rules) while giving short-shrift to training in legal reasoning and judgment; fails to develop research capacities in both professors and students. Instead, the curriculum takes a technical-procedural approach with zero interest in ethical and humanistic outlooks that could guide future professionals toward assuming public responsibilities and serving their societies. This curriculum, simply put, is out of date, nationally and globally.²¹

In summary, traditional legal education in Latin America is under wide attack for its excessive legalism, which promotes the ideal of an autonomous, self-contained legal thinking that is isolated from social contexts.²² Critics say legal educators try too hard to give students a technical toolbox, allegedly neutral, that can be put to service for any aim. Instead, legal education has earned a regional notoriety for its absence of serious reflection about the axiological limits to legal adjudication, the scope of a professional's social responsibility and the real aims and goals that it should most value.²³

A Follow-Up on the legal education reforms in Latin America

While the reform movement has yet to become widespread in Latin America, there are exceptions in the region to the institutional torpor and rigidity in legal education as just was described. The trends toward increased globalization and internationalization have forced universities as a whole to modernize and to adapt to meet contemporary demands. And while it is more realistic to say there are few real differences between the legal educations in the region today versus a half century ago, there are important, isolated reforms under way. Innovative legal educators have pressed to: introduce more flexibility in the curriculum; offer more contextual and interdisciplinary study of the law; engage faculties and students in deeper legal scholarship and probing of legal theories; undertake better practical training and development of professional skills and competencies; teach in ways so as to equip their students with the lifetime art of learning by pushing them to develop their intellectual acumen as well as practical, common sense thinking; put in place new means to evaluate what really works and does not in the Academy and what should be the institutions' highest, best goals and aspirations.

Let's turn now to the telling experiences of those law schools that are emerging as "innovative" or that are pursuing reforms in their tired curricula. The evidence will show that, for the most part, reforms in legal education in Latin America result from initiatives by leading law schools; only a few of the reforms have been produced by government policies, such as those on accreditation or nationwide standard examinations for law graduates.

²⁰ Eliane Bothelo Junqueira, *Ensino do Direito no Brasil: realismo ou pessimismo?* (Instituto Direito e Sociedade 2002).

²¹ Colombia, *El abogado en el tiempo de la gente. Realidad y prospectiva de la enseñanza del Derecho en Colombia* (Ministerio de Justicia y del Derecho, 1995).

²² See Genaro Carrió, *Sobre las creencias de los juristas y la ciencia del Derecho*, 1 *Academia* 111 (2003).

²³ Carlos Alberto Lista & Silvina Begala, *La presencia del mensaje educativo en la conciencia de los estudiantes: resultados de la socialización en un modelo jurídico dominante*, 1 *Academia* 147 (2003).

In September, 2006, a group of Stanford Law School professors organized a seminar on “Innovations in Latin American Legal Education,” at which representatives were invited from law schools known in the region both for their innovations and reforms and for offering quality education. Deans and other faculty members from the schools not only made presentations to each other about their own institutions’ efforts, they also got a chance to discuss trends in legal education across Latin America. Scholarly papers from the event recently were published in “Cuadernos Unimetanos,” a legal journal of the Universidad Metropolitana, Venezuela. The articles, included in one of two volumes devoted to “Law and Democracy,” show how these schools have developed innovative curricula, adding not only new subjects but also novel approaches to incorporating the analysis of public policies and the social sciences into Latin America legal education.²⁵

I next will describe the main findings from that seminar, in which I took part, presenting briefly the major innovations as described by each law school in the papers mentioned above. I will analyze and compare the main features of their official curricula with my focus on seeing how courses were organized in five major categories: Doctrine, theory, interdisciplinary, practice and flexibility (elective courses).

Changes at leading Latin American Law Schools

To see some of the reform efforts in Latin America, scholars should look to several law schools that only recently were created. They represent a new generation of legal institutions and can put innovations in place more easily because they need shoulder the weight of long traditions, which we will see later have played key roles in legal education. Most schools examined in this section are privately run, and, though relatively new, have earned regional, national and international reputations for their participation in international academic forums. This is differentiating characteristic of the innovative law schools in Latin America: Unlike their hidebound peers who are known for their local strength, teaching of local laws and preparing lawyers for practice nearby, innovative law schools make a conscious effort to keep in touch with what is happening in the world; they prepare their graduates for global practice and contribute to worldwide academic scholarship and discussions. Their participation in the Stanford seminar and the publications that followed is one example of this international outlook.²⁶ Members of this innovative group include: Fundación Getulio Vargas (Brazil), Universidad Metropolitana (Venezuela), Universidad Torcuato Di Tella (Argentina), Universidad Diego Portales (Chile), Universidad de Sonora (México) and Universidad de Los Andes (Colombia). While some have history—such as Sonora (fifty-five years) and Uniandes (forty years)—most are young institutions, especially compared with other law schools in the region, which were founded in the 16th century. One old school in this group is Universidad Nacional de Córdoba,²⁷ which is notable for how it undertook reforms and its curricular changes; this case illuminates the challenges commonly faced by regional reformers of institutions of public education.

Fundación Getulio Vargas (Brazil)

Fundación Getulio Vargas created two law schools in 2000 in Sao Paulo and Rio de Janeiro, with the former campus the focus of our attention here. The Sao Paulo school is, by far, the most innovative of all in Latin America. In making this strong pronouncement, I took into consideration the school consciously sought to separate itself from the traditional legal education described earlier.

Professor Conrado Hübner Mendes describes his school’s educational approach, saying it differs in three crucial areas from more traditional models: The concept of law; teaching and

²⁵ Rogelio Pérez-Perdomo & Manuel Gómez, *Innovaciones en la educación jurídica latinoamericana*, Derecho y Democracia: Cuadernos Unimetanos, n.15, 2008, at 4-5.

²⁶ See Perdomo & Torres, *supra* note 15. See also Cuadernos Unimetanos, n.15, 2008.

²⁷ Universidad Nacional de Córdoba was established in 1613.

research structures; and teaching methods. Let's look first at what he terms the "concept of law." While traditional schools take a formalist approach, innovative institutions like his, he says, put preeminence on conceptual analysis, creating a sharp separation between norms and adjudication, and highlighting the role of the judge just as a legal operator.

As for differences on teaching and research structures, a traditional school, he says, develops around teaching, what research occurs there revolves around disciplines, and the institution enforces a rigid separation among departments. The old-fashioned schools hire professors who are mainly lawyers and judges; they have no devotion to producing impartial knowledge but instead partisan opinions. He sees lecturers envisioning themselves as owners of their academic chairs, with the school's prestige dependent on its professors' professional standing. The faculties at the out-of-date places exclusively employ a passive pedagogy: they mostly lecture and offer systematic explanations of laws in force; they force students to memorize lots of dated content mostly broad overviews that aren't really useful and test them on it in arbitrary fashion. In sum, this is a hierarchical, vertical faculty-student relationship.²⁸

In contrast, the innovative schools hold a concept of law that is more concerned with context and efficacy than with formal validity. These institutions substitute empirical research for conceptual analysis and acknowledge an insoluble relationship between creation and adjudication of norms. These schools take a fresh view that supports research, trusting that it will help to reinvigorate and renew teachers, though this does not always prove the case unless there is other, vigorous support for good teaching. Innovative schools put a premium on research on social, political and economic problems and the prize work that breaks ground on solving real problems in new ways. At these schools, professors win appointments because they excel both at teaching and research, and they are expected to participate in scholarly activities and produce outstanding scholarship. Their home universities derive their prestige not just from the professional experiences of professors but also from their research, publication and other scholarly and intellectual output and pursuits. Faculty in these cutting-edge schools rely on active methods, focusing on student learning rather than their own teaching; they work to develop the skills of students and themselves and they assess performance not by testing memorization skills but the capacity to analyze materials and solve problems. The schools employ diverse teaching materials and encourage a collegial, horizontal (peer-to-peer) relationship between professors and students.²⁹

The Getulio Vargas law school has made great, conscious efforts to meet these ideals of an innovative law school. It developed a curriculum that flees the encyclopedic approach and treats the most important subjects in an integrated fashion. Each term is organized to fulfill a pedagogical aim, instead of trying to cover different, fragmented subject matter.³⁰ The school took seriously the task of planning a new program by recruiting staff and preparing teaching materials according to high purposes and principles. It went as a "school without students"³¹ for two years, during which time thirty part-time new professors developed educational materials and established two foundational seminars, one for research and one for pedagogy, giving a strong support to both teaching and research within the school.³²

The curriculum is designed so that students are required to matriculate full time during their first three years. They get more flexibility and choices in the course in their last two years, when they may elect to pursue different academic tracks aimed at preparing them for various professional pursuits, not just within advocacy, but, for example, also in research and scholarship.

Because the school only opened its doors to students in 2005, it is too early to truly measure its successes and shortcomings. Some of the described features have not been implemented completely nor consolidated totally at this time; other aspects remain in negotiations, including the active learning approach. It is becoming more a matter of

²⁸ Conrado Hübner Mendes, *La escuela de derecho de Sao Paulo de la Fundación Getulio Vargas*, *Derecho y Democracia: Cuadernos Unimetanos*, n.15, 2008 at 22.

²⁹ *Id.*

³⁰ *Id.* at 16-32.

³¹ *Id.* at 28.

³² *Id.*

“pedagogical pluralism” to make room for traditionalist professors who are reluctant to change their teaching practices.

Universidad Metropolitana (Venezuela)

The Law School at Universidad Metropolitana (Unimet) started in 2002 and the education it offers is business oriented; the original plan was for the school to offer a degree in Corporate Law. In contrast to the rest of the Venezuelan legal education institutions, the new school features a flexible curriculum and lets students elect many of their classes. The curriculum runs on semester terms, a system of credits, and includes a clerkship and a thesis as graduation requirements. Classrooms at the school are small and the school has a reduced number of students.³³

The school combines these and other innovative features with traditional ones; the curriculum still includes staid subjects such as Roman Law and fusty courses that pore over chapters of the civil code.³⁴ However, the number of mandatory doctrinal courses is substantially smaller than in the other law schools in Venezuela. The school says the emphasis in these courses is not memorization of rules but the development of skills to identify and solve problems, negotiate, conduct research and contextualize the law. Teaching methods emphasize cases and problem solving, research and writing, and simulation and mock trials.³⁵

The school’s goals for professional practice would be that its law graduates can understand fundamental problems, command the basic specialized language, formulate legal problems out of real situations, and to search and interpret properly relevant information. Some degree of specialization is possible at this school because it does operate under the assumption that all lawyers do not need to know all the same subjects.³⁶ Despite the school’s emphasis on development of skills, what students value most are courses that tackle the hard doctrine of the law. This may be because the curriculum has failed to properly integrate the teaching and learning of the law and the development of skills; students simply may be seeing skills courses as “empty” of content.

While Universidad Metropolitana stands out from other peer public and private Venezuelan institutions, it must be said that the most peculiar law schools in the nation at this moment are those developed and controlled by the socialist government. These schools include: Romulo Gallegos, which emphasizes socio-legal community service projects, legal clinics and Bolivarian political doctrine as the key educational aspects of its curriculum.³⁷ These socialist government schools, however, do not respond to the regional need for legal educational reform but rather to the ideological agenda of the Venezuelan regime; analysis of the schools is not justified in these pages.

Universidad Torcuato Di Tella (Argentina)

The Law School of Universidad Torcuato Di Tella started operations in 1996 and three features distinguish this school, which is path-breaking not only among its Argentinean peers but also among similar such Latin American institutions, too: Inspired by top U.S. research universities, Di Tella has introduced interdisciplinary research and scholarship into its legal education. That is accompanied by a demanding system of faculty recruitment for full-time professors and a curriculum combining general education, interdisciplinary and professional training and an emphasis on a strong academic approach to legal education.³⁸ Di Tella substitutes “a theoretically minded, interdisciplinary conception of legal studies for the traditional doctrinal approach.”³⁹

³³ Rogelio Pérez Perdomo, *Innovación en la educación jurídica en la Universidad Metropolitana de Caracas, Derecho y Democracia: Cuadernos Unimetanos*, n.15, 2008, at 179-180.

³⁴ *Id.* at 179.

³⁵ *Id.* at 186-187.

³⁶ *Id.* at 187.

³⁷ *Id.* at 194.

³⁸ Horacio Spector, *The Academic Study of Law in Argentina, Derecho y Democracia: Cuadernos Unimetanos*, 15, 2008, at 6-15.

³⁹ *Id.* at 7.

Di Tella faculty teach with a mixture of case method, traditional approaches like lectures and practical work in discussions of judicial opinions and case hypotheticals.⁴⁰ For students, the school is among the toughest because they are tested and graded on a curve, meaning there also is a high failure and drop-out rate.⁴¹

And while Di Tella's educational approach is truly innovative by Latin America standards, it keeps a major feature deeply embedded from the civil law and seen in traditional institutions: an encyclopedic curriculum, which, in fact, is overloaded because educators hope to cover all that is considered important, both in the traditional doctrinal approach and in the interdisciplinary approach (which features general education, general skills, professional courses and interdisciplinary ones). Di Tella, in pedagogical terms, allows a mixed teaching method that pays tribute to the transmission of the "legal science." This, unfortunately, leaves room for traditional and ineffective teaching that is ill suited to developing students' high cognitive and practical skills.

[DID WE ALREADY DEAL WITH THIS—GRADING ON THE CURVE?] NO

Universidad Diego Portales (Chile)

Diego Portales Law School was founded in 1982, but toward the end of the 1990s, it undertook a major curriculum reform, which took effect in 2000.⁴² One of the most salient features of this reform was that it was defined at the outset in the correct terms: educationally, not legally. Cuneo says:

It seems necessary by all means, to place the discussion about the reform of teaching methods and assessment procedures in different terms from those that have been traditionally used when discussing reforms: we need to take it into the context of the educational objectives of the program and the professional profile of the graduates. Here is where you will find the true reasons for change and not within the discussion about the concept of law.⁴³

From this starting point, this school redesigned its curriculum, teaching methods and assessment system to better align itself with its educational objectives in two areas: general academic skills and general professional skills. By focusing on skills development, professors are forced to think which teaching and learning methods are best suited to develop these attributes and then to design the best ways to assess student mastery of them. Students also demand that their professors get the training they need to prepare them to succeed in examinations.

Among its other assessments, the school compels its students to take a comprehensive examination and the use of such objective tests is an innovation by the standards posited here. But this test, frankly, is not necessarily an improvement. While such an exam can be made less arbitrary than many tests, from an educational point of view, it is not the best tool to assess the kind of skills the school stresses in its program. The school does balance this test with a case exam, followed by an oral examination. But I wonder how objective the tests are and how they contribute to getting both students and professors away from the tired pedagogical path of lectures and memorization. I'm also concerned here with how students regard elective versus "traditional" courses. My guess would be that as long as evaluation drives education, what does or does not appear on the comprehensive exam will do the most to drive students' mind-set about crucial aspects of academic life.

Universidad de Sonora (México)

The University of Sonora Law School was founded in 1938 and had a formal curriculum in force from 1978, when, in 2004, it undertook a profound curricular reform. The

⁴⁰ *Id.* at 14.

⁴¹ *Id.* at 15.

⁴² Andrés Cuneo, Una experiencia de reforma curricular: El plan de estudios de Derecho de la Universidad Diego Portales, *Derecho y Democracia: Cuadernos Unimetanos*, n. 15, 2008, at 34-35.

⁴³ *Id.* at 43.

school took seriously educational duties in revising its curriculum and making it competencies based. That meant it discarded the traditional emphasis on teaching major legal disciplines and codes in favor of a curriculum organized around five professional “functions.”⁴⁵

All teaching and learning activities reinforce the acquisition and development of these professional competencies. Educators at the school constantly ask themselves questions such: What must graduates know? Why? How do they learn to be competent, if not accomplished, at given legal functions or activities?⁴⁶

Competencies-based curricula, from an educational perspective, have advantages over their traditional counterparts, foremost in that they increase students’ motivation, giving them a sense of purpose and a relevance to their studies. This approach also emphasizes the practical aspects of the law that the logic of the discipline often omits. Because they build their lessons and learning, step by step, in the competencies approach, mastering one before progressing to the next, the curriculum reduces the number of students it leaves behind to fail. Finally, this approach is more akin to how professionals master materials in real life practice.

On the other hand, faculties can struggle to figure exactly what competencies the profession truly demands; they may take too narrow a view of what techniques and skills must be taught, thereby substituting training for education in a broader sense; because the competencies also must be spelled out in advance, a curriculum built around them tends to leave too little room for individual needs and choices. This also can make it tough to educate students to adapt to workplaces as they are now instead of helping them to learn to criticize them or to develop alternatives⁴⁷

In the case of the Sonora school, it initially listed seven areas for professional performance: Legal counseling, litigation, legislative technician, legal adjudication, notary, research and teaching.⁴⁸ However, the components of the curriculum devoted to the “function of legal intervention” focuses on procedural courses (one for each traditional legal discipline).⁴⁹ So, in practice, the school’s curriculum seems to actually define in narrow terms the scope of professional performance for lawyers, despite a wide offer of specialization courses that allows room for training in the seven areas mentioned above.⁵⁰

Universidad de Los Andes (Colombia)

The Universidad de Los Andes Law School started in 1968 and since has presented itself as an innovator among its peers in Colombia. However, between 1995 and 1997, the school planned and implemented an ambitious reform covering curriculum, teaching and assessment to try to restore its original innovative character.⁵¹ The curriculum reform was organized around three cycles: a first year called contextualization; two subsequent years devoted to basic legal knowledge; and last years for specialization.⁵²

The first cycle seeks to offer a broad understanding of the context in which law takes place, by allowing students to take courses in different disciplines. The second cycle, focused on the main legal disciplines, aims to integrate legal disciplines such as private and public law and substantive and procedural law.. It also strives to overthrow the traditional hierarchy of subject matter that gives more value to doctrinal than theoretical courses. The third cycle allows for electives in one of three possible specializations: private law, public law and legal theory. This curriculum seeks to make room for student choices and specialization, while also providing a general and interdisciplinary education and a professional education. To do all this, the school was forced to abandon the broad, encyclopedic approach that is so deeply embedded in traditional legal education in the region.⁵³

⁴⁵ *Id.* at 157-159.

⁴⁶ *Id.* at 156.

⁴⁷ George J. Posner, *Analyzing the Curriculum* (McGraw-Hill 1995).

⁴⁸ Arvizu et al., *supra* note 44, at 155.

⁴⁹ *Id.* at 159.

⁵⁰ *Id.* at 160-161.

⁵¹ Juny Montoya, *La reforma a la enseñanza del derecho en la Universidad de los Andes, Derecho y Democracia: Cuadernos Unimetanos*, n. 15, 2008, at 65.

⁵² *Id.* at 75.

⁵³ *Id.*

The reform, in teaching and learning, employs strategies focusing on students. It makes problem-based learning the main strategy for basic courses such as the law of obligations, contracts, and constitutional and administrative law. This approach seems well suited to the school's attempt to integrate subjects and to try interdisciplinary approaches.⁵⁴

Under the reform plan, the school has designed three comprehensive faculty exams for students on each of the three cycles of the curriculum. To assess skills and not just memorized knowledge, the school designed different types of tests: an essay in the first cycle, an objective test, complemented by a case and an oral examination in the second cycle; and a real case in the third cycle.⁵⁵

As a participant in this reform, I can testify that the school encountered problems that aren't apparent just by looking at the official curriculum, including: the lack of consensus for change in a conservative, institutional culture; the absence of a thorough design for change; and lack of continuity in policies so the place could truly evaluate its achievements and pitfalls before reintroducing its old ways.⁵⁶ The actual reform has been marked strongly by these and other challenges..

Universidad Nacional de Córdoba (Argentina)

The Universidad Nacional de Córdoba Law School is both one of the most historic and innovative institutions. The university itself was one of the first established on the continent, founded (1614) in the Spanish Colonial era and long one of the most influential educational institutions in the region; (the notable university reforms of 1918 originated in Córdoba and spread across the subcontinent. But this school, unlike private institutions that could stay small as they rose in prominence, also suffered as it grew into a mega-university with more than 107,000 students and 12,000 law students Córdoba's law school reforms, thus, are all the more impressive because this is such a big and tradition-bound public institution, which must win a consensus from such a huge and varied group of interested parties. Officials at the school provided an exemplary model for managing change while allowing for all the needed participation, discussion and deliberation.

The old, status quo curriculum that the school tossed out had been encyclopedic and fragmented; it separated sharply legal and extralegal matters; it gave predominance to private patrimonial law and was highly regimented.⁵⁷ Students were drilled in legal rules and doctrine and professors emphasized cognitive-technical skills (knowing, understanding, analyzing) over critical and expressive ones; instruction was scarce on professional practice and the development of professional skills.⁵⁸

Now, the school has: updated the total number of teaching hours in the program, substituting semester for year-long courses; integrated, reallocated, renamed, eliminated and added subjects; added four electives and awarding credit units for each; improved the rules and practices on student promotion and retention; limited teaching hours to thirty per semester; capped the number of courses a student may take per semester to three; fixed the maximum number of students per class to eighty; planned a curriculum for students that lets them progress step by step and integrates and correlates the subjects they will study; made more room for professional training and practice with five mandatory workshops that progress from simple to more complex, building students' skills, starting with researching and critical reading of legal literature and finishing with participation in legal clinics.⁵⁹

How are the reforms working? The school acknowledges that change occurs more easily for students than their professors. Some on the faculty have balked at changing their courses to meet the new semester schedule; some are uncomfortably giving up lectures, in favor

⁵⁴ *Id.* at 82-90.

⁵⁵ *Id.* at 77.

⁵⁶ *Id.* at 77-82.

⁵⁷ Carlos Alberto Lista, *Una experiencia de innovación: la reforma del plan de estudio y el régimen de enseñanza de la carrera de abogacía de la Universidad Nacional de Córdoba, Derecho y Democracia: Cuadernos Unimetanos*, n. 15, 2008, at 198.

⁵⁸ *Id.* at 200-203.

⁵⁹ *Id.* at 208-213

of a more conversational approach in teaching; some aren't ready to give young people more autonomy or to help them develop skills for practice; the new academic promotion system has proved unpopular with some : "In summary, the major difficulty faced by the reform process is professors' attachment to traditional practices from which some can't and others don't want to ... depart[...] from."⁶⁰

How Innovative Are Innovative Law Curricula?

Based on theory⁶¹, reforms of legal education and law school curricula demands some consideration of these kinds of questions: What is the purpose of legal education? Which content, teaching and learning activities are needed to achieve the educational purposes? How to assess the achievement of educational purposes? And what structure is required to support all the above?

If reformers truly considered such issues and acted on their answers, I contend, they quickly would get to innovative legal curricula, which would reject the traditional approach of just teaching the major legal disciplines and existing codes; professors would be forced to discard the lists of rules they feel compelled to cover now in favor of a better-organized thinking about their real educational goals, means and objectives. . In traditional legal education, pedagogy does not play a role in the design of the curriculum; by considering questions like those I have posed, however, educators would be forced to plan their teaching and learning activities and determine which are most valuable or best suited to accomplish their objectives. The answers they derive to their questions, of course, would determine the degree of their innovation. But just asking the questions would, in it, be innovative. .

Let's now apply the questions and use them as a framework to assess the curriculum innovations, their structure and teaching methods at the seven institutions just described. Because the information sources available have their limits, it is impossible to exhaustively explore all these questions; my caveat is that my analysis here will be based on the "official curriculum" as, "described in formal documents."⁶² I underscore that this approach has important limitations to my assessment of the educational innovations. I will make inferences based on documents but these could be made truer if I could observe the curriculum in operation or "the curriculum embodied in the actual teaching practices and tests."⁶³ That qualitative inquiry would better show just how truly innovative are the schools' educational practices. Still, my own experience with the tradition-bound nature of legal education and its institutions_ and not just in this region_ tells me this: Conservative schools just don't publish innovative curricula; reformers may put out curricula that look more innovative in print than they are in practice. Still, if law schools do not commit in writing in their curricula to change and reform, how else will it occur on a broad basis?

Curriculum Structure

Based on the curricula included in the articles mentioned above or downloaded from the schools' web pages,⁶⁴ I have classified the courses taught in each institution in five

⁶⁰ *Id.* at 212.

⁶¹ Ralph W. Tyler, *Basic Principles of Curriculum and Instruction* 1 (Univ. of Chicago Press 1949).

⁶² Posner, *supra* note 47, at 12.

⁶³ *Id.*

⁶⁴ FGV Curriculum, in Hubner, *supra* note 28, at 32; UDP Curriculum, *available at*:

<http://www.udp.cl/admision/pdf/2009/fd.pdf> (last visited Dec. 30, 2009); UNIMET Curriculum, *available at*: <http://www.unimet.edu.ve/escuelas/derecho-plan.html> (not found); UTDT Curriculum, *available at*:

http://www.utdt.edu/ver_contenido.php?id_contenido=280&id_item_menu=1045 (last visited Dec. 30, 2009);

UDS Curriculum, *available at*: http://www.derecho.uson.mx/wb2/Derecho/Dere_plandeestudios (last visited Dec. 30, 2009);

UALS Curriculum, *available at*:

http://derecho.uniandes.edu.co/derecho_uniandes/export/derecho_uniandes/programas/pre

categories (see Table 1): Doctrine, theory, practice, interdisciplinary and flexibility (elective courses).

Courses in the “Doctrine” category cover enacted laws, that is, codes, statutes or “black letter law” as is taught in “Administrative Law” or “Civil Procedure Law.” Courses in the “Theory” column offer a broader view of the law and seek to put it in a wider context and include such offerings as “Introduction to Law,” “Philosophy of Law,” and “Legal Sociology.” etc. Courses in the “Practice” column, at least by title, emphasize hands-on, practical skills training, an experiential approach and in my study include workshops and clinics.⁶⁵ I also have placed in this category such courses as “Argumentation,” “Seminar of Jurisprudence,” “Written Communication,” “Research Methods,” and “legal analysis.” Courses in the “Interdisciplinary” column cover the “law and...” and include offering such as “economics,” “history,” “political philosophy,” “statistics,” “public policies,” and “informatics.” The last column, “Elective,” includes all courses that students may choose. . Some institutions allow students to pick classes not just in the law school but their universities as a whole; in most schools, the options are restricted to “packages” of legal courses, many of them so students can specialize in an area by emphasizing doctrinal courses such as “public law,” and “international law.” Some schools combine both elective options.

Table 1

Law School	Doctrine	Theory	Practice	Inter-disciplinary	Elective	Total
Getulio Vargas	16	3	28	9	8	64
Metropolitana	19	6	9	5	6	45
Di Tella	14	6	9	6	4	39
Diego Portales	30	9	3	5	13	60
Sonora	24	3	20	4	6	57
Andes	16	5	9	5	16	51
Córdoba	27	6	6	1	4	44

By depicting the curricula in this fashion, the first thing that jumps out for analysis is the huge number of courses that each study plan contains, ranging from thirty-nine to sixty-four. Even in innovative schools, this indicates an adherence to the Latin American tradition of legal institutions attempting to give students an encyclopedic view of the law, whether this is workable or make any sense. It shows that a conventional wisdom still holds sway in the region: To be a lawyer means you must be familiar with many legal subjects, even if you do not master any of them.

Further, the data show just how strait-jacketed most curricula remain for students, who get a spare percentage of electives out of the total courses they must complete.(See Table 2). With the exception of Universidad Diego Portales and Universidad de Los Andes, where the percentage of electives exceeds 20 percent, law schools show they are convinced that all lawyers need to know basically the same material, even as they expressly deny this belief.⁶⁶

grado/estructura/esquema.html (last visited Dec. 30, 2009); See UDC Curriculum in Lista, *supra* note 57, at 214.

⁶⁵ Henry P.A. Boshuizen, Rainer Bromme & Hans Gruber, *Professional Learning: Gaps and Transitions on the Way from Novice to Expert* (Kluwer Academic Publishers 2004).

⁶⁶ Perdomo, *supra* note 25.

Table 2

Law School	% Elective courses
Córdoba	9%
Di Tella	10%
Sonora	11%
Getulio Vargas	12%
Metropolitana	13%
Diego Portales	22%
Andes	31%

The data also show the disconnect between the innovative schools' talk about how they want to develop students' practical skills and professional competencies and what little room the institutions make for this in their curricula.⁶⁷ Again, when comparing the percentage that these courses represent out of the total (see Table 3), only Fundación Getulio Vargas and Universidad de Sonora build into their curricula the time and courses for students to develop their professional practice skills and competencies. .

Table 3

Law School	% Practice- Oriented Courses
Diego Portales	5%
Córdoba	14%
Andes	18%
Metropolitana	20%
Di Tella	23%
Sonora	35%
Getulio Vargas	44%

While reformers stress the importance of teaching students the broader context of the law, there are few differences among the innovative schools as to the number of interdisciplinary offerings in their curricula, with the two extremes being Fundación Getulio Vargas at nine courses and Universidad Nacional de Córdoba at one. . What varies the most is the portion of the curriculum these interdisciplinary offerings represent. In this sense, Fundación Getulio Vargas and Universidad Torcuato Di Tella have the highest percentage of courses devoted either to the study of other disciplines or to the study of "law and..." courses. In sum, even the innovative schools still offer in their curricula relatively little—at least from a progressive educator's point of view—to help students understand the broader, historical and philosophical context of the law, as opposed to how the law exists, here and now. (see Table 4).

⁶⁷ Please note that this assertion is made based on the titles of courses indicating that the classes aim to develop practical skills. The reality on the ground might differ greatly, depending on the actual course contents and how it is taught.

Table 4

Law School	% Doctrinal Courses	% Interdisc iplinary Courses
Córdoba	61	2
Sonora	42	7
Diego Portales	50	8
Andes	31	10
Metropolitana	42	11
Getulio Vargas	25	14
Di Tella	36	15

The data derived here could prove helpful in rebutting a criticism that legal education has veered into theoretical excess. Courses offering a theoretical understanding of the law and legal institutions, including Legal Theory, Ethics, Philosophy of Law or Sociology of Law, make up a minimal portion of the innovative schools' curricula; this is especially true if these offerings are compared to the numbers for doctrinal courses. (see Table 5).

Why, then, is legal education so often accused of displaying excesses of the "theoretical," of being too removed from real life and real professional practice? The answer is not that the curricula are overloaded with theoretical courses; even in these innovative schools, there is greater concern with legal scholarship and knowledge generation than in traditional schools. My argument would be not with the theory classes but with the approach and content of doctrinal courses. Because the doctrinal courses focus on enacted laws, codes, and statutes and teachers grill and drill students on these, often relying on rote memorization, these classes end up offering a poor approach to the actual practice of law, and, evidently no real basis for its understanding. The absence of practicality in doctrinal courses drives the perception that law schools have become too theoretical in their teaching, I argue. This produces the wags' axiomatic view, for example, of Argentinean legal education, in which it is said that "law students receive neither enough practical training nor real theoretical education."⁶⁸ The real issue for reformers may be that, in reflexive answer to the criticism about theory, schools toss out one valid such course in favor of another, less so on the doctrinal side.

Table 5

Law School	# Doctrine Courses	# Theory Courses
Getulio Vargas	16	3
Metropolitana	19	6
Di Tella	14	6
Diego Portales	30	9
Sonora	24	3
Andes	16	5
Córdoba	27	6

⁶⁸ Spector, *supra* note 38.

Based on the data displayed and my analysis of it, I posit this: What is occurring in leading Latin American law schools likely is not true innovation but something more akin to modernization; the schools more are updating their curricula, not reforming them. The changes, a long time coming and badly needed because so many schools' offerings have been so out of date, bring to Latin American education features that are regarded as common in other programs and other universities. This is especially true for changes mentioned above, such as: substituting semester for year-long courses; assigning credit units to each course; adding a few electives; making room for some specialization; and including workshops for skills development. That these steps can be hailed as "innovations" shows, ultimately, just how tradition-bound is legal education: These features have become common in other university programs since the early the 19th century. They have been part of several Latin America universities' practices at least since the 1950s.

As for the "innovation" of adding "Law and..." courses_classes on law and society, law and philosophy, law and economics, law and political process_the main idea here in legal education had been to let students see that the law they read about in their textbooks differs from the law as it exists and is practiced. Reformers hoped to employ techniques from other social sciences to show students relationships between law and society in a way textbooks could not.⁶⁹ These courses have been common in American law schools since the 1960s but their roots run into the 1930s as a legacy of progressive educators, as well as from the so-called U.S. legal "realists."

Progressive educators wanted the legal curriculum to emphasize for students how the law developed, based on lived experiences, not in the re-creation of material by textbook writers.⁷⁰ If those real experiences are not compartmentalized by subject, the progressive curriculum tends to be integrated and interdisciplinary. The ideal such curriculum also avoids disciplinary divisions of the private versus the public or theory versus practice.

The realists, in contrast, criticized the traditional law curriculum as "too academic and too unrelated to practice."⁷¹ They took a broad view of both the practice of law and its context, scrutinizing not just the application of legal rules to particular cases but giving consideration, too, of the social, economical, political, and psychological factors of a given situation. Their influence clearly can be felt in scene in the different "case and materials" books that include perspectives from philosophy, sociology and economics and in the "Law and..." movements of the 1960s.

Although the integrated, multidisciplinary curriculum is a legacy from progressive approaches present in education since the first decades of the 20th century, the conservative approach dominant in legal education still sees those courses as "accessory" and "peripheral" in the teaching and learning of the "real" law; they do not always get offered in law school curricula.⁷²

Indeed, as I already have argued, the Latin American law school curricula are so jammed with courses now, the real risk for reformers comes from conservatives pushing back for old-style doctrinal offering, prompting faculties to drop the already few interdisciplinary classes. The other challenging option, of course, sees Latin America law schools adding interdisciplinary courses but also forcing their students into longer or more intensive terms of study. They end up with a six-year curriculum, as is the case with Universidad Nacional de Córdoba or they retain a five-year curriculum crammed with six or seven courses per semester, as occurs at Universidad Diego Portales and Fundación Getulio Vargas. Is this fair to students that educators pile classes on them rather than abandoning their encyclopedic approach to the law school curriculum? Faculties must stop equating this volume is best view

⁶⁹ Duncan Kennedy, *The Political Significance of the Structure of the Law School Curriculum*, 14 *Seton Hall L. Rev.* 1 (1983).

⁷⁰ John Dewey, *The Child and the Curriculum*, in *John Dewey: The Middle Works*, 271-92 (J. A. Boydston eds., Southern Illinois Univer. Press 1902).

⁷¹ Robert Stevens, *Law School: Legal Education in America from the 1850s to the 1980s* (Univ. of North Carolina Press 1983).

⁷² Juny Montoya Vargas, *The Case For Active Learning in Legal Education* (VDM Verlag, 2008).

and deal with what an interdisciplinary approach to legal education means; it is wrong for faculties to talk both about “Contracts Law” as a course and teaching students how to do an “economic analysis of contracts law” in another. By applying current educational theories – constructivist theories– to legal education, educators could discover that students cannot really *understand*⁷³ the “law of contracts” until they grasp the socioeconomic meaning of such regulations. As for the encyclopedic approach, I say it is unrealistic and promotes a superficial approach to learning;⁷⁴ what’s the point of knowledge that is a mile wide and an inch deep?

Teaching Methods

When it comes to reforms and innovations, should not great consideration be given to the central activities of a law school, or any school for that matter: teaching and learning? Alas, the discussions here of these topics will be spare, even as we study notable institutions. Teaching and learning, it seems, are neither of primary importance for traditional legal educators nor for reformers. Although the latter often launch their presentations declaring a preference for active learning, cases, real problems, workshops, clinics and other such means, very often they end up by proclaiming “pluralism” as the way to allow room in the curriculum in practice for faculty who refuse to abandon old-fashioned lectures.

Latin American law teachers do not seem to understand that tapping different teaching methods is not just a matter of procedural preference. A basic principle of curriculum development is that, to effectively attain educational objectives, these goals must be aligned with teaching and learning activities as well as to the assessment process.⁷⁵ The choice of lectures, cases or problems is not just a procedural decision: what students learn depends on it.⁷⁶ If we want them to be able to apply the legal principles and rules to real cases, we cannot do it through lectures alone; we also need to give them the time and opportunity, somehow, to apply legal principles and rules to real cases. A demonstration by the professor does not substitute for students’ personal experience in developing skills and competencies. Lectures, at minimum, must become “interactive” through questions, discussion or group work by students.

By the same token, let’s not create workshops to teach theory, just adding yet more duplicative time to students’ loads. Abundant evidence already exists in the educational canon on how people learn, and legal theories that are worthy to be mastered have practical consequences, as they allow us to better understand the world. Students can learn those theories at the same time as they learn to make use of them. Law schools need an educational approach that helps professors focus on learning instead of teaching, and, by doing so, lets them develop the best educational experiences for students to learn the law by making use of it.

Conclusion: What Needs to Be Done?

Because law schools seem to lack the capacity for reflection and deep understanding about educational issues, discussions about teaching and learning or curricula too often turn on legal issues, instead of: what research teaches us about how students learn; broader concerns, such as What are the purposes of legal education and what are the best ways to achieve those purposes?. The law schools that have asked the right educational questions are those who have put in place truly innovative reforms.

I will end this article by briefly pointing to some questions that should have been asked in planning curriculum reform. These queries are standard in curriculum design but difficult to find in actual legal education reforms:

1. What is the purpose of legal education? This question is related but not limited to the question about the concept of law. To answer it properly, faculty must delve deep into practical questions such as: What do we expect a law school graduate know and to be able to do? What

⁷³ See David Perkins, *What is Understanding?*, in *Teaching for Understanding, Linking Research with Practice* 42 (Martha Stone Wiske eds., Jossey-Bass 1998).

⁷⁴ See John Biggs, *Teaching for Quality Learning at University: What the Student Does* (Society for Research Into Higher Education 1999).

⁷⁵ Posner, *supra* note 47.

⁷⁶ Cynthia Weston & P.A. Cranton, *Selecting Instructional Strategies*, 57 *J. of Higher Educ.* 3, 259-88 (1986).

should be the role of lawyers in society? What possibilities should legal education open for building a better society?.

2. Which content, teaching and learning activities are needed to achieve the educational goals? The planning of content, teaching and learning activities must be taken seriously as a basic principle for curriculum development. The educational objectives should be key means to organize the entire curriculum. Schools, based on their derived expectations for their graduates, then may decide what content, teaching and learning activities are required; this gets them away from just adding new courses and practices to the old curriculum.

3. How to assess learning? This topic deserves special consideration because it can drive exactly what students learn, how and how deeply. Schools can determine if their students have mastered skills, materials and qualities that prepare them in an authentic way for professional life or they can just see how well young people can take tests, guess and memorize.

4. What structure is required to support all the above? Innovative legal education requires full time professors appointed to teach and research; they must be well acquainted with educational theories and practices; they intellectual stimulus and support for their teaching and research and for research on teaching.

To those who would better the legal Academy, especially in Latin America, I say: Answer questions like these even as you plan your curriculum reform, its structure, development and your school's instructional practice. Unfortunately, the questions rarely get put to paper and discussed when reforms are proposed. This all may be too hard for people to talk about, much more to put in practice as our answers likely put us in a place of running against the status quo of legal education in Latin America. We, thus, get stuck in a vicious circle: Our thinking is traditional and the traditional thinking deters real reforms. We cannot, for example, see the disconnect between our teaching and its contents and we turn away from seeing the connection between our teaching methods and the way our students actually learn. These are bad traditions in our thinking about legal education. Here's hoping these burdensome approaches give way in the future to the realities of learning.