

LEGAL WRITING AND LANGUAGE

Contribution to the courses from the perspective of European, in particular German legal education

Reading legal literature effectively

A. Preliminary remarks

- I. *The importance of effective reading for successful law studies*
 - studying law essentially means reading, processing what has been read, and thinking
 - effective reading and processing are vital for building up your own knowledge, understanding and personality as a lawyer
- II. *The difference between reading academic literature and other literature*
 - reading scientific literature is not entertaining but rather dry, boring and tedious
 - reading scientific literature is not easy reading that can be done on the side but always requires full concentration
- III. *The difference between reading political and social science literature and legal literature*
 - political and social science literature usually focuses on one major theory or topic; you will work with a small number of books but need to read and process them entirely
 - legal literature usually presents a multitude of smaller theories and comments on a multitude of controversial issues; you will need to consult a large number of books but usually only a part of them, sometimes only a few pages
 - a paper in law may cite much more literature but deal with most of it more superficially
 - note that in legal science, ignoring (failing to cite) an existing publication on your topic is a serious shortcoming!

B. Before you start reading

- I. *Choose the right environment for reading*
 - choose a quiet (!) and comfortable place without distraction where you can concentrate
 - do not listen to music while reading legal literature - it will reduce your concentration!
 - choose a place with good lighting (for reading print media) and internet connections (for reading online sources)
 - have your laptop, tablet or pen and paper ready to take notes
 - helpful: some snacks and drinks (preferably with dextrose) to increase your ability to concentrate
- II. *Choose the right moment for reading*
 - don't try reading when you are tired (from last night) or exhausted (from today's work) - it will be ineffective!
 - don't try reading when you are emotionally agitated or distracted - it will be a waste of time!
 - *read regularly throughout the course*, not just shortly before the exam!
- III. *Choose the right legal literature to read*
 - start with a *short and easy to read first introduction*, to familiarize yourself with the subject-matter
 - look for concise introductory textbooks, articles, websites or didactic materials
 - in some countries there is a wealth of didactic introductory literature especially for law students
 - choose a *short textbook* to study a whole field of law parallel to the lectures
 - choose a *large textbook* to look up occasionally, parallel to the lectures, reliable information on selected classical topics
 - choose an *article in a law journal* to read about a topical issue that is not yet discussed in the textbooks
 - choose a *commentary, handbook or very large textbook* for in-depth studies
 - choose multiple sources to obtain different perspectives and opinions

C. While you are reading

- I. *Focus on what you need*
 - consider carefully whether you need to read the entire publication (rare) or only a part of it (the standard case) for your purpose
 - familiarize with the structure of the publication for easy orientation
 - choose a reading strategy that fits your current reading purpose, e.g. skimming (for orientation), browsing and selective reading (of passages on certain aspects), browsing for references to trustworthy sources (will focus on the footnotes), or intensive reading (to follow the whole line of thoughts)
 - it is often useful to read abstracts, conclusions and interim conclusions first
 - use the table of contents and the index to quickly find the relevant parts or pages in larger publications

II. Read everything what you need yourself

- do not rely on the reports of others or of AI chatbots about a publication!
 - they are often wrong or distorted
 - they are made from the perspective of the other person or AI chatbot but not of what you need
- do in particular not rely on the presentation of a court decision by others but read and interpret it yourself!
- do not rely on references provided by others but verify every reference yourself before copying it
 - you will be surprised how often they are wrong
 - be sceptical about references provided by AI, since AI tools do not understand what they read and present

III. Read slowly and concentrate

- make sure you understand and remember what you read
 - read step by step and take a break when necessary
 - first read the table of contents or the headlines, to understand the structure of the text
 - re-read text passages if you are not sure to understand them correctly
 - clarify important legal terms that are unclear (also with the help of other sources)
 - work out the author's chain of reasoning (important in particular for court decisions)
- stop reading from time to time to reflect, critically question and contextualise what you have read
- at the end, skim through the entire text again using your markings and annotations (see infra, C.V.)
- don't try to accelerate the reading process when you notice that you are jeopardizing it!

IV. Have the text of the law ready next to you

- the text of the law is the primary - and thus most important - source for legal studies
- *studying law without reading the text of the law is useless!*
 - you need to read it again and again in any context yourself - this is the daily work of a lawyer
 - reading *about* the law in other people's materials or publications cannot replace reading the law itself
 - pay attention to the subtleties in the wording of the law
- have the text of the law ready alongside the text that you read
 - on a separate printout or device, so that you can look at it without leaving the main reading text
 - use a medium that allows to underline, highlight or annotate parts of the legal text
 - note that *switching back and forth between the main text and the legal text on your laptop makes reading ineffective!*
- if the text that you read discusses court decisions, also have their text ready

V. Mark important text passages and key terms and add annotations to the text

- an essential practice of effective reading, which is already part of processing what has been read
 - note that reading academic texts without this own input is significantly less effective!
- therefore: *read pdf documents preferably on a tablet or convertible laptop with a pen!*
 - this allows to mark and annotate on the screen like on paper and to save the file together with your addenda
 - if you do not have a tablet, read a printout or *use a pdf reader with a practical marking function*

VI. Take notes

- document essential information, key terms and phrases, the author's chain of reasoning etc.
- write down your own important insights, findings, questions, comments and ideas
- visualise connections in graphics, diagrams, mind maps etc. if you have a good idea
- save or transcribe your notes to a file

D. After the reading

- discuss the text with other students and share your interpretation, questions, comments and ideas
- compare the text with other texts
- compile your notes and those on other publications in a constantly evolving compendium on your topic, course or field of law
- do some exercise to clear your head and something nice to reward yourself and enjoy life!