

CHAPTER 7: [ALWAYS (ALWAYS!) READ WITH A CLEAR PURPOSE]

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. Read the following passage for the specific purpose of identifying how many different rose cultivars (specific types, not classes) the author names. Assume that “time is of the essence” (in other words, assume that you need to read this passage quickly):

Gardening with roses can be both a delight and a challenge. Roses are notoriously fussy about soil content and require frequent fertilizing, pruning, and treatment to prevent damage from insects. For those who enjoy a sensory experience in the garden, however, there is no single flower that can beat the rose for variety and range of color and scent. Roses are divided into various “classes,” including climbing roses, shrub roses, hybrid tea roses, floribundas, and grandifloras, with numerous “cultivars” (individual rose species) within each class. Having a variety of rose classes and cultivars represented in your garden can enhance its overall beauty and visual impact. Among the climbing roses, “City of New York” is perhaps the most winter hardy and disease free, although “Joseph’s Coat,” with its bright blossoms, presents a more showy flower. Among the floribundas, “Apricot Nectar” stands out for its extreme hardiness in winter, and “Sonja” takes the prize for repeat blooms. If a gardener could plant only one rose, those with experience would recommend “Mister Lincoln,” a perennial favorite, hands down. Hardy, disease resistant, and highly fragrant, this deep red rose will bloom repeatedly from May through October in many climates, making all the work that goes into growing roses worthwhile.

(a) How many specific roses were named? *Five*

(b) How did you keep track of them (monitor yourself) as you read? *Students answers will vary to this question. Some students might have put a check mark next to each cultivar’s name, some may have counted on their fingers or kept a running number in their head. Many students will have attended to the wrong material altogether, not having tuned into the original purpose for the reading (to identify how many rose cultivars were listed). Other students may have understood the purpose, but had difficulty drawing an inference about the difference between a class and a cultivar.*

(c) Did you figure out any reading “tricks” (visual cues) to help you locate the individual named species quickly? If not, look at the passage again and see if it would have helped to skim for capital letters and quotation marks. *If you figured out early on that the names of the specific rose types were all contained within quotation marks, it was easy to skim, looking just for quotation marks, and count as you went. You did not need to read the names themselves – just count the quotation marks.*

2. Read the same passage above, but this time assume that you are considering planting a garden. You are a busy beginning law student and don't have much time or money for gardening. Nonetheless, you have decided to keep life balanced by finding a hobby that would distract you from reading law from time to time, and also allow you to share the fruits of your labor with those you care about.

(a) Would this article make you think twice about planting roses in your garden?

This article would probably make any wise student think twice about planting roses because they are so finicky and time-consuming to maintain.

(b) If you had room for only one rose bush, which one would you choose? Why?

I might choose a "Mr. Lincoln" because the author of the article praised it so highly. However, there might have been something about one of the other descriptions or names that caught my eye, and I might go with that one instead.

(c) Did it take you longer to read this passage for the purpose of deciding what to put in your garden than for the purpose of counting how many specific rose cultivars were named? *If you were reading strategically, it would take longer to read for the purpose of selecting roses for your garden than for the purpose of counting cultivars. However, some students may have found the second reading to be easier because they had already read the passage in depth once (if they didn't skim the first time), and so they knew pretty much everything they needed to know from the article after reading it the first time. The problem with this strategy, of course, is that if it were an academic assignment and only the first purpose was ever named, there would have been a lot of time wasted with no particular academic gain.*

3. How does the notoriously large size of many law school classes influence students' choice of reading purposes?

Many students are self-conscious about being called on in front of large numbers of students and don't want to appear to be "wrong" or "inadequate" in front of their peers.

4. Would your purpose for reading for class preparation shift if you knew there was a high probability that you would be called on in class the next day? Should it?

I think a student who knows for sure that he or she will be called on should prepare at a much more detail-oriented level than one who does not know for certain that he or she will be called on to participate. My reasoning is that a law school dialogue between a faculty member and a student can't occur if the student doesn't know the case well enough to engage with the professor, even about micropropositions that would otherwise not be important or necessary. Out of courtesy to the professor and respect for the class' need to have material to discuss, I would read with a different purpose (to be able to talk with the professor in detail about all aspects of the case) if I knew I would be called on.

5. Why might you read and respond to the “Notes & Problems” at the end of a cluster of cases even if you knew you would not be called on in class or that your professor would not refer to those notes?

“Notes and Problems” give me an inside track on what the casebook author thinks is important and interesting about this area of the law – it is an opportunity to test the boundaries of the rules of law presented in the assigned case and to think of the case in a broader perspective. Also, the “Notes and Problems” often give cues as to what vocabulary words are important enough in this area of the law to hold on to for future reference.