

THE LAWYER AS PROBLEM SOLVER:
A CHALLENGE FOR MEXICAN LAW SCHOOLS

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ABSTRACT

There is a gap between Mexican legal education and Mexican legal practice. This gap has widened during the last few decades: while there have been significant social, economic, and political changes that have affected Mexican laws and legal institutions, most law schools continue to offer the same traditional courses and to use the same traditional teaching methods and materials.

Nevertheless, there have been some movements to reform Mexican legal education. Most of these movements focus on the modernization of the curriculum by redesigning the traditional courses and by offering new courses. This approach, however, concentrates only on what lawyers should know, and not on what lawyers should do to succeed in the current legal practice.

This deficiency in Mexican legal education could be overcome by incorporating into Mexican legal education the learning of legal skills, especially the problem-solving skill, using problem-based education as the learning method. Problem solving may be defined as the ability to incorporate legal and non-legal knowledge, different skills, and creativity to counsel a client or solve a specific and concrete situation. The emphasis of the learning method of this skill is on the process, not on the result.

This thesis has two parts. First, it analyses the Mexican legal education, its characteristics, challenges, and reform efforts, based on the analysis of empirical studies and relevant literature and on interviews with several deans of law schools and legal researchers. Second, it provides Mexican law schools and legal educators the basis to

develop skills-based courses, principally problem-solving courses, obtained from the analysis of relevant literature in the U.S. and complemented with interviews of Mexican scholars. This part analyses the problem-solving process, its components, benefits, curriculum-design principles, learning methods, learning material, and the obstacles for its introduction into Mexican legal education. Finally, the thesis offers examples of courses dealing with this skill, such as *the lawyer as conflict solver*, *the lawyer as architect of business and transactions*, *the lawyer as community builder* and *basic lawyering skills*.

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