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# “So Teacher, What is the Right Answer?” Incorporating Critical Thinking into the Mexican Legal Education: The Application of the US Model

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# **“So Teacher, What is the Right Answer?” Incorporating Critical Thinking into the Mexican Legal Education: The Application of the US Model**

Dr. Ying Chen \*

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## I. INTRODUCTION

### *A. The Challenges of Justice Reform in Mexico and the Power of Legal Education*

Over the past few decades, the Mexican government has made some commitments to improving the rule of law.<sup>1</sup> Meanwhile, many foreign government agencies, non-governmental organizations (NGOs), and private donors, mainly from the United States (U.S.), have also provided tremendous support to help Mexico reform its justice system.<sup>2</sup> Despite these efforts, corruption, injustice, and impunity are still the everyday realities and fixing Mexico's broken

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<sup>1</sup>See generally David A. Shirk, *Justice Reform in Mexico: Change and Challenges in the Judicial Sector*, <https://www.wilsoncenter.org/sites/default/files/Chapter%207-%20Justice%20Reform%20in%20Mexico,%20Change%20and%20Challenges%20in%20the%20Judicial%20Sector.pdf>.

<sup>2</sup> Clare Ribando Seelke, *Supporting Criminal Justice System Reform in Mexico: The U.S. Role*, Congressional Research Service, (Mar.18, 2013), <https://fas.org/sgp/crs/row/R43001.pdf> (Noting that the US Congress “has provided significant support to help Mexico reform its justice system.”)

rule of law remains an uphill battle.<sup>3</sup> From a technical perspective, it is not easy to develop a comprehensive package of “ambitious legislative changes and constitutional amendments”<sup>4</sup> as well as an effective implementation mechanism. From a financial perspective, adhering to the rule of law does not come cheap; it is inevitable that a substantial budget for reform-associated costs is needed. In addition, there are major obstacles. For instance, one major obstacle to building the rule of law in Mexico is the ruling class’ resistance to being ruled by the law for fear of losing their power and privileges.<sup>5</sup> A strong political will to implement change is crucial to driving any meaningful reforms in the justice sector. Numerous studies have been conducted with respect to the approaches that Mexico could take to overcome the technical and financial challenges. However, the political will to reform appears to be a less-discussed topic.

This article argues that legal education has a great deal of potential to create a strong political will to reshape Mexico’s justice system. According to a survey involving about 22,000 Mexican law students across the country, the public’s lack of legal knowledge is perceived as one of the main factors that contributes to injustices and violations of human rights in Mexico.<sup>6</sup> It is also one of the top factors that motivate Mexican students to study law.<sup>7</sup> In a narrow sense, legal education, especially offered within the university setting, equips students with a body of legal knowledge as well as a set of practical skills that enable them to competently practice law after

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<sup>3</sup> Luis Fernando Pérez Hurtado, *Transnationalizing Mexican Legal Education: But, What about Students’ Expectations?* 10 GERMAN L. J. 767, 768 (2009). (Noting that “one of five Mexican law students chose to study law because they or their relatives had been victims of violations to their rights, or as a result of perceiving their en study law because they or their relatives had been victims of violations to their rights, or as a result of perceiving their environment as marked by injustice, corruption, and impunity.”)

<sup>4</sup> Shirk, *supra* note 1.

<sup>5</sup> Thomas Carothers, *Rule of Law Revival*, CARNEGIE ENDOWMENT (Mar. 1, 1998), <http://carnegieendowment.org/1998/03/01/rule-of-law-revival-pub-165>. (Noting that the ruling class are often afraid to “create competing centers of authority beyond their control.”)

<sup>6</sup> Pérez Hurtado, *supra* note 3, at 776.

<sup>7</sup> *Id.* at 768.

graduation.<sup>8</sup> Its influence extends far beyond producing skilled legal professionals for the society. Legal education also plays a critical role in shaping the mindset of future legislators and policy makers, creating a will from within to promote justice reform.<sup>9</sup> In a broad sense, legal education fosters a healthy rule of law culture by raising the public's awareness of their rights, which ultimately drives the ruling class to make changes.<sup>10</sup> Without doubt, legal education is an essential element in repairing the broken justice system in Mexico, and deserves more attention than ever before.

### *B. Inspiration of this Research and Issues to be Explored*

Despite its importance, there is a paucity of information about legal education in Mexico. Having reviewed the existing literature, there are only a few articles that have been written on this subject, predominantly by Dr. Luis Fernando Pérez Hurtado, Director of the Center for the Study of Teaching and Learning the Law (*Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho, A.C.*) in Mexico.<sup>11</sup> The great value of his research lies in the fact that he has provided the English-speaking world with the most comprehensive overview of Mexican legal education to date. This research is largely inspired by Dr. Luis Fernando Pérez Hurtado's previous work on Mexican legal education.

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<sup>8</sup> Matthew J. Wilson, *U.S., Legal Education Methods and Ideals: Application to the Japanese and Korean Systems*, 18 *CARDOZO J. INT'L & COMP. L.* 295, 297 (2010).

<sup>9</sup> *Id.*

<sup>10</sup> Elizabeth Andersen, *Back to School Special: Legal Education as a Key Component of Rule of Law Development*, STAFF AND EVENT NEWS (Aug. 2015), [http://www.americanbar.org/advocacy/rule\\_of\\_law/newsroom\\_events/general\\_news/news-staff-director-message-legal-education-key-component-of-rule-of-law-0815.html](http://www.americanbar.org/advocacy/rule_of_law/newsroom_events/general_news/news-staff-director-message-legal-education-key-component-of-rule-of-law-0815.html).

<sup>11</sup> Dr. Luis Fernando Pérez Hurtado has published a number of articles (in English) regarding Mexican legal education. For example, *An Overview of Mexico's System of Legal Education*, 1 *MEX. L. REV.* 2, 53-89 (2008); *Content, Structure, and Growth of Mexican Legal Education*, 59 *J. OF LEGAL. EDUC.* 567, 567-597 (2010); *Transnationalizing Mexican Legal Education: But, What about Students' Expectations?* CLPE RESEARCH PAPER 27/2009 VOLUME 05 No 04 (2009). Dr. Luis Fernando Pérez Hurtado also led an American Bar Association (ABA) research project *Legal Education Reform Index for Mexico (2011)* assessing the status of legal education reform in Mexico.

The Monterrey Institute of Technology and Higher Education (*Instituto Tecnológico y de Estudios Superiores de Monterrey*, hereinafter “Tec”) has scholarships that seek to address the gap around legal education material. I have personally been a recipient of a one-year visiting professorship that has allowed me to gain knowledge of both Mexico’s legal system and how legal education is offered, for which I thank them. This opportunity afforded me the privilege of working with Mexican colleagues and students, to share information, experiences, and the chance to develop a vision of how a legal education can influence change.

At Tec, I was assigned to teach a wide range of courses, including Public International Law, Private International Law, Introduction to the U.S. Legal System, Intellectual Property, Alternative Dispute Resolution, Legal English and Legal Writing, and Human Rights Law. Most of these courses are offered to the senior law students, while some of them are offered to the first- or second-year law students. Thus, I have had the opportunity to interact with students in their different years. In my classroom, alternative perspectives were introduced so that students could learn how to approach a problem from different angles. However, the feedback received from different groups of students was surprisingly unanimous. They responded with the question, “so teacher, what is the right answer?” That is a thought-provoking comment, making me question why Mexican students always look for right answers.

Having discussed this question with some of my Mexican colleagues, it is clear that Mexican students are often required to memorize the laws and related theoretical concepts, and they are tested in both the midterm and final exams. Some professors are very strict about “the right answer.” If a student’s answer is not identical to what is in the textbook, then it is a wrong answer. This is completely opposite to the educational culture of American law schools where students are trained to think like lawyers, to recognize that there are often competing legal principles and that the legal answer depends on the facts of the case. For Mexican students, law appears to be “a closed system of knowledge in which there are right answers.”<sup>12</sup> They generally lack the ability to identify the problems and to think

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<sup>12</sup> MARGARET THORNTON, *PRIVATIZING THE PUBLIC UNIVERSITY: THE CASE OF LAW 93* (2012).

about the goals, the alternative solutions, and the potential obstructions to solve the problems.<sup>13</sup>

Inculcating students with the idea that there is a “right answer,” in a sense, is a form of “dictatorship” in education. In the short term, it directly restricts students’ ability to engage in critical thinking. In the long term, it produces legal professionals, including legislators and policy makers, who only accept the law as it is. People’s critical engagement with justice reform is constrained, which further hinders the development of political wills to support the rule of law. People would only passively follow instructions that they perceive as “right answers.” It is an issue that needs to be addressed urgently. Additionally, a literature review has also revealed that teaching critical thinking to Mexican law students appears to be an unexplored subject in academia. Therefore, built on my experience at Tec, this research focuses on a discussion of incorporating critical thinking into the Mexican curriculum, although it is acknowledged that legal education reform in Mexico is a large-scale comprehensive project requiring more than training students to think critically.

### *C. Structure of the Research*

Section II introduces the methodology adopted, and explains the constraints and considerations in this research. A profile of the groups being interviewed is also provided in Section II. Section III identifies and analyzes the factors contributing to the lack of critical thinking skills in Mexican law students. In Mexico, the existing legal pedagogies emphasize the transmission of legal knowledge only. Students are denied the opportunity to engage in critical thinking. Moreover, this research argues that Mexican legal education has excessively relied on adjunct faculty members in teaching. The imbalance between full-time and part-time faculty members has created an additional challenge for the implementation of critical pedagogy. Therefore, adjustments in faculty recruitment are recommended. Further, in order to remedy the deficiency in the Mexican legal education, Section IV proposes approaches to create a teaching and learning environment that fosters critical thinking. This research highlights three strategies, that is, class discussion, individual and

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<sup>13</sup> Kristen Holmquist, *Challenging Carnegie*, 61 J. OF LEGAL EDUC. 353, 357 (2012).

group projects, and the use of social media for educational purposes, though undoubtedly there are many other options one could potentially explore. Section V concludes the research by re-emphasizing the importance of critical thinking, not only in improving legal education, but also in promoting the rule of law in Mexico. This research encourages Mexican law schools to integrate critical thinking across the curriculum.

## II. METHODOLOGY AND CONSTRAINTS AND CONSIDERATIONS IN THIS RESEARCH

### A. Methodology

This research is mainly built on my teaching experience at Tec. While at Tec, I developed a number of locally adaptive teaching strategies and applied them to my own classroom in an effort to enhance my students' critical thinking skills. These strategies were largely based upon the U.S. legal pedagogy of training students to think like lawyers. However, the United States and Mexico have different legal systems: common law and civil law, respectively. These two countries obviously have different focuses in their legal education. I had taken that into consideration while designing teaching strategies for my courses.

To get a better understanding of Mexican legal pedagogies and to assess my experiment of teaching critical thinking in the classroom, I conducted interviews with several groups of people. My interview questions mainly focused on two aspects of legal teaching: (1) teaching approaches adopted by professors (including both Mexican and non-Mexican professors), and their views on Mexican legal education; (2) student reflections on legal instruction, and their feedback on my critical pedagogy. The interviewees were divided into three groups.

The first group consisted of law students. Unlike in the United States, the first law degree in Mexico, *Licenciatura en Derecho* (hereinafter "LED"), is not acquired through professional education but undergraduate education.<sup>14</sup> Students involved in my interviews were full-time LED students only. The purpose of interviewing LED

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<sup>14</sup> Luis Fernando Pérez Hurtado, *An Overview of Mexico's System of Legal Education*, 1 MEX. L. REV. 53, 57 (2009).



students was to assess how Mexican students view their classes (including those delivered by me) and their preparation for a career in the legal profession. Interviews with LED students formed the basis of my data collection.

The second group was comprised of Mexican colleagues, including full-time legal academics and adjunct professors who were legal practitioners, such as local judges and attorneys. This was to understand, firstly, their teaching approaches and the rationales; and secondly, their perspectives on Mexican legal education in a broader sense. This group of interviewees graduated from various law schools across Mexico, including both public and private law schools. They had diverse teaching and learning experiences.

The third group that I interviewed was made up of Tec visiting professors in law and other disciplines. For visiting professors in other disciplines, some of them taught law students subjects such as Ethics and Philosophy. These professors were included to add a comparative perspective to the study i.e., their opinion on whether they experienced any differences between teaching Mexican law students as opposed to those of their home country.

### *B. Constraints and Considerations in this Research*

As mentioned above, this research was primarily based upon a case study of Tec. It did not investigate teaching pedagogies and student reflections on legal instruction at other law schools in Mexico. Generalizing from the single case study may have its limitations. However, Tec's case is fairly representative for the reasons below.

Tec is the largest and most prestigious private university in Mexico with 31 campuses across the country.<sup>15</sup> According to the QS World University Rankings (2017-2018), Tec is ranked as one of the top 2 in Mexico, after Universidad Nacional Autónoma de México (National Autonomous University of Mexico, "UNAM").<sup>16</sup> Alt-

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<sup>15</sup> Tecnológico de Monterrey, *Campuses*, <http://www.itesm.mx/wps/wcm/connect/ITESM/Tecnologico+de+Monterrey/English/Campuses> (last visited Mar. 13, 2017).

<sup>16</sup> Quacquarelli Symonds Limited, *QS World University Rankings 2017-2018*, <https://www.topuniversities.com/university-rankings/latin-american-university-rankings/2018> (last visited Jan. 26, 2018).

though Tec is well-known as a multidisciplinary polytechnic university with an emphasis on science and engineering, its law schools across the country are also on the progressive end of the spectrum of Mexican legal education. Tec is generally considered a pioneer in areas such as curriculum design, teaching methods, and overseas partnerships. It is suggested that if Tec, as an educational “pioneer” struggles to enhance a student’s critical thinking skills, most likely, other law schools face the same issue. In fact, interviews conducted with Mexican colleagues reveal that Tec’s model of legal pedagogy has much in common with those in other Mexican law schools. It is fair to say that we can safely draw some general inferences that relate to Mexican law schools from the case study of Tec.

### III. FACTORS THAT CAUSE THE LACK OF CRITICAL THINKING IN THE MEXICAN LEGAL EDUCATION

At Tec, I was encouraged by the Law Dean to introduce the U.S. style of instruction to Mexican students and colleagues. The Dean views American legal pedagogies as a pathway to their pedagogical reform, expecting more skills training to be integrated into the curriculum. In fact, according to the interview results, Tec professors and students also rated practical skills training as important as gaining the required knowledge of the substantive law.<sup>17</sup> They acknowledged, however, that some skills have been largely overlooked in the curriculum, and critical thinking is one of those. They also agreed that critical thinking is particularly important to the improvement of the rule of law in Mexico. Being able to challenge the law and its implementation is a critical step for any meaningful justice reform.

This research argues that two major factors contribute to the lack of critical thinking in the Mexican legal education. On the one hand,

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<sup>17</sup> A nationwide survey conducted by Dr. Luis Fernando Pérez Hurtado also confirmed my interview results, stating that Mexican law students have “recognized the absence of practical skills instruction.” According to the survey, most law students would prefer a more practical approach that develops their practical skills for future professional practice. See American Bar Association, *Legal Education Reform Index for Mexico* 27 (Jun. 2011), [http://www.americanbar.org/content/dam/aba/directories/roli/mexico/mexico\\_legal\\_education\\_reform\\_index\\_2011\\_en.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/roli/mexico/mexico_legal_education_reform_index_2011_en.authcheckdam.pdf).

legal education in Mexico focuses heavily on “teaching students the black letter law.”<sup>18</sup> The questioning voice has been replaced by the known knowledge, and a clear distinction exists between a right and wrong answer.<sup>19</sup> Mexican students’ poor skills in critical thinking can be directly traced to a lack of proper training. On the other hand, the imbalance between full-time and part-time faculty members has impaired the overall integrity of teaching and learning, making it difficult to implement a critical pedagogical approach into the classroom.

#### *A. Transmission of Legal Knowledge Only*

##### 1. Curriculum: Encyclopedic Legal Education

In Mexico, law schools have the freedom to design their own curricula, including deciding the basic courses that students must take in order to fulfill the graduation requirements.<sup>20</sup> In general, Mexican law students are required to complete between 40 and 70 compulsory courses covering different areas of law.<sup>21</sup> In addition to these core courses, they can also choose a number of electives to complete their degree.<sup>22</sup> Compared to the Juris Doctor (JD) programs in the United States, Mexican law schools offer their students encyclopedic education. The perception is that the more students know, the better they are prepared for their future career in the legal profession. Despite its comprehensiveness, the Mexican law curricula is heavily “oriented towards conveying a solid theoretical education,”<sup>23</sup> as opposed to developing students’ practical skills.

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<sup>18</sup> See generally Wilson, *supra* note 8.

<sup>19</sup> Gabrielle Appleby, Peter Burdon & Alexander Reilly, *Critical Thinking in Legal Education: Our Journey*, 23 LEGAL EDUC. R. 345, 345 (2013).

<sup>20</sup> American Bar Association, *supra* note 17, at 24.

<sup>21</sup> *Id.* at 1. Noting that “[t]he standard curriculum includes between 40 and 70 mandatory theoretical courses that cover various areas of domestic and international law, optional and clinical courses, and a number of other classes that respond to new social, political, economic, and legal developments in Mexico.”

<sup>22</sup> Pérez Hurtado, *supra* note 14, at 72.

<sup>23</sup> American Bar Association, *supra* note 17, at 3.

## 2. Course Materials

Mexican law textbooks are used to teach the curricula. These textbooks are “theoretical compilations based on concepts, classifications, theories, and comparisons.”<sup>24</sup> Unlike law texts in the United States, most Mexican texts do not have hypotheticals, case studies, or simulations. In other words, Mexican texts not designed to engage students in the learning process.<sup>25</sup> Additionally, students are not required to read any materials other than textbooks. On rare occasions, some professors may recommend a few books to expand students’ knowledge in certain areas of law.<sup>26</sup> But there is a lack of resources in most libraries, including in Tec’s library, which traditionally is known as one of the most important research institutes in Mexico.<sup>27</sup> Libraries in most universities only have very basic collections of books and access to electronic databases is also limited.<sup>28</sup> Students themselves are not willing to purchase additional books and journals if they are not required. As a result, students’ view of the law is confined to the content of a single textbook that overemphasizes substantive knowledge, and their independent learning and critical thinking skills are left undeveloped.

## 3. Teaching Methods

The interview results have revealed that teacher-centered lectures are the most common method adopted by Mexican law professors.<sup>29</sup> Student-centered approaches, such as discussion or individual and group projects are rarely used in the classroom.<sup>30</sup> Mexican law professors almost exclusively focus on teaching students substantive knowledge to the exclusion of developing their critical thinking skills.<sup>31</sup> Professors are often considered the only source of all relevant information for law students.<sup>32</sup> Their role is to passively

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<sup>24</sup> *Id.* at 30.

<sup>25</sup> *See id.*

<sup>26</sup> *See generally* Luis Alfonso Navarrete Aldaco, *What can Mexican Law Schools Learn from the American Legal Realists?*, 7 *Mex. L. R.* 83 (2014).

<sup>27</sup> *See generally id.*

<sup>28</sup> American Bar Association, *supra* note 17, at 3.

<sup>29</sup> *Id.* at 29.

<sup>30</sup> *See id.*

<sup>31</sup> *Id.* at 27.

<sup>32</sup> *Id.* at 29.

deliver substantive knowledge.<sup>33</sup> Students are rarely given opportunities to engage in active learning. The routine of a law class starts with the professor introducing and explaining concepts, for example, definitions, elements, and exceptions of a legal principle;<sup>34</sup> cases are then used to deepen the students' understanding of the principle; and the class usually ends with the professor answering students' questions, if there are any.<sup>35</sup>

Although case examples are provided and explained by professors, hypotheticals are rarely used to test students' understanding of the rules and their ability to apply the rules to the facts. While discussing cases, Mexican law professors tend to place a strong emphasis on one party's argument, to be more specific, the "right" argument, i.e., the argument that persuaded the court's decision. Rather than approach a problem from different perspectives and expose students to the broad range of lawyers' roles in litigation, they focus on the judge's point of view. Often, there are several steps to follow when they explain a case: facts, plaintiff's claim or grounds of appeal, and judge's decision. Arguments on behalf of the opposing parties and the rationales they make to argue for the losing party's view are largely overlooked. An adoption of this case method inevitably leads to students looking for "right answers."

Admittedly, passive lectures do effectively transfer a large amount of substantive legal knowledge to students within a short period of time.<sup>36</sup> But using the lecture as the sole instructional strategy largely undermines students' healthy skepticism, creativity, and intellectual curiosity.

### *B. An Imbalance between Full-time and Part-time Faculty Members*

#### 1. Why Mexican Law Schools' Employ a High Percentage of Part-time Professors

At Tec, the majority of law faculty members are employed part-time. In my view, such a faculty appointment system is quite unusual. It also runs counter to the practice adopted in the United States.

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<sup>33</sup> *See id.*

<sup>34</sup> American Bar Association, *supra* note 17, at 29.

<sup>35</sup> *Id.*

<sup>36</sup> Holmquist, *supra* note 13, at 358-359.

Surprisingly, interview results have revealed that most law schools in Mexico either do not have full-time professors or have very few.<sup>37</sup> Part-time professors teach most of the law courses.<sup>38</sup> They are usually local legal practitioners<sup>39</sup> dedicating only a few hours a week to teaching one or two courses each semester.<sup>40</sup> Mexican law schools' heavy reliance on part-time professors is the result of a combination of factors. On the one hand, differently from the U.S. system, there is no requirement for Mexican law schools to maintain a certain number of full-time professors. On the other hand, from an economic point of view, hiring part-time faculty is less costly.

In the United States, the American Bar Association (“ABA”) and some State Bar associations have established detailed requirements covering every aspect of law school management, including the size of a full-time faculty. For example, according to Standard 402 of the 2016-2017 ABA Standards and Rules of Procedure for Approval of Law Schools, “[a] law school shall have a sufficient number of full-time faculty to fulfill the requirements of the Standards and meet the goals of its educational program.”<sup>41</sup> Also different from the United States is the fact that there is no federal or state requirement for Mexican law schools to maintain a certain amount of full-time faculty members. Instead, the Mexican government considers legal education as a practical exercise that legal practitioners are qualified to undertake, and thus it is not necessary to have full-time academics.<sup>42</sup>

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<sup>37</sup> See American Bar Association, *supra* note 17, at 39. Similarly, the ABA report also shows that “approximately 90% of law professors in Mexico are adjunct practitioners.”

<sup>38</sup> *Id.* (Noting that law faculties in Mexico are “overwhelmingly comprised of practicing lawyers who spend only a few hours a week at the school teaching one or two courses.”).

<sup>39</sup> *Id.* (Noting that these local legal practitioners usually “work in law firms, notary offices, government offices, or in the judiciary.”).

<sup>40</sup> Pérez Hurtado, *supra* note 14, at 77-78.

<sup>41</sup> American Bar Association, *ABA Standards and Rules of Procedure for Approval of Law Schools 2016-2017*, [http://www.americanbar.org/content/dam/aba/migrated/legaled/standards/20072008StandardsWebContent/Chapter\\_4.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/legaled/standards/20072008StandardsWebContent/Chapter_4.authcheckdam.pdf) (last visited Jul. 2017).

<sup>42</sup> American Bar Association, *supra* note 17, at 39.

Further, a law professor's salary varies considerably in Mexico, depending on the type of institution (public or private) and an individual professor's qualification.<sup>43</sup> According to a study conducted by the ABA, public law schools in Mexico usually offer a full-time professor a salary of "between MXN 15,000 (USD 1,200) and MXN 24,000 (USD 1,920) per month" with extra bonuses and benefits.<sup>44</sup> Meanwhile, a part-time professor is paid "between MXN 40 (USD 3.2) and MXN 100 (USD 8) per hour of teaching."<sup>45</sup> Given that part-time professors only dedicate a few hours a week to teach, they do not get paid much. Private law schools' offers are more generous. A full-time professor working at a private law school makes "between MXN 18,000 (USD 1,440) and MXN 30,000 (USD 2,400) per month" with additional bonuses and benefits.<sup>46</sup> A part-time professor working at a private law school is paid "between MXN 120 (USD 9.6) and MXN 250 (USD 20) per hour of teaching."<sup>47</sup> My experience at Tec is similar, although the pay for both full-time and part-time professors is much higher than the average listed above. This is because Tec is the top private university in Mexico and has more financial resources. Compared to part-time professors, full-time professors at Tec are offered generous bonuses and benefits, including an extra month's salary as a Christmas bonus, a vacation premium, grocery card, and savings fund. Tec is also able to offer full-time foreign visiting professors salaries similar to the American standard. Despite the pay differences between public and private law schools, it is obvious that the compensation for part-time professors is much lower in general. Undoubtedly, hiring part-time professors to teach is an economic way to run a law school, especially when the Mexican government does not regulate the amount of full-time faculty members. The two factors discussed above clearly explain why Mexican law schools overwhelmingly rely on part-time faculty members to teach.

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<sup>43</sup> *Id.* at 42. (Noting that public universities usually offer a much lower salary than their private counterparts in Mexico).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* According to my experience in Mexico, the compensation for full-time professors in both public and private law schools does not make them rich, but enables them to live a fairly decent life.



## 2. The Mexican Model of Law Faculty Appointment: Advantages, Disadvantages, and the Difficulty of Incorporating Critical Thinking Skills into the Curriculum

The Mexican model of law faculty appointment has both advantages and disadvantages. There are two main advantages. Firstly, part-time law professors, as full-time legal practitioners, often bring real world experience into the classroom. They may also be able to “synthesize the information well and to illustrate [ . . . ] concepts by drawing on examples from their own law practice.”<sup>48</sup> In particular, some of them have years of professional experience, and they are recognized as experts in specific areas of law.<sup>49</sup> However, it is also true that despite the extensive practical experience that legal practitioners have, they may not know how to incorporate their practical experience into classroom teaching. Secondly, legal practitioners may also bring networking opportunities to their students. Often, they assist students in finding their first jobs after graduation.<sup>50</sup>

To be fair, inviting full-time legal practitioners to teach a few classes is beneficial to the students. However, over-reliance on part-time professors in teaching is detrimental, affecting the overall quality of legal education in Mexico. Contrary to the approach of full-time academics, part-time professors are often not as enthusiastic about learning and implementing diverse teaching methods, and they generally do not strive to develop a student’s critical thinking skills.

As discussed above, the compensation for part-time professors in Mexico is very low. Teaching classes at law schools is indeed one source of income, but it is “an insignificant income” when compared with their other professional activities.<sup>51</sup> As a result, part-time professors prioritize legal practice over teaching.<sup>52</sup> They do not dedicate much time to thinking about introducing innovative ways to teach courses.<sup>53</sup> Given that the part-time professors are accustomed to the

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<sup>48</sup> American Bar Association, *supra* note 17, at 3.

<sup>49</sup> *Id.* at 39.

<sup>50</sup> *Id.* (Noting that these part-time law professors “act as a gateway to the labor market.” Also, “many law students reportedly find their first job either working directly for one of their former professors or with the professor’s help”).

<sup>51</sup> Pérez Hurtado, *supra* note 14, at 77-78.

<sup>52</sup> American Bar Association, *supra* note 17, at 3.

<sup>53</sup> Pérez Hurtado, *supra* note 14, at 68.



traditional method of passive lecturing adopted by their law professors when they were students, they often choose to teach their students in the same way.<sup>54</sup> Part-time professors lack incentives to implement new teaching methods that they are not familiar with, or to develop courses that require additional work.<sup>55</sup>

Additionally, a lack of training for part-time professors further reduces their ability to implement diverse teaching methods. Most part-time professors are not exposed to alternative teaching methods and they do not know how to incorporate critical thinking skills into the curriculum. Unfortunately, most law schools do not offer training to develop the teaching skills for part-time professors.<sup>56</sup>

Mexican law schools, in my view, want to promote and support the enhancement of teaching and learning. However, the problem is that they do not seem to know how, which explains why there is very little or no training available on teaching and learning. As a matter of fact, the lack of knowledge and appropriate resources to implement an alternative methodology is a direct result of poor research performance. In Mexico, very little emphasis is placed on research. *The ABA Legal Education Reform Index for Mexico* provides a good indication of research performance in Mexico. It states, “less than 20% of law schools have faculty who perform any kind of scholarly research.”<sup>57</sup> This statement relates not only to legal education, but also to research in general. Research efforts in general are considered to be inadequate in Mexico. To be fair, most law professors are full-time legal practitioners, so it is understandable that they only focus on teaching rather than doing research or participating in any administrative activities.<sup>58</sup> As for full-time professors, although research is expected to be performed, they often have very little time to dedicate to research because of an overwhelmingly heavy teaching load. For example, all the full-time professors at Tec are assigned to teach four to five, or even six courses per semester, leaving no time for research.

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<sup>54</sup> *Id.*

<sup>55</sup> American Bar Association, *supra* note 17, at 29-30 (Noting that it is difficult for part-time professors to “commit to the time necessary for leading a workshop, which may require the professor to monitor and evaluate each student and to provide ongoing feedback on the students’ performance.”).

<sup>56</sup> *See generally* Navarrete Aldaco, *supra* note 26.

<sup>57</sup> American Bar Association, *supra* note 17, at 40.

<sup>58</sup> *Id.*

To change the situation, Mexican law schools are encouraged to place more of an emphasis on redefining the profiles of members of the law faculty. To be more specific, Mexican law schools should urgently increase the number of highly qualified full-time academics who have “a capacity to engage in rigorous, insightful scholarship” as well as “a capacity to serve as innovators in the classroom.”<sup>59</sup> The experience of teaching could potentially inspire an academic’s research endeavors. Meanwhile, research promotes and provides major improvements and advancements in teaching and learning. Teaching and research are complementary and indispensable. Redefining the profiles of members of the law faculty in Mexico will fundamentally modify the structure of law schools, and improve the overall quality of legal education in Mexico. However, the high cost involved would present a major challenge to Mexican law schools.

### 3. Academic Exchange and Visiting Professorship Programs

Many law schools in Mexico, especially those private law schools that have access to abundant financial resources, often invite professors from overseas to teach week-long intensive courses or to be part of their year-long full-time visiting professorship programs. These programs are beneficial to both Mexican law schools and students. For law schools, it is a shortcut to globalizing the curriculum as visiting professors introduce diverse legal pedagogies from overseas. For students, they are exposed to legal study from a comparative perspective and certainly to different teaching styles and cultures. However, visiting professors, either short-term or long-term, leave lasting marks on Mexico’s legal education system after they return home. Thus, Mexico cannot entirely rely on foreign visiting professors to accelerate or deepen its legal education reform. Rather, as noted above, it is important to make fundamental change to the profiles of its own law faculty.

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<sup>59</sup> R. Michael Cassidy, *Beyond Practical Skills: Nine Steps for Improving Legal Education Now*, Boston College Law School Faculty Papers (Jan. 1, 2012), <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1396&context=lsfp>.

#### IV. INCORPORATING CRITICAL THINKING SKILLS ACROSS THE CURRICULUM: THE APPLICATION OF THE U.S. MODEL

A major weakness in the teaching methods of Mexican law schools, as mentioned previously, is the overreliance on the transmission of legal knowledge through passive lecturing. Critical thinking, as one of the key elements of legal education, is largely overlooked. To improve the overall quality of legal education in Mexico, it is imperative that law schools go beyond simply teaching students substantive knowledge.<sup>60</sup> Rather, Mexican law schools should move towards teaching students doctrine from a critical perspective.<sup>61</sup>

Faculty members in Mexico have the academic freedom to determine how their classes are delivered as well as the level of interaction they would like to have with their students.<sup>62</sup> Individual law staff can certainly play a major role in pushing forward the reform if they are committed to applying critical pedagogy in their classroom.

While teaching at Tec, I strived to provide my students with an experience of critical engagement with the law. A series of approaches were developed to foster an interactive and inclusive learning environment.<sup>63</sup> These approaches were initially a replica of U.S. legal pedagogy. However, various issues arose as I applied them to my classroom. Adjustments were constantly made to achieve the best learning outcomes for the students. Two particular factors were taken into account in the process of adjustment.

The first factor was the adaptability of the U.S. legal pedagogy in Mexican law schools was the first consideration. U.S. law schools have been using the Socratic Method and other interactive teaching methods for decades as a common instruction style to direct case

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<sup>60</sup> Appleby, Burdon & Reilly, *supra* note 19, at 347.

<sup>61</sup> *Id.* at 360. (noting that “[t]here is growing evidence that the legal profession, the students, the community, the regulators and the law schools themselves also expect legal education to provide more than just the transfer of knowledge of legal rules.”).

<sup>62</sup> American Bar Association, *supra* note 17, at 43. Factor 19 is about academic freedom and freedom of association for law faculty. It states that “[a]cademic freedom of association of law faculty members in Mexico is protected by law. The vast majority of institutions protect academic freedom with regard to course content and teaching methods.”

<sup>63</sup> Appleby, Burdon & Reilly, *supra* note 19, at 359.

discussion as well as class discussion in general. Mexican law schools can certainly benefit from this well-established participatory learning approach in order to develop students' critical thinking skills. However, American law students understand that the Socratic Method and other interactive teaching methods are what they expect in class even before they start law school. As for Mexican law professors and students who have not been exposed to this teaching style, they would find this quite confronting. Thus, the approach should be an innovative adaption of traditional U.S. legal pedagogy to the Mexican context.

The second factor was how to modify the U.S. approach to the Mexican context. The average class size at Tec was between twenty to fifty students. The small cohort provided me a lot of flexibility to be able to diversify the teaching techniques to stimulate critical thinking and to engage students in the learning process. As a matter of fact, most Mexican law schools "have an adequate student-to-teacher ratio"<sup>64</sup> and class sizes are quite small,<sup>65</sup> offering great opportunities for Mexican law professors to apply a variety of teaching strategies.

Keeping these considerations in mind, a number of interactive teaching approaches were introduced to engage students in critical thinking. First, I used discussion as a way of learning; second, I diversified assessment formats to include individual projects and group projects; and finally, I used social media for educational purposes. The implementation of these strategies and the corresponding student learning outcomes will be discussed in more detail subsequently.

Undoubtedly, there are numerous other innovative teaching methods which can be used to improve students' critical thinking skills and the overall quality of the Mexican legal education. Ideally, these experimental approaches provide some practical insight to Mexican law professors and other educators who endeavor to reform the Mexican legal education, and further inspire them to support the teaching of critical thinking in legal education.

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<sup>64</sup> American Bar Association, *supra* note 17, at 2.

<sup>65</sup> *Id.* (Noting that "smaller class sizes in many Mexican universities allow students to receive personalized attention from professors. While several public universities have very large classes, this is beginning to change under the influence of the voluntary diagnostic evaluation and accreditation process.").

A. *Class Participation: Discussion as a Way of Learning*

The goal of class participation was to expose students to the thinking process and the lawyer's role, recognizing that they need to consider the views of opposing parties. Because the majority of my students had been used to passive lecturing and been given what were considered "the right answers," I adjusted the traditional Socratic Method to make class participation a two-step process. This two-step process included a view of a positive and supportive learning environment to make students feel comfortable and then to gradually adapt to the new approach of interactive learning. Therefore, the first step was to encourage students to engage in the learning process and get them to talk. Surprisingly, it was not as challenging as I expected. This could be explained by the fact that culturally, Mexican students are generally extroverts with an outgoing and sociable approach to life. Interview results have also confirmed that students love to be given the opportunity to have their voices heard in class. In my experience, the first step usually took about one to two sessions, mostly depending on the year level of the degree. For example, senior students were more confident than junior level students. The second step was to make it clear to the students that participation is not just how much you speak, but it is about the quality of a student's participation. The student's quality of participation is important to their final grades, and the level of contribution that was expected and was worth 10% of their total assessment. Achieving this understanding was prioritized, changing students' pre-existing impression of how law lectures should be delivered, disrupting the assumption that there were actually right answers, and further helping the students to step out of their comfort zone so that they could critically engage in their law study.

1. Before the Class – Reading Assignments

It has been a common practice that law students in the United States are expected to complete reading assignments before they attend class. If one goes to class unprepared, it can be a real struggle to follow or participate in class discussion. However, Mexican law students go to class without any form of preparation and they are not used to doing reading assignments before class, a direct result of passive lecturing. In Mexico, students only need to listen to the lectures and understand what they are taught in class, the right answers.

Mexican students are not given the opportunity to participate in the learning process, and they generally lack the skills to solve problems. My students at Tec had very little or no prior knowledge of how to identify issues in a case or how to approach questions from different perspectives, nor did they know the process behind the decision.

When I first started teaching in Mexico, I had little understanding of these issues, and I failed to design appropriate questions to facilitate student learning. The general questions originally listed in the syllabi were too broad for students to follow. To solve this problem, I refined the discussion questions to guide students' reading, assisting them in the understanding of the materials. For example, in statutory interpretation, rather than asking students to analyze if Party A's conduct contravened a specific section of an Act, I broke this question into several smaller questions, including: (1) What is the specific section about? How can you break down the section into several elements, including, who, what, when, and exception(s)? (2) What are the facts of the case?; (3) What are the issue(s) to be examined after comparing the elements of the specific section with the corresponding facts? The first three questions together assisted students in identifying the issues of the case. Then, I continued to ask: (4) How to analyze the issue(s) and apply the law to the facts? (5) What are the possible arguments from the opposing parties? Which argument is likely stronger than the other, and why? (6) What are the court's decisions, and the rationale for the court to reach the decisions? These questions offered an effective guideline for students to identify the issues and articulate their arguments. These questions also provided an opportunity for students to consider the views of opposing parties.

Guided by detailed questions similar to those above, I hoped that students would learn how to read cases, statutes, and other legal materials to further analyze and synthesize the information for class discussion. As for students' feedback with respect to reading assignments, some were quite excited about this new approach. They were eager to read the cases and materials, and they actively participated in class discussions. However, the majority of the students were initially resistant to read before class. They were not willing to put extra time and effort into class preparation.

Aggressively pushing students to read does not achieve the best learning outcomes. Ideally, students need to have the intrinsic motivation to engage in their own studies. Peer pressure, if used properly, can be powerful, and can result in positive impacts on student learning. Peer pressure works particularly well for young people. Given that all of my students were aged between 17 and 23, I decided to give it a try. I continued to stimulate and expand classroom discussions, ensuring that “quiet” students were not made to feel stressed or embarrassed. In the meantime, active students were encouraged to share their opinions and participate in the discussion. Most importantly, students were gradually guided to move from simple “participation” to actual “contribution.” In other words, quality was valued over quantity. When students saw that their fellow students’ opinions were valued, more of them felt motivated to share their views with others. To make thoughtful contributions, the students would have to not only finish their reading assignments, but also attempt to understand the materials before they attended class.

According to the interview results, students were pleased to learn how to read and think critically, and they agreed that reading assignments had better prepared them for classroom discussion. Also, the stated reason why the students became active in classroom discussions was because “they did not want to be left behind,” – an example of positive peer pressure. The approach discussed above may not be universally applicable, but it has the advantage of engaging a small group of young students in participatory learning and discussion.

## 2. During the Class – Participation

In an interactive classroom, instructors often serve as facilitators to ignite discussions that help students find solutions to the questions presented while students are the main contributors to the discussions. The purpose of an interactive lecture is to encourage active learning. However, this approach, without any adaptation, proved to be a failure at Tec. During my teaching at Tec, I tried to encourage students to lead the classroom discussion while I acted as the facilitator. However, the outcome left me in doubt. A few gifted students quickly learned how to engage in the conversations to support their learning, while most students were still anxious, struggling to reset their minds for this new teaching style. The majority of students



were quite confused initially. Having observed the struggle and assessed the outcomes, I decided to adopt a hybrid approach combining passive lecturing and interactive discussions.

Rather than moving directly into interactive discussion, I began my class with a lecture, which took about one third of the session, depending on the topic. The lecture, specifically a brief introduction of the course materials, was designed to provide students with an overview of the legal principles and to highlight the key points of the class. It also modelled the tools that were later used to analyze questions and apply legal principles. Alternative perspectives were also introduced to the students. This exposed students to different thinking processes and the rationales behind them. For example, in my Human Rights Law class, one topic was about the right to food. Two opposing views were examined. Some scholars argue that the right to food is not a universal human right for two reasons. At the international level, there are only a few treaties. For instance, only the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), have mentioned the right to food and none of the treaties have binding effect on its Member States.<sup>66</sup> At the national level, only 28 of 198 Constitutions in the world have explicitly established the right to food.<sup>67</sup> However, other scholars argue that a right to food exists. Although there is no solid requirement that States must ensure their people's sustainable and adequate access to food, throughout history States have made it "a general and consistent practice."<sup>68</sup> Further, States have also accepted this "general and consistent practice as law" ("*opinio juris*").<sup>69</sup> Therefore, the right to food has been established as a norm of customary international law which has a binding effect on all States.<sup>70</sup> Initially, students found it confronting and confusing to see contradictory views, and they responded by asking what the right answer is. Despite this initial response, they

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<sup>66</sup> See YING CHEN, TRADE, FOOD SECURITY, AND HUMAN RIGHTS – THE RULES FOR INTERNATIONAL TRADE IN AGRICULTURAL PRODUCTS AND THE EVOLVING WORLD FOOD CRISIS 12-32 (2014) (for more discussion regarding the right to food).

<sup>67</sup> *Id.* at 29.

<sup>68</sup> *Id.* at 25-26.

<sup>69</sup> *Id.* at 26-29.

<sup>70</sup> *Id.* at 29.



started thinking and realized that both arguments made sense, although each individual student might prefer one over the other.

The right to food discussion also inspired students to re-assess the effectiveness of Mexican laws in the area of indigenous rights protection. Most of the students previously believed that the government policies support the development of indigenous areas in Mexico, which is true in a sense. However, they began to think from the indigenous people's point of view, realizing the implementation of these policies may impose undesirable consequences on the indigenous people. For example, some of the economic development plans may violate indigenous people's right to their lands, and the right to practice and revitalize their own cultural traditions and customs. It was impressive that students started challenging the law rather than accepting it as it is.

The right to food was only one example out of many. Feedback from the students was quite positive. According to the interview results, students believed that a brief introduction at the beginning of the class reinforced their understanding of substantive law. In particular, 90 percent of the students found that they were inspired to think critically after being exposed to the alternative arguments.

A classroom discussion followed, which was about two-thirds of the session. Classroom discussion was a dominant method to engage students in the learning process. Given that students were still gradually adapting to the new teaching style, the Socratic Method was used to assist student learning. Specifically, the Socratic Method stimulates and expands discussion, facilitating critical thinking. Discussions were centered around cases on specific topics. The questions provided before the class also helped ensure that the discussion was connected. Students were assigned to different roles, including opposing parties and judges. They were then asked to identify the issues and applicable laws and to develop further arguments and explain the reasoning according to their assigned roles. The first few sessions were reasonably challenging because students had no prior experience of exploring legal issues in such an open way. Students did not know much about case law study given that Mexico is a civil law country. They did not know where to start and how to proceed. Students were initially lost. In the meantime, they also found it exciting to be given the opportunity to think, develop arguments, and persuade others as if they were a real attorney or

judge. Rather than resisting the new teaching style, students worked through the questions diligently. Without being spoon-fed, students were able to approach legal issues from different perspectives. They were even impressed by the fact that they could actually generate responses and recognized that there was no “right answer.” This approach assisted students in understanding the law from many points of view. Students were “obliged to think through and debate the issues themselves to disabuse them of the idea that law provided ‘right’ answer.”<sup>71</sup> Their knowledge and skills were significantly enhanced. Interview results have confirmed that students enjoyed “the ability to interact in class”<sup>72</sup> and they were motivated to actively and critically engage in the learning process. Meanwhile, the interviews with other foreign visiting professors also suggested that interactive teaching methods had motivated their students to engage in critical thinking and largely improved their students’ practical skills.

Every class concluded with a recap and a series of further questions. The recap emphasized the important principles and their relevant applications and reviewed the concepts that students struggled to understand. Interview results have revealed that the recap clarified confusion, if there was any left unsolved during class discussion. Most importantly, the recap reinforced student understanding of the course materials. A series of further questions were also raised to encourage students to continue the thinking process outside the classroom. Students found that these questions “[h]ad enhanced their learning experience” and “assisted them in achieving academic success.”<sup>73</sup>

In summary, my experiment at Tec suggests that interactive teaching was “very helpful with understanding the skills required to develop throughout the law degree and a career in law;”<sup>74</sup> maximizing student engagement in the learning process. Students’ critical thinking skills were effectively improved through participatory learning and discussion. In particular, the introduction of alternative perspectives and the approach that exposed students to different roles ultimately broke the spell of expecting a “right answer.” Students developed a questioning approach to law within a short period

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<sup>71</sup> THORNTON, *supra* note 12, at 85.

<sup>72</sup> Tec law students interview feedback (on file with author).

<sup>73</sup> Tec law students interview feedback (on file with author).

<sup>74</sup> Tec law students interview feedback (on file with author).

of time. Mexican law professors are strongly encouraged to implement critical pedagogy in their classes, imparting critical thinking skills to their students.<sup>75</sup> With their extensive local knowledge and practical experience, Mexican professors surely can play a major role in developing their own techniques to strengthen students' critical engagement with the study of law.

*B. Alternative Assessments: Individual Projects and Group Projects*

In addition to the traditional examination-style assessment,<sup>76</sup> other forms of assessment were adopted to supplement interactive teaching and to improve learning outcomes. As discussed above, participation-based assessment (10%) in class discussion was used to encourage students to explore a diverse range of perspectives and to question their own assumptions. Moreover, small research projects that contained three elements of assessment were also designed to help strengthen students' critical thinking skills. In classes that had less than twenty-five students this was an individual research project. For classes with more than twenty-five students, this was a group research project. In each case, students were given the opportunity to choose a topic at the beginning of the semester. Topics that focussed on contemporary local, national or international legal issues were encouraged, although their topic had to be within the context of a related field so students could apply their understanding of the law to the project they chose to work on. In the middle of the semester, students were required to do a ten-minute research presentation in class. Just prior to the final exam, students had to submit a research paper. While each of these elements formed part of the research project assessment task, they were each marked individually.

The inclusion of a research project as part of the assessment in a course is not common in the United States. It is generally not manageable in courses that have a large cohort. However, some re-

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<sup>75</sup> Mao Ling, *Clinical Legal Education and the Reform of the Higher Legal Education System in China*, 30 *Fordham Int'l L.J.* 421, 427 (2007).

<sup>76</sup> Appleby, Burdon & Reilly, *supra* note 19, at 346. (Noting that examination-style assessment is "naturally suited to assessment of doctrinal knowledge and application." As a result, "[s]tudents are achieving surface level learning outcomes.").

search-related courses in the United States do adopt a research project as a form of assessment, providing good examples for Mexican law schools in the area of improving student critical thinking skills. Research projects worked well at Tec because there are small classes and the small number of students allows for all of them to be able to present their research findings in class, either as a group or individually. Students received immediate feedback from both their fellow classmates and myself as the instructor. This was given in the form of constructive feedback, with the objective being that students use their feedback to craft an improved version of their final research papers. In constructing their presentations and their papers, students actively engaged in critical thinking. This skill was particularly a factor when students had to respond to their fellow classmates' assumptions or comments on their findings during their presentations.

These projects exposed students to a world that does not always produce a "right answer." Critical engagement was imperative for students to complete the project. Students engaged in critical analysis throughout the project. Students identified legal issues, researched information, evaluated and analyzed available resources, and developed their own arguments and legal reasoning. Students had to examine alternative perspectives in order to make their own arguments, and particularly their conclusions, more persuasive. As a result of direct engagement with the process of critical thinking, a significant improvement was seen in students' final research papers. It was evident that the majority of students were able to demonstrate enhanced skills in their critical thinking. For example, a student from the *Introduction to the U.S. Legal System* class chose to work on a topic about drug legalization. This student first introduced drug problems in Mexico, including the government's struggle in winning the drug war. He then examined the Mexican drug laws and policies. Rather than passively following "the right answer", i.e., accepting the existing laws and policies on drug control, this student identified some of the issues with the law itself and its implementation. He then introduced the American drug laws, specifically drug legalization (marijuana) in some U.S. states. He analyzed the pros and cons of drug liberalization, concluding that Mexico should reassess its laws and consider some degree of drug liberalization. According to this student, a certain degree of drug liberalization may

ultimately destroy the illegal drug businesses in Mexico. This student's research idea might not be that creative, but for someone who had not been exposed to critical thinking, it was a remarkable improvement.

These research projects also increased students' extrinsic and intrinsic motivations to study law because they were given the freedom to choose a topic and broaden their knowledge in a topic that interested them. Throughout the semester, students assessed a broad range of legal issues. They were satisfied that they could "extend their knowledge beyond the textbook."<sup>77</sup> Meanwhile, in the process of completing the project, a set of critical skills requisite to their further law study and career in law was gradually developed. In addition to critical thinking skills, students' research skills, problem-solving skills, analytical skills, presentation skills, critical writing skills, and many other skills also greatly improved.

In summary, the research project, as an alternative assessment, proved to be an effective strategy to develop students' practical skills. It provided a valuable experience for Mexican students given the small class sizes.<sup>78</sup> Mexican professors are urged to consider moving towards diversified assessment formats to achieve better learning outcomes.

### C. *The Use of Social Media for Educational Purposes*

Outside of the classroom, social media, specifically Facebook, was used to improve students' critical engagement with the course materials. Tec provides an online platform called *Blackboard* that facilitates student learning. However, a significant number of students tend not to log in to *Blackboard* regularly. On the contrary, almost all the students check their Facebook pages more often than they should. Meanwhile, it is also common that Mexican professors, not only law professors, have two Facebook accounts: a private account for their friends and family, and a public account for students. Mexican professors often use their public Facebook accounts to

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<sup>77</sup> Tec law students interview feedback (on file with author).

<sup>78</sup> American Bar Association, *supra* note 17, at 2. (Noting that "smaller class sizes in many Mexican universities allow students to receive personalized attention from professors. While several public universities have very large classes, this is beginning to change under the influence of the voluntary diagnostic evaluation and accreditation process.").

communicate with their students regarding course-related announcements. According to the interview results, this is a common practice across the country. To some extent, Facebook has replaced official university online platforms as a communication tool between professors and their students.

This practice was foreign to me because American law schools use their university's online platform to communicate with students and to engage students in the learning process. Despite the differences, education is all about being locally adaptive. To better support student learning, an individual Facebook group was created for each course. Moving beyond using Facebook exclusively for communication purposes, I used it as a tool to achieve educational purposes. Additional questions were posted to provide ongoing inspiration and support to improve students' critical engagement with the course materials. Links to useful resources were also frequently posted to broaden and deepen students' understanding of the law. For example, when discussing the Second Amendment to the U.S. Constitution,<sup>79</sup> which is about the right of the people to keep and bear arms, a series of questions relating to the gun control debate were raised. Students quickly engaged in the conversations on Facebook, establishing their positions, raising further questions, and challenging others' assumptions. Their discussions were primarily around what the United States, specifically American legislators and policy-makers, could do to reduce the gun violence. Students also expanded the discussions to the gun violence in Mexico, including the implementation issues with the existing gun control laws in Mexico and what they would do if they were the legislators or policymakers.

In the case of Mexico, Facebook seems to be preferred over other social media tools, at least at the moment. Nevertheless, Facebook and other popular social media tools can play an important role in engaging students in independent learning and critical thinking. Mexican professors are encouraged to take full advantage of modern technology to maximize students' learning experience.

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<sup>79</sup> U.S. CONST. amend II.

## V. CONCLUSION

In conclusion, the quality of legal education affects not only the quality of the professional services legal practitioners offer to the society, but also the improvement of the rule of law and the efficiency of the legal system as a whole. Mexican legal education needs significant improvement in various areas. Among many other issues, there is clearly a lack of knowledge and understanding of the ways in which students can develop critical thinking skills and apply these skills within and across the legal contexts. The traditional legal pedagogy that has long emphasized the transmission of substantive knowledge denies students' opportunity to participate in the thinking process.

Mexican law schools' over-reliance on part-time professors also makes it difficult to incorporate critical thinking skills into the curriculum. However, critical thinking is one of the key skills that law students must have. It enables students, the country's future legislators and policymakers, to challenge the law rather than passively accepting it. In the long term, it plays a crucial role in creating a strong political will to repair the broken justice system and to promote the rule of law in Mexico. Also, effective critical thinkers are more likely to be able to design and implement meaningful reforms. Mexican law schools must make an effort to improve students' critical thinking skills and strengthen their critical engagement with the study of law.

Despite some struggles and failures, my experiments at Tec, i.e., interactive teaching, alternative assessments and the use of social media for educational purposes, received positive feedback. In particular, students have successfully developed a questioning approach to the law. The innovative adaptations of traditional U.S. legal pedagogy to the Mexican context have proven to be effective in improving students' critical thinking skills. Although each of the strategies may seem modest when viewed in isolation, collectively they could make a meaningful impact on Mexican legal education and the Mexican justice reform in the long term. Thus, it is fair to say that individual faculty members can play a vital role in strengthening students' capacity for independent thought and encouraging them to critically engage in their study.

Mexico faces many challenges in promoting the teaching of critical thinking within the legal context. In addition to the effort that



needs to be made by individual faculty members, major changes should be made to the traditional methods of law school teaching and learning. The structure of law programs needs to be reviewed, curricula needs to be adjusted, and teaching responsibilities need to be realigned.<sup>80</sup> These changes all require additional assessment, commitment of a significant amount of financial, technical, and intellectual resources, and “consensus building among faculty members with diverse perspectives and incentives.”<sup>81</sup> This article suggests some tentative methods to begin this process, but obviously there is quite a long journey ahead. How these goals will be achieved is uncertain, but I suggest that the effort will be worth it for the students, legal education, and ultimately the country of Mexico.

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<sup>80</sup> See generally Cassidy, *supra* note 59.

<sup>81</sup> *Id.* at 1517.