

## Curriculum and Legal Education

By:

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***“The most important part of man’s education is that he gives himself”***

-Scott Walter

The Mission of the School of Law is contained in the ideology of the Universidad Francisco Marroquín:

*“In such circumstances, the important part is to formulate and examine again theories or principles, and not to form technicians in their application, as it is the validity of the principles which has been doubted. Therefore, with this orientation and as an example, the pensum of the School of Law shall emphasize on the study of the Law - its nature and bases, or philosophy - more than in the study of legislation and of the Law’s auxiliary sciences, such as sociology.”*

There was a time when whoever had or gathered the data boasted the power thereon and upon the others. Today, the data is within everybody’s reach, and the valuable thing seems to be to be able to understand it and discriminate it for the desired purposes.

The above information made us realize that the methodology in teaching should answer to this purpose. The challenge we faced was to reach the goal that our students would distinguish from the others both for what they had learned, as for the skills or abilities needed to optimize these knowledge.

The analysis through one’s own discovery on one hand, and the development of the dexterities needed to know what to do with that discovered allows to learn, and thus develop the capacity of questioning, arguing, and eventual convincing regarding one idea, a position, or an institution.

The learning process in our School of Law had to have as an objective that the student acquired both the knowledge necessary, as the dexterities or abilities necessary to know what to do with that acquired. Following that thought, our School endeavored to make important changes in the teaching manner, changes which answered to the objective posed.

The first phase of the change in teaching was to incorporate a new methodology; to this end, the pensum contains courses that contribute to the formation of the critical thought of the student, such as philosophy, political thought, philosophy of law, Roman law, history of law, political thought and civil and constitutional jurisprudence, as well as courses that contribute to his highly competitive formation as Attorney-at-Law knowledgeable of the juridical institutions of the different areas, and which are not taught in other schools, such as financial principles (focused on Attorneys-at-Law), financial system, contract general theory and the system of elective courses that allows the teaching of subjects that due to their special nature are not comprised among the regular subjects of the pensum, such as the juridical aspects regulated to the electric market, telecommunications, information technologies, etc.

An essential part in the training of the students are the three pedagogical systems used at the School: Master class, problem-based learning PBL and the Socratic method, this last method implemented in the new closing process, at the end of the career, and which culminates with the technical professional examination by the student, necessary for his professional practice. Beginning during the third year of studies, the students carry out their supervised practice for one year, in different companies, banking and financial institutions, and courts and public entities. Complementary activities in the formation of the students are the participation of the teams of the School in international competitions such as Jessup, of Human Rights of the American University, of international arbitration in Austria, the magazine of the School and different academic groups.

It is worth to highlight that of the three methods mentioned, we are distinguished by two of them that in our opinion make the difference of our students versus other schools of law.

The PBL methodology seeks to expose the student to problems without the basis of a previous knowledge. It is developed in several stages, worth detailing:

**STAGE 1 (first session):**

The moderator presents the problem

**Step 1:** Term clarification

**Step 2:** Problem definition

**Step 3:** Idea brainstorm

The objective of this step is to have the students make a brainstorm regarding the different manners to approach the problems submitted in the previous step. The idea is that the students provide possible explanations, solution options, hypotheses and perspectives for problem analysis. In this step, the activation of previous knowledge is basic.

**Step 4:** Idea organization (what do we known regarding the problem). The group tries to explain the juridical problem or problems, based on the previous knowledge.

**Step 5:** Formulation of Learning Objectives (what we do not know to solve the problem)

After trying to explain the juridical problem or problems based on the previous knowledge, the group identifies what other knowledge would be necessary to understand the problem; i.e., what is not known and is believed would be necessary to know to understand the problem.

**The group now decides the “research strategy” to be followed to study the identified learning goals (texts, sentences, searches in Web pages, consultation with professors, visits to institutions, polls, etc.).**

## **STAGE 2:**

### **Step 6:** Individual study.

The students devote themselves to independent study acquiring information and working on the learning goals they adopted in the group meeting.

## **STAGE 3 (second session):**

### **Step 7:** Information of the data found (analysis and criticism thereof)

The second session must be initiated **reviewing the learning goals**, since these could have changed after the Stage 2.

Then, a brief **poll to establish what was done by each one of the tutorial group members** must be carried out to study the learning goals.

During this stage the students discuss their new knowledge; they synthesize and evaluate the same. Finally they must draw conclusions regarding what the group has learned, and **if opportunity arises, regarding the possible problem solutions.**

At last, a self-evaluation of the group must be carried out to determine if the general and specific objectives related to the problem have been attained to continue with a new problem, or if it is necessary to make a new independent period of studies and another group meeting to work on the same problem.

The above methodology has attained that students discover the knowledge, value different opinions and appropriate the arguments which thoughts and critical judgments have been discussed among peers with the valuable guidance of a guardian that seeks to expose the student and enlighten him on the path or paths towards this discovery.

On the other hand, and considering the importance of the development of dexterities in arguing, stemming from the knowledge acquired during the five years of the licentiate studies, the Socratic Method was adopted for the closing process of the student. The student is exposed to real-life cases where the objective is to study the juridical institutions related to the case.

This strives that the student be able to make a critical juridical analysis of the judicial decisions in the treatment of juridical figures in view of the same institution, and the congruence or lack thereof of the judgment. To this end the student must investigate the case submitted, the juridical figures related thereto, and the institutions processing the case. The student is exposed to actual cases with the guidance of a tutor, where after the study of the case itself, they meet with the Socratic methodology to discuss and argue the institutions treated, the resolutions of the jurisdictional body, and the omissions thereof, it seeks to develop analytical capability, exposing the student to actual experiences that require critical judgment. The founded analysis capability is the value added that this methodology provides.

The process evaluation is carried out at each Socratic meeting based on the quality level of each intervention, and the addition of its evaluation is directly related to the public and private exams they must defend in order to practice their profession.

We believe that with the combination of the three methodologies: Master classes, PBL, and the Socratic method, we have begun an important change to get close to the knowledge by our students, now they are more active regarding the questioning of a juridical position and seek different arguments to attain the management of the institutions with an analytical opinion and which is their own.

***“The purpose of education is to form beings able to govern themselves and not to be governed by the others”***

-Herbert Spencer