

## LEVERAGING CASE BRIEFING TO FOSTER CRITICAL THINKING SKILLS OF LEGAL ENGLISH MAJOR STUDENTS

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**Abstract.** *Critical thinking is a quintessential 21<sup>st</sup> century skill for individuals to thrive in the rapid evolving world where information is abundant and discerning its validity is increasingly troublesome. Inculcating strong critical thinking abilities for the next generations has therefore never been more crucial. This study was conducted to examine the effectiveness of case briefing on fostering legal English-major students' critical thinking capacity. A quasi-experimental research time series design was utilized to gauge the development of students' critical thinking skills at different time points. The participants included 63 fourth-year legal English-majors who were divided into 15 groups to practice briefing three cases in groups at equally spaced intervals over the period of 15 weeks. The written summaries of the assigned cases were collected and marked using the researcher-made scoring rubric. Students' scores were treated using IBM SPSS 26.0, where General linear model - repeated measures was run to compare the results within groups at each point of time. The findings reveal that the implementation of case briefing had positive effects on students' critical thinking abilities. The worth-noticing improvement is the students' capability to critically evaluate the cases through challenging the court's reasoning, detecting biases and suggesting alternative solutions to the legal issues. The most difficult part is the reasoning which is complicated and requires labour to cut through. The pedagogical implication of the research is the advocacy for using case briefing technique to elevate students' critical thinking skills in legal English classes.*

**Key words:** *critical thinking, case briefing, legal English*

### 1. INTRODUCTION

In a world grappling with information overload and intricate challenges, critical thinking (CT) is of profound importance and is considered to be one of the quintessential 21<sup>st</sup> century skills that each individual needs to possess. Basically, CT is not just a single skill, but a complex set of cognitive processes that involve reasoning, questioning, evaluating, synthesizing and applying knowledge (Lai, 2011). Marques (2012) considers it as an essential requirement for responsible human activities. Abrami et al. (2008) asserts the widely recognized importance of CT for the 'knowledge age' (p.1102) since it empowers individuals to direct themselves through a sea of information, rationally and objectively discern fact from fiction and make autonomous, informed decisions. CT skills

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are even more vital for practising lawyers whose work often involves making or contributing towards making decisions for their clients. They have to navigate the complexities and intricacies of legal rules, identify legal problems, devise strategies for addressing them and recommend effective solutions. Therefore, equipping law students with the abilities to engage with ideas, consider different perspectives, analyze information and make better decisions for their personal growth as well as for their future employers and wider community is what universities should aim at.

Albeit a soft skill, critical thinking can be cultivated and fostered through quality educational process (Anjarsari, 2014). Misnawati et al. (2023) assert the vital role of higher education institutions in the development of critical thinkers. Collier and Morgan (2008) stress the inseparability of CT from educational institutions, especially those of higher education. Bezanilla et al. (2019) call for universities to include CT in their classes, programs and syllabi. While many researchers agree that CT skills could be taught and learnt, others disagree about how they could be taught and assessed. Some advocate for the method of enhancing CT by teaching its theoretical background (Alwehaibi, 2012; Bensley et al., 2010). However, many other researchers opine that CT must be integrated into any course (Hatcher, 2006) because it is not adequate to teach students on a course on CT theory and transform them to become critical thinkers (Gelder, 2005). Paul and Nosich (1993) maintain a shared stance, positing that critical thinking instruction should not be assigned to one or two majors but should be overtly incorporated into all courses so that students' CT skills are developed and enhanced across the curriculum. Practising CT skills in various contexts would achieve better outcomes compared to teaching CT as a stand-alone course (Hatcher, 2006; MacKnight, 2000; Paul & Elder, 2006). Legal English courses, therefore, should play a part in honing these skills in students and contribute towards achieving the overall learning outcomes of the whole curriculum.

Previous researchers have proposed various strategies to develop cognitive abilities for learners across different disciplines such as case study (Rippin et al., 2002; Mahdi et al., 2020), problem-solving (Nokes et al., 2007; Kumar & Natarajan, 2007), work-based learning (Brodie & Irving, 2007), etc. In legal education, case briefs – short summaries of the main points of a judicial decision or case law - are the long-used Socratic method to concurrently teach law and CT skills in many law schools. However, the potential of using case briefing technique in legal English classes to boost language learners' intellectual capacity is underexplored, particularly in the Vietnamese context. No research has ever been conducted to explore the different facets of using case law to teach legal English in general and to improve learners' CT skills in particular.

The impetus for the current research has come from the need to develop learners' CT skills, especially in the fast-changing, media-dominated world, the importance of integrating CT component into legal English courses and the paucity of studies on the application of case briefing approach in legal English classrooms. It primarily aims to examine whether practicing summarizing cases could actually enhance students' CT capability. For this purpose, a principal research question is formulated:

Is case briefing effective in developing English-major students' critical thinking skills?

## 2. LITERATURE REVIEW

### 2.1. Case briefing

Case briefing basically means isolating the significant elements a judicial opinion (which is also referred to as case law) and producing a short written summary of that decision. While case briefs are commonly used by law professors as a ‘Socratic’ method of teaching law in a meaningful and interactive way, it is rarely employed by language teachers to teach legal English. There are a number of factors that may restrain the use of case law to teach legal English: the intricacies of the case, the linguistic complexity of the legal language (Ariffin, 2014), students’ language competence, the limited legal knowledge of both legal English teachers and students (Huong, 2020), time constraint, etc. These obstacles might have impeded language teachers from exploiting these huge sources of authentic materials which are highly relevant to their academic pursuit as well.

Given that reading and understanding judicial opinions are particularly difficult for language learners, case law is beneficial to students in various dimensions. From linguistic perspectives, judicial decisions provide students with authentic materials to read and acquire lexical and syntactic resources. Reading these cases is an effective way to learn legal terminologies related to different areas of law such as civil law, criminal law, contract law, real property law, etc. Khaferi (2010) argues that in this (ESP) sphere of teaching vocabulary is crucial. Furthermore, sentences in legal texts are often long and complicated (Veretina-Chiriac, 2012), hence understanding case law requires readers to understand complex grammatical structures used in legal texts. From the contents perspectives, through case-based reading, law students expose themselves to real-world cases which are more relevant and practical to them compared to learning things in a more theoretical way from textbooks. This does not only motivate students to actively engage in the learning process but also broadens their horizon of knowledge about the law and legal system. From cognitive perspectives, case briefing is an effective tool for “fostering students’ critical reading and critical thinking abilities while concurrently teaching course content” (Morgan-Thomas, 2012, p.75).

### 2.2. Critical thinking skills and their indicators

CT is a widely studied concept and defined differently in various contexts. CT in education was first concisely defined by Dewey (1916) cited in Kuhn (1999) as a process that commences with students’ engagement with a problem and ends with a solution and self-determination. Facione (1990) delineates CT as “purposeful, self-regulatory judgment which results in interpretation, analysis, evaluation, and inference, as well as explanation of the evidential, conceptual, methodological, criteriological, or contextual considerations upon which that judgment is based” (p. 2). Sharing similar view point, Rhodes (2010) opines that CT is a mental habit that is typified by the acceptance or formulation of an opinion or conclusion resulting from the comprehensive exploration of issues, ideas, artifacts and events. Pithers and Soden (2000) view CT as a cognitive process in which an individual possesses the ability to identify questions worth pursuing, pursue such questions by conducting independent, self-directed search and interrogating knowledge, and present evidence to support their arguments. In Trilling and Fadel’s (2009) definition, CT is the capability to gather, analyze, interpret, evaluate and summarize information.

Sharing the similar context of legal education, this study adopts the definition proposed by James and Burton (2017) cited in Misnawati et al. (2023) who view CT as

“careful and thoughtful questioning of a legal statement, claim, argument, decision, position or action according to an explicit set of criteria or standards” (p. 422).

Many researchers have attempted to formulate the indicators of CT skills. Ennis (1995) puts forward five components of critical thinking ability including focus, reason, inference, situation, clarity, and overview or FRISCO for short. Halpern’s (1997) taxonomy of CT skills includes five main domains: verbal reasoning skills, argument analysis skills, skills in thinking as hypothesis testing, likelihood and uncertainty and decision-making and problem-solving skills. Taylor (2002) opines that CT is a person’s ability to communicate their reasons for their judgments in a clear manner. A critical thinker is able to commit to their own stance and change it when facing convincing evidence. Facione’s (2015) CT skills taxonomy comprises of six indicators, namely interpretation, analysis, inference, evaluation, explanation and self regulation.

Bloom’s (1956) put forward six levels of cognitive abilities which were then revised by Krathwohl (2002) to consist of the ability to know (C1), understand (C2), apply (C3), analyze (C4) evaluate (C5) and create (C6). According to Bloom’s (1956), cognitive skills are divided into two levels: low-order thinking skills (C1-C3) (LOTS) and higher-order thinking skills (C4-C6) (HOTS). CT skills are essentially HOTS, therefore, this study adopts HOTS as guidelines for assessment of students’ CT abilities to brief cases. HOTS are delineated by the researcher to fit the context of the study as follows:

Table 1 Students’ CT skills reflected in case briefing

Level	Cognitive ability	Description
C4	Analyze	Students are able to break the judicial decision into constituent parts, namely case name, facts, procedural history, legal issues, rulings and reasoning, and determine how these parts relate to one another and to an overall structure through differentiating, organizing and attributing.
C5	Evaluate	Students are able to make judgments regarding what key facts are important for the outcome of the case, what key legal issues arise from the facts that the court decided, what decisions were rendered by the lower courts, what pre-existing rules the court interpreted and applied to the facts of the case, what reasons the court gave are the majority opinion.
C6	Create	Students are able to reorganize and put all the elements of a case brief together to produce a succinct summary of the case

### 2.3. Previous studies on strategies to develop law students’ CT skills

Teaching CT at academic institutions has become a central focus and captured the interest of researchers and educators for several decades. While many researchers advocate for teaching CT skills in specific courses to impart to students the theoretical frameworks, concepts and skills (Bensley et al., 2010; Gelder, 2005; Alwehaibi, 2012; Kuek, 2010), others claim that CT skills should be a part of any course as students should practice the skills in depth in different contexts and situations in order to gain more comprehensive understanding of theory and application (Hatcher, 2006; Gelder, 2005; Halpern, 1999). Several strategies have been proposed by previous researchers to enable students to think more critically such as Socratic questioning technique (Yang et al, 2005), case study method (Mahdi et al., 2020), legal case-based reading (Misnawanti et al, 2023).

Socratic questioning is the “well-established instructional method across disciplines most notably in law education” (Stojkovic, 2023, p.558). Yang et al. (2005) look into the correlation between using Socratic questioning and students’ CT skills in distance learning courses at a tertiary education. Their findings reveal that teaching and modeling of Socratic questioning help students demonstrate a high level of CT skills and be able to maintain such skills after the courses.

Mahdi et al. (2020) explored the use of case studies as a teaching strategy to enhance students’ CT skills in an applied sciences university in the Kingdom of Bahrain. The research employs both qualitative and quantitative methods of data collection through tests and questionnaire. Based on the results, they reach a conclusion that the use of case study method has resulted in inculcating students’ CT skills.

In teaching legal English, Misnawati et al. (2023) examined the impact of legal case-based reading (LCbR) on students’ CT abilities of first semester law major students in the Indonesian context. The findings reveal that the application of LCbR significantly improved the participants’ thinking skills, particularly from low level to high order thinking skills.

In the Vietnamese context, legal English has increasingly grabbed the attention of domestic researchers over the past few years. However, previous studies focused mainly on the difficulties in learning legal English (Huong, 2022) and demotivating factors in learning legal English (Tuan et al., 2023), or the use of L1 in legal English classes (Minh, 2022). There is virtually no research into the use of case briefing method to teach legal English and enhance English-major students’ CT skills in legal English classes. The present study, therefore, aims to bridge the gap in the literature and to shed light on case briefing method, ultimately improving the teaching and learning quality of legal English training program at a tertiary institution in Vietnam.

### 3. METHODOLOGY

#### 3.1. Research design

This study employed a quasi-experimental research design to explore the causal relationship between pedagogical method of teaching legal English through case briefing and students’ CT capabilities. Instead of using pretest-posttest design, the researcher adopted time-series design, i.e., measurements are taken multiple times to observe changes over time. This research design was opted as it allows the researcher to test her new teaching methods and identify students’ strengths and weaknesses.

#### 3.2. Setting and participants

The study was conducted at Hanoi Law University where legal English is taught to students majoring in different disciplines. The population selected to participate in this study was the final year English-majored students whose specialism is legal English. In their bachelor’s degree of Legal English, they have to study four compulsory modules of legal English - two basic and two advanced ones, and one optional subsequent advanced module titled Advanced Legal English 3 (ALE3). It is also the highest-level legal English course in the legal English training program. This research was conducted during the time the participants took the ALE3 in the second semester of the school year 2022-2023.

Regarding the demographic information of the population, 63 fourth-year students consisting of 19 male (30%) and 44 female (70%) from two classes participated in the study. They were divided into 15 groups (12 groups of 4 and 3 groups of 5) to read three cases assigned by teacher and write correspondingly three case briefs. Their legal English competence based on the results of the Advanced Legal English Module 2 is demonstrated in the following table.

Table 2 Students' legal English competence

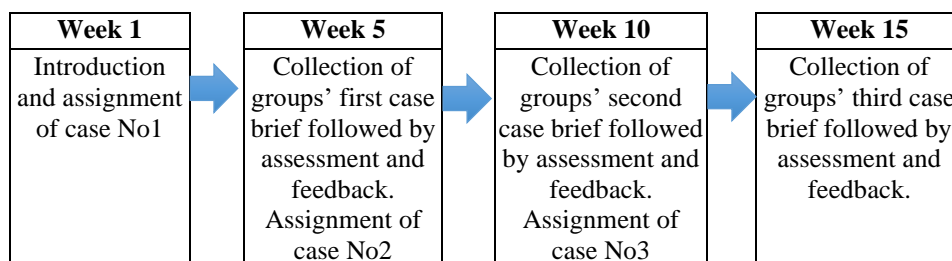
Letter grade	Grade point	N	Percentage
A-A+	3.70-4.00	7	11.1
B-B+	3.00-3.69	39	61.9
C-C+	2.00-2.99	12	19.0
D	1.00-1.99	5	8
F	<1.00	0	0

As can be seen from the table, the majority of participants (nearly 62%) gained solid accomplishment and goodness level (B-B+) and just over 1/10 (11.1%) achieved outstanding distinction and excellence level (A-A+). Nearly 1/5 (19%) of the participants attained average level (C-C+). Only a small number (5 out of 63 students) got a pass (D). None of the involved students failed the previous legal English end-of-term exam.

### 3.3. Data collection instruments and procedure

The instrument used to collect data in the present research is the case briefs written by groups of students at the beginning, in the middle and at the end of the course. Each case brief is between 600-800 words and is in the form instructed by teacher which is described in detail in Table 3. The written summaries were then assessed by teacher to determine students' ability to think critically when dealing with each case. The experimental period lasted 15 weeks, paralleling the entire course. The whole process can be illustrated in the following diagram:

Diagram 1 Experimental process



The teacher selected three cases covering three broad areas of law instructed during the course, namely tort law, contract law and criminal law, then assigned them to all the groups subject to the timeframe set out. To promote students' CT while briefing cases, the researcher applied the Socratic questioning techniques, which, according to Stojković and Zerkin (2023), "centers upon active guidance of the professor who by asking students sequences of broad, open questions related to the required topic (content material), makes them engage their higher order thinking and cognitive skills by which they arrive at their own unveiling, discovery of the content knowledge" (p.557). To encourage students to follow a systematic approach, students were provided with an outline of the case brief and a set of Socratic questions to guide them through their briefing process.

Table 3 Outline and Socratic questions for case briefing

Sections of a case brief	Socratic questions
Case name	Who are the involved parties?
Facts of the case	What facts are presented?
Procedural history	What happened in the lower court(s)?
Legal issue(s)	What is the issue raised? Is there a law that has allegedly been violated?
Ruling	What did the court hold?
Reasoning	How is the matter analyzed? What facts are considered in the analysis? Are there any comparisons or contrasts discussed? Is there one fact weighted more heavily than the others? Should the application of the rule or principle apply to only this limited set of facts or should it apply generally?
Critical evaluation	Do you agree with the court's ruling? Is it fair in light of facts and the law? Has the court considered all the relevant facts? Do you agree with the court's reasoning? Would you resolve the matter differently? What would the implications of that conclusion or outcome be?

Because no standard, universally accepted and all-inclusive framework or set of criteria have been developed to describe or evaluate CT skills (Myrick, 2002), the researcher consulted the assessment rubric established by Burton (2017) as and the Holistic Critical Thinking Scoring Rubric developed by Facione and Facione (1994) to create her own rubric a means to evaluate students' CT reflected in their written assignments. The following table shows the content and constructs related to the core learning objective of CT that are expected in the final assignments produced by students.

Students' case briefs are assessed on a marking scale of 0 to 10 by adding up the marks for each criterion which will be then divided by seven. The participants' strengths and weaknesses reflected in their case briefs were well-noted by the researcher for feedback and further scaffolding.

Table 4 Critical thinking assessment rubric for case briefing

Criteria	Poor (1-4 points)	Average (>4-6 points)	Satisfaction (>6-8 points)	Exemplary (>8-10 points)
Case name	Not done or omits parties, or citation is not in the correct format.	Identifies the parties but not conforms to the citation format	Identifies the parties and citation in the correct format	Identifies the parties and citation in the correct format
Facts	Not done or simply copies details from the case	Includes some key facts	Includes most of the key facts	Includes all relevant facts
Procedural history	Not done or simply copies details from the case	Identifies some of the procedural elements correctly	Identifies most of the procedural elements correctly	Identifies all procedural elements correctly
Legal issue(s)	Uses the key words in the relevant law as the relevant legal issues.	Identifies the legal issues but fail to states them in the form of a question	Identifies some of the legal issues and states them in the form a question	Identifies all of the legal issues and states them in the form a question
Ruling	Incorrectly identifies the court's decision or fails to identify the reasons for the court's conclusion	Properly identifies the court's decision but omits the reasons for the court's conclusion	Properly identifies the court's decision and partially provides reasons for the court's conclusion	Properly identifies the court's decision and provides brief reasons for the court's conclusion
Reasoning	Incorrectly determines the rules of law applied to resolve the legal issue(s)	Correctly provides the rules of law applied to resolve the legal issue(s)	Properly identifies the applicable laws and partially explains how the court applied them to the facts to resolve the legal issue(s)	Properly identifies the applicable laws and clearly explains how the court applied them to the facts to resolve the legal issue(s)
Case critical evaluation	Simply restates the case details	Clearly expresses personal opinions with little support	Clearly expresses personal opinions with sufficient support	Clearly expresses personal opinion about the outcome and reasoning supported convincing arguments

### 3.4. Data analysis

SPSS v.260 was utilized to test the effects of case briefing on students' CT capabilities at three different time points. For such purpose, general linear model - repeated measures was run. This procedure provides analysis of variance when the same measurement is made several times on each subject or case. The results were then tabulated and analyzed accordingly.



Students' scores can be interpreted as follows:

- 0-4 points: low level of CT
- >4-6 points: moderate level of CT
- >6-8 points: high level of CT
- >8-10 points: very high level of CT

The classroom observations were carried out in eight weeks from early March to early

#### 4. RESULTS AND DISCUSSION

##### 4.1. Research results

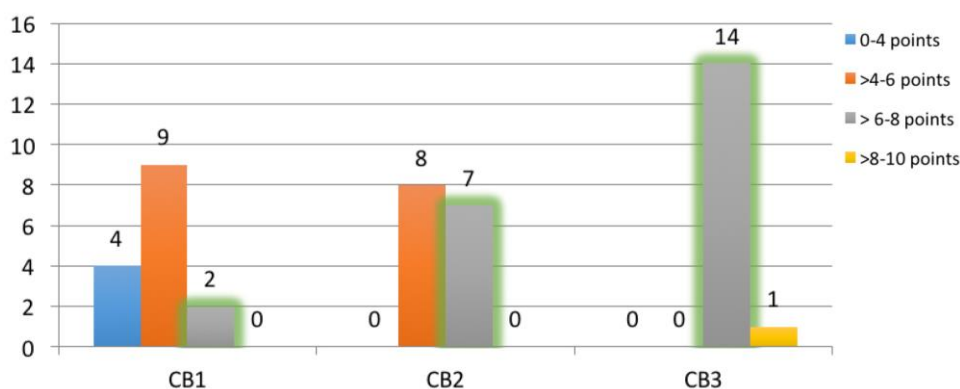


Chart 1 Scores of students' case briefs

NB: CB1: case brief 1 (Time 1); CB2: Case brief 2 (Time 2); CB3: Case brief 3 (Time 3)

Chart 1 shows the scores of each case brief on a marking scale of 0-10. Overall, the students scored higher in the second and the third assignment. To be more specific, in the first case brief, nearly 1/3 of the groups (4 groups) scored 4 or under, and 60% (9 groups) scored between 4 – 6 points. This means that the majority of students show a low or moderate level of CT. Approximately 14% reached a high level of CT. In the second case brief, well-over a half of groups scored between 4-6 points and just under a half scored between 6-8 points, showing a moderate and high level of CT respectively. In the last assignment, one group outstandingly scored from 8-10 points, reaching the highest level of CT while the remaining groups scored between 6-8, revealing their high level of CT abilities. From these data, it can be concluded that students' CT skills has increased from mostly low and average level to mostly high level.

The above data reveal a positive change in students' CT skills in at each phase of the study. However, to ascertain whether such development is statistically significant, the data obtained by running general linear model - repeated measures are prepared and tabulated for analysis as follows.

Table 5 Comparisons of students' mean scores at different time points

Mean scores of three case briefs			
	Mean	Std Deviation	N
CB1	4.740	1.07	15
CB2	6.167	.51	15
CB3	7.400	.39	15

Mauchly's Test of Sphericity<sup>a</sup>

Within Subjects Effect	Mauchly's W	Approx. Chi-Square	df	Sig.	Epsilon <sup>b</sup>		
					Greenhouse-Geisser	Huynh-Feldt	Lower-bound
Time	.524	8.396	2	.015	.678	.725	.500

## Tests of Within-Subjects Effects

Source		Type III Sum of Squares	df	Mean Square	F	Sig.	Partial Eta Squared
Time	Sphericity Assumed	53.160	2	26.580	115.335	.000	.892
	Greenhouse-Geisser	53.160	1.355	39226	115.335	.000	.892
	Huynh-Feldt	53.160	1.449	36.675	115.335	.000	.892
	Lower-bound	53.160	1.000	53.160	115.335	.000	.892
Error (Time)	Sphericity Assumed	6.453	28	.230			
	Greenhouse-Geisser	6.453	18.973	.340			
	Huynh-Feldt	6.453	20.293	.318			
	Lower-bound	6.453	14.000	.461			

In the Mauchly test the Mauchly'W is significant,  $W(2) = .524, p=.015 > .005$ , so the sphericity has not been violated, allowing the researcher to interpret the result in the "Sphericity assumed" row without having to modify the degrees of freedom. However, given that Mauchly test has shortcomings when dealing with small sample sizes, the results of Greenhouse-Geisser, Huynh-Feldt and Lower-bound are consulted for more stringent conclusion. In either case, the F and p are the same with  $F=115.335$  and  $p=.000 < .05$ , meaning that the scores of students' case briefs at three different points of time are significantly different.

## Pairwise Comparisons

(I) Time	(J) Time	Mean Difference (I-J)	Std. Error	Sig. <sup>b</sup>	95% Confidence interval for Difference <sup>b</sup>	
					Lower Bound	Upper Bound
1	2	-1.427	.173	.000	-1.896	-.957
	3	-2.660	.222	.000	-3.265	-2.055
2	1	1.427	.173	.000	.957	1.896
	3	-1.233	.113	.000	-1.541	-.926
3	1	2.660	.222	.000	2.055	3.265
	2	1.233	.113	.000	.926	1.541

Based on estimated marginal means

<sup>b</sup> Adjustment for multiple comparisons: Bonferroni.

Pairwise Comparisons table compares the mean scores of students' case briefs by pairs (CB1-CB2; CB1-CB3; CB2-CB1; CB2-CB3; CB3-CB1 and CB3-CB2) to track students' progress and determine at what time the change in their CT ability was significant. Obviously, all the mean differences do not include 0 and all the p values equals  $.000 < 0.05$ , showing that there are discrepancies between each pair of tests and such differences are statistically significant.

Students' scores of each criterion were also compared to deeply examine what part(s) of the students' case briefs they made the most significant progress at different intervals, and what they did the best at the end of the course. The results are presented in Tables 7 and 8.

Table 7 Students' mean scores of each criterion at different time points

Criteria	N	CB1		CB2		CB3	
		Mean	Std. Deviation	Mean	Std. Deviation	Mean	Std. Deviation
Case name	15	4.533	.68	6.467	.29	8.200	.14
Facts	15	4.200	.39	5.800	.14	7.067	.15
Procedural history	15	4.467	.35	6.200	.17	7.800	.14
Legal issues	15	5.933	1.38	6.600	.63	8.000	.65
Ruling	15	5.333	1.34	6.600	.91	7.200	.56
Reasoning	15	5.200	1.26	5.866	.74	6.933	.45
Critical evaluation	15	3.466	1.88	5.333	.97	6.466	.74

Table 8 Difference between mean scores of each criterion at different time points

Criteria	CB1-CB2		CB2-CB3		CB1-CB3	
	Mean difference	Sig.	Mean difference	Sig.	Mean difference	Sig.
Case name	-1.933	.008	-1.733	.000	-3.667	.000
Facts	-1.600	.001	-1.267	.000	-2.867	.000
Procedural history	-1.733	.000	-1.600	.000	-3.333	.000
Legal issues	-.667	.058	-1.400	.000	-2.067	.000
Ruling	-1.267	.002	-.600	.042	-1.867	.000
Reasoning	-.667	.021	-1.067	.000	-1.733	.000
Critical evaluation	-1.867	.000	-1.133	.002	-3.000	.000

Looking at Table 8, all the mean differences of each criterion between CB1-CB2, CB2-CB3, CB1-CB3 were under 0 and the p values of each criterion in the pair CB1-CB3 were  $.000 < .05$ . Hence, the improvement in students' scores was statistically significant. The most significant progress achieved by the participants was recorded in their ability to analyze, evaluate and create the case name, procedural history and critical evaluation (the mean differences between the first and the third case brief ranging from -3.667 to -3.000). These are followed by their capacity to deal with the facts and the legal issues (mean differences being -2.867 and -2.067 respectively). The findings suggest that overall, students were able to think more critically the more they practiced case briefing.

Table 7 elaborates students' mean scores of each criterion of case briefing at the beginning, in the middle and at the end of the course. It enables the researcher to measure which skills are present, to what extent, and which skills require further development.

In the first case brief, none of the criteria was scored greater than 6. It means that the participants' CT skills were at or lower than the average level. The lowest score was critical evaluation of the judicial decision with a mean score of 3.466 showing that their ability to make judgments about the case was limitedly low. The mean scores of the remaining 6 out of 7 criteria ranging between 4.200 and 5.933 indicate an average level of students' CT.

Teacher's feedbacks of students' first assignment highlight a number of weaknesses and the aspects students need scaffolding. The biggest problem concerns students' ability to critically evaluate the case by contemplating all of its aspects and expressing their thoughts on the court's outcome and reasoning. Most groups simply recapitulated the case rather than judging it. Besides, students' analytical thinking at this point was not adequate because they could not differentiate details and organize them into constituent parts appropriately and logically. Relating to the 'Case name', some groups encountered difficulties identifying involved parties, citing the case in the right format and/or included irrelevant information. In the 'Facts of the case' section, many groups were not able to distinguish between facts and arguments or procedural history. Some wrote too long and failed to separate important facts from those less important. Regarding the 'Procedural history', some noticeable mistakes are either missing one court's ruling, including the final court's decision or enunciating the sentences rather than mentioning the decision of previous courts. The 'Legal issues' were better identified by the participants compared to other sections though some groups were unable to formulate them in the question form or include some unnecessary details such as ratio or opposing views. Pertaining to the 'Ruling', most groups simply pronounced the court's answer to the legal issues questions without stating whether it reversed or upheld the previous decision or briefing the main reasons for such ruling. Finally, in the 'Reasoning' section, many omitted the applicable laws.

In the second case brief, the mean scores of 7/7 criteria range from 5.333 to 6.660, thus falling under the second category of CT measurement – average. Although the statistics show little growth of students' CT skills based on the CT measurement, the score improvements at the second time compared to the first one were mostly significant except the 'legal issues' section ( $p=.58>.05$ ).

The biggest improvements at the second attempt were witnessed in students' ability to correctly identify the parties, procedural history, legal issues and ruling and brief them properly in the form required. Their critical evaluation of the case was also improved to the extent that they could reflect their ideas about the case but with limited convincing arguments. However, some problems persisted regarding the capacity to isolate facts from arguments or outcome-determinative facts from unimportant ones, and the long-written reasoning.

In the last case brief, 5 out 7 criteria were marked at high level with the mean scores of between 7.067 and 8.200. They are case name, facts, procedural history, legal issues, and ruling. The two remaining sections reasoning and critical evaluation remained at average level ( $M=6.933$  and  $M=6.466$  respectively).

The overall increase in the score of the final case brief indicates the development of students' CT skills. The most important improvements are witnessed in students' ability to correctly identify parties involved, the legal issues and the critical evaluation of the case. This is evidenced by the overall concise, well-organized and quite precise case brief

and students' confidence in challenging the court's reasoning, detecting biases and suggesting alternative solutions to the legal issues by applying governing laws and judicial precedents. The area experienced less progress over the entire course compared to the rest is reasoning.

#### 4.2. Discussion

The most important conclusion can be drawn from the results is that students' CT skills can be leveraged by applying case briefing approach. The marks the participants gained for each case brief increased significantly over time demonstrating that the more case briefing practice, the higher intellectual development they showcase. This finding closely aligns with previous studies. According to Morgan-Thomas (2012), case brief tasks are an effective approach for developing both critical reading and critical thinking of law students. Misnawati et al. (2023) claim that the use of legal case-based reading has considerably changed students' CT skills from LOTS to HOTS.

An important step of case briefing is reading the case and dealing with CT questions. In this respect, the current study shares similar findings with other studies which reveal the correlation between critical reading and CT skills. Specifically, Fadhilla (2017) points out that students' CT abilities improved as a result of critical reading method. The study by Yildirim and Soylemez (2018) also reveals that reading activities with CT reading questions have a statistically significant effect on students' CT abilities.

Thinking and writing are compatible, synergistic processes (Schmitt, 1999), so teaching students to write means teaching them how to think, and writing is the manifestation of thinking. Case briefing is not merely the simplified version of a case, instead, it reflects students' cognitive capacity to understand the case, analyze and evaluate information, and make judgement about it. Writing a case summary contributes to the development of students CT skills. This finding is in line with Hooey and Bailey's (2005) who state that writing encourages students to become active learners and critical thinkers. Husna (2019) also claims that by including some critical thinking activities as part of students' required assignments, their ability to elaborate ideas is promoted.

The students' improvements in each criterion of the case brief over time is a concrete and strong indicator of the development of their mental capacity to recognize recurring patterns and connections between different pieces of information included in the case. That students' ability to analyze and evaluate of the court's reasoning progressed less than other aspects is not beyond expectation because the reasoning may be the most difficult part of writing a case brief. The court often goes back and forth and cites cases throughout, so students have to make efforts to cut through all the dicta.

#### 5. CONCLUSION

The current research is undertaken aiming to figure out whether the application of case briefing in legal English classes can promote students' CT skills – a crucial ability for legal practitioners to navigate through the complexities of legal rules and real world situations. A semi-experimental research design was adopted to measure changes in the participants' intellectual capabilities at three different points of time. The findings reveal that students' CT skills increase from average level at the beginning to high level at the end of the course. The study, therefore, affirms the effectiveness of using case briefing technique to leverage

students' CT abilities. The gradual increase in students' scores over time indicates the importance of frequent practice of skills involving CT activities such as reading and writing. The pedagogical implication of this study is to encourage legal English teachers to use case law to facilitate students' intellectual growth. Careful selection of judicial opinions is well-advised to make sure they are pertinent to the course content and students' domain knowledge. Designing scaffolding such as case brief format with Socratic questioning technique and criterion-referenced assessment is essential to support independent, higher-level thinking in students.

This research is not without limitation. The absence of a true experimental research to a certain extent limits the ability to conclude the causal link between an intervention and an outcome. This implies a suggestion for further researchers with interest in the field to carry out a true experimental research with randomized control and treatment group to measure the effect of the manipulation.

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