



CASE STUDY – A NEW COGNITIVE SKILLSET FOR THE ACADEMICALLY EDUCATED LAWYER

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ABSTRACT

Academic legal education is traditionally mostly concerned with the reproduction of knowledge and applying it to specific, narrowly-defined cases. The ability to mechanically apply law to facts, however, is rapidly becoming obsolete in our modern world. The digitalised society of today calls for an academically educated lawyer with a different mindset and higher-order thinking skills.

We therefore ran a pilot project in two courses with the objective of enabling students to develop higher-order thinking skills such as categorised by Bloom's taxonomy. The changes we implemented are loosely based on Dochy's HILL-model. In this paper, we discuss these changes, their implementation and their results in greater detail.

Evaluations of the pilot project show that student engagement and interest in the subject matter have increased, leading to more self-study hours being integrated into the course. This allowed us to devote more time to practicing the desired skills and increasing test difficulty accordingly. However, some questions and challenges remain.

ACADEMIC LEGAL EDUCATION – DESIRE FOR CHANGE

Traditionally, the legal discipline has found itself in a somewhat awkward position in academic circles. Some question whether legal studies are, in fact, academic at all (e.g. Stolker 2011). The reason for this is – in a nutshell – that the law is very much society-dependent. The law is, simultaneously, a reflection of societal norms, a policy instrument, and a technique for organising societal conduct. It is also inherently subjective. Compared to more 'traditional' academic disciplines (such as



those in the STEM fields), the law lacks a ‘higher truth’ that can be measured or otherwise pursued in any meaningful way. Instead, the ‘right’ answer to a legal question depends on the legal system under which the answer is to be sought. Any answer to a legal question is based on arguments drawing from legislation, precedent, and (personal and societal) preferences, each of which can in turn be founded on a plethora of arguments (fairness, efficiency, tradition, predictability, ease of use, etc.). Different legal experts can (validly) have widely differing opinions of what the right answer to a difficult legal issue is, depending on their societal views and their perception of (the rationale of) the law on a given subject. Since the right answer to a legal question is the result of consensus girded by underlying societal norms, this answer may evolve along with the society that forms the legal norms that are used for answering it.

As multifaceted as the law is, so is – at least in theory – legal education. In an ideal world, at the end of their studies, students should be able to not only apply the law in a given situation, but also reflect on the norms underlying the law and the legal system that is used to provide the answers sought. This requires higher-order thinking skills as categorised by Bloom (1956). In practice, however, much of legal education in the Netherlands is geared towards the first of these skills: applying the law to a set of facts. For many students, this mode of thinking about legal issues suffices; it allows them to enter legal practice, where they spend most of their time resolving legal questions in a similar manner. For legal educators, this ‘practical’ approach to the law offers short-term benefits. Offering courses geared towards mechanical application of (existing) law to fact-patterns commonly found in legal practice allows them to claim the relevance of their subjects for any students interested in such a career path. It also allows them to simplify their own workloads, because they can select fact patterns that do, in fact, have a ‘right’ (mostly undisputed) answer. This makes for easier grading and teaching. Instead of having to explore every possible angle of a question, one can simply explain how the relevant legal norms and case law lead to the conclusion sought. An additional ‘benefit’ is that any underlying societal issues can be avoided in most cases. Instead of debating whether a certain answer ought to be right, the debate is restricted to whether that answer follows from existing legislation and case law. Finally, and most mundanely, teaching courses in such a manner is simply cheaper. The less discussion and debate between students is required, the more students can be placed in seminar groups together.

In practice, therefore, seminar lecturers are confronted with large groups of students who are mostly interested in learning the correct legal provisions to apply to the fact-patterns that they are asked to solve during their exams. Because seminars are geared towards preparation for the exam, lecturers use their seminar time not for discussion, but to explain the law, often in the form of a mini lecture. After the legal provisions and the steps in which they are to be applied have been covered, little time is often left to discuss more elementary matters. In addition, the introduction of the internet



and social media has made it easier than ever before for students to share and copy answers to the homework assignments (as these can largely be found online), leading to student disengagement and reduced incentive to study the materials for themselves. Students are therefore less engaged in their courses, leading to a lower retention of study materials.

The above (somewhat over-generalised) current state of academic legal education is problematic for at least two reasons. The first is that the mechanical application of law to facts can hardly be called academic. As a result of the expectations lecturers have of their students and the way in which students meet these expectations, legal education has become more and more practice-oriented. It is focused on remembering, understanding and applying the law instead of being able to analyse and evaluate existing law or even propose new law. Students' skill sets are, in other words, single-issue: they memorise answers to certain fact-patterns, but are not necessarily able to devise answers of their own to related fact-patterns. They lack a more general understanding of (the function of) the law, the capacity to find similarities and distinctions between cases, and the ability to give expression to the law's underlying personal and societal preferences, each of which would allow them to imagine new solutions to new problems. The fact that legal education itself has become less academic is not a concern for most students; as long as they go into practice after leaving university, they do not have to compete for research grants or face governmental visitation committees. However, for the students who are interested in deepening their understanding of their field of studies (and perhaps go into legal research later in their careers), it can be quite frustrating to be tasked with rather mundane assignments that do not allow them to develop any meaningful cognitive skills to that end. Enthusiasm for more academic aspects of the legal profession can be snuffed out without students and lecturers even being aware of it. This is not only detrimental to research departments at universities, but for society in general. The fewer talented lawyers have obtained the skills to critically analyse and evaluate legislation and the legal system as such, the harder it will become to find people who will be able to create law to encompass new solutions for new legal issues and challenges in the future.

The second reason why poorly honed critical thinking on the part of law students is problematic ties into this. In the past, the mechanical application of law to facts only made academically-inclined students worse off (mostly because of – in their minds – dull seminars). In the (very near) future, however, practically-inclined students will be much worse off than before. The ability to mechanically apply law to facts is rapidly becoming obsolete in a world driven by Artificial Intelligence (Van Oostrom-Streep, 2016; Van Klink et al., 2017). Do-it-yourself platforms that generate legal documents and tailor-made advice through interactive questionnaires are overtaking a large part of the legal profession. Consumers can find legal information more easily without a lawyer, because of the possibilities that artificial intelligence offers. DoNotPay, for example, is an online robot lawyer via an



application that can help individuals with law disputes in more than a thousand different legal areas (see for a short introduction <https://www.youtube.com/watch?v=PHZobnM2wIw>).

Another example is ROSS. ROSS is an advanced artificial intelligent system that gives precise answers to legal questions. The consumer can pose their question online, as if talking to a lawyer, and receives pin-pointed answers from published and unpublished case law within seconds (see <http://rossintelligence.com/>). This is not to say that lawyers, judges or legal scholars are becoming obsolete. Artificial Intelligence can search through case law, but cannot (yet) think critically, evaluate the law or even give an answer to a case that has not yet been discussed in case law. The added value of hiring an academically-educated lawyer is to be found in having that lawyer be able to perform tasks that artificial intelligence cannot (Ahsmann, 2018). These are exactly the types of higher-order thinking skills – analysing, evaluating existing law, offering proposals for new law – that are currently underdeveloped in academically-educated lawyers.

Furthermore, the arrival of the internet calls for a whole new skillset. Many years ago, it was not that difficult to keep knowledge of the law up-to-date, because there were only a handful of books, magazines and cases to keep up with. Nowadays, it is almost impossible to keep track of all legal doctrine and case law. The information flow is much larger than before. The handful of offline information has been replaced by an (almost) constant overload of online information. An important skill of an academically-educated lawyer is to deal with this large flow of information, to critically evaluate the information, and to distinguish between primary and secondary issues.

This new (digitalised) world therefore calls for an academically-educated lawyer with a different mindset and a new cognitive skillset (see also Ahsmann, 2018; Elzinga, 2018; Van Klink et al., 2017). Again, he or she needs to have well-developed higher-order thinking skills (as categorised by Bloom's taxonomy, Bloom 1956), such as being critical, being able to analyse, discuss and argue, etc. Though it has been clear for many years in educational science that a passive transmission of knowledge is not the best way of reaching higher-order cognitive learning objectives (e.g. Kanselaar, 2002), legal education has been slow to address this (Stolker, 2013; Van Oostrom-Streep, 2016). We believe it is now incumbent upon legal educators to, more than ever before, experiment with new forms of education so as to meet the prospective challenges facing our students. Academic legal education is the foundation for the future careers of students, regardless of whether they become lawyers, judges or legal scholars. In order to make seminars more valuable and rewarding to both students and lecturers, much more time should be spent on developing higher-order thinking skills that cannot be performed by Artificial Intelligence.



PILOT PROJECT IN TWO COURSES

To achieve these goals, we have implemented a number of changes in two courses that are part of the law degree at our Faculty of Law in the Netherlands. First, together with a few colleagues, we ran a pilot project in a major third-year Bachelor's degree course (11 ECTS). With the positive results of this project, we decided to also make changes in a fourth-year Master's degree course (7 ECTS). Both courses are in the field of property law, so more or less the same lecturers were involved.

The third-year course: 'Burgerlijk recht I'

Approximately six hundred students were enrolled in the third-year mandatory course on property law. We adapted portions of the course within the parameters of the Bachelor's degree curriculum, meaning that the number of credits remained the same, as did the schedule and the obligation within our faculty for Bachelor's degree students to attend and prepare seminars. The course lasted thirteen weeks, with two lectures and one seminar every week. In the lectures, all students were taught simultaneously, while the seminars were conducted in groups of thirty students. The lectures retained their traditional format and focused on one-sided knowledge transfer.

In the pilot project, we aimed to modify the way the seminars were held to stimulate the exercise of higher-order thinking skills. Our ideas originated from a brainstorm session, in which we pooled our ideas on an ideal education through seminars, considered how we could bring that about and what incentives might be required. In hindsight, we recognised that the changes we implemented were loosely based on Dochy's HILL-model (Dochy et al., 2016) and on the theories of constructivism (see Kanselaar, 2002) and self-determination (see Ryan & Deci, 2000).

Law is traditionally viewed as a field of study that attracts students that want to obtain an academic degree, but have no specific interest in the subject (cf. Stolker, 2013). Therefore, it is our impression that many students lack intrinsic motivation for this mandatory course. We therefore tried to create a sense of *urgency* (cf. first building block of Dochy's HILL-model), by working on realistic, but largely fictive cases and case files, which nevertheless draw from true cases. By dealing with cases that students may actually encounter in their later professional lives, we tried to stimulate the students' curiosity and motivation.

The assignments and cases that are covered in seminars, are also often deliberately 'fuzzy' and give rise to discussions; following a certain position (what would the student's argument be if they were an attorney of Party A?); or to weighing up the 'pros and cons' of arguments. 'Grey areas' are also included in assignments. This



not only helps to develop students' analytical and critical thinking skills, but also help them grasp the necessity of studying not only for the upcoming examination, but to truly attempt to thoroughly comprehend and process the issue at hand, and benefit later in life from the skills one develops through this process. This also enabled students to practice skills that a lawyer needs; such as filtering relevant facts from a sea of irrelevant information that is provided by a client or in court, and noting that certain information is missing and needs to be provided before a recommendation or solution can be presented. In the past, students would usually only be provided with the relevant facts, and all the facts they need to solve a case. The answer could almost be logically derived from this, and there was only one correct answer. In the new design, however, students experience that multiple perspectives on a single problem are possible and are encouraged to be creative in their solutions and make the links to other issues.

Secondly, we place greater responsibility on the students to practice and develop the desired academic skills and stimulate deep processing. True *learner agency* (refer to the second building block of Dochy's HILL-model) cannot be fully achieved under the conditions law is presently taught at our university. Many courses are compulsory, because certain courses within the law degree are required to practice law and become an attorney at law (*advocaat*) later on ('*civiel effect*', see for discussions also Ahsmann, 2018; Soeharno & Winter, 2018). The number of compulsory courses is therefore large, and consequently, the number of optional courses are limited. Within this framework, we encouraged students to think for themselves and formulate their own opinions and possible answers, instead of turning to us for answers to their questions. Lecturers adopted the role of moderators and asked students open-ended questions without immediately classifying the answer that the students gave as 'right' or 'wrong'. The goal was to allow the students to reach a conclusion themselves, with only minimal steering in the right direction by the lecturer. Occasionally, we put students to work in groups on a similar but slightly different problem to the prepared one, to encourage them to practice their higher-order thinking skills. We also asked them to hand in a short text or prepare a presentation on the subject. To do this properly, it was necessary for students to be well prepared for the seminar. In accordance with the theory of constructivism and the fifth building block of Dochy's HILL-model, we stopped giving 'mini lectures' during seminars and refrained from summarising or repeating what was covered in that week's literature or lecture. This stimulates students to actually prepare and actively participate, rather than just showing up and receiving the main points and answers to cases from their lecturers.

To conclude, we used methods of blended learning (or 'hybrid learning'; cf. building block four of Dochy's HILL-model), such as recording short videos with an explanation on difficult topics, or short, online, formative knowledge tests. This opened up more time in seminars for discussion and interaction. Prior to this, we were using Blackboard, an older digital learning environment that was relevant at



the time – we have now switched to Brightspace – merely to highlight announcements about examinations and changes to the schedule, and to make PowerPoint presentations available. We were still working with a paper-based syllabus. This didn't match the student's environment, in which they are constantly online on a laptop or smartphone. Most students already brought a laptop to class. We therefore decided to get rid of our paper-based syllabus. Our increased use of a digital learning environment, combined with the aforementioned fictive cases and case files made it easier for us to change the cases and assignments every year, so the answers to them could no longer be found online.

Fourth-year Master's degree course: 'Goederenrecht verdiept'

The fourth-year optional Master's degree course used to consist of around twelve weekly seminars. Approximately sixty students are enrolled on each course intake, so two parallel seminars were held. Those seminars consisted partly of explanations by the lecturer and partly of discussion of cases students had prepared.

Inspired by the success of the pilot in the third year and by the book: 'What the Best College Teachers Do' by Bain (2004), we turned this course into a project, in which the students worked in a team to stimulate student urgency, but also to create a 'network' in which students can learn from each other.

We simulated a law firm, in which the students worked as lawyers. This (simulated) law firm was asked by an administrator or liquidator in insolvency for advice on how to deal with six issues concerning an insolvent company. These issues are the six major themes of property law that were the course's key topics. The issues are realistic, but 'fuzzy' and very difficult to solve, given that they involve several subtopics, lack a single clear solution, the problem is 'new', or because literature is divided on the subject, and/or because numerous parties are stakeholders and the problem demands a very high level of abstraction and analysis. The administrator's role was played by one of our colleagues, who also works as an administrator and liquidator in bankruptcies.

The course kicked off with three lectures that do not touch upon the case, but in which some general concepts and principles of property law were discussed to assist the students in solving the case. After that, six seminars were held. The students that enrolled in the course, were divided into two main groups. Within the group, the students formed six teams. Each team was assigned one of the themes and was responsible for the seminar on 'their' topic. We provided no literature or case law, just as in real-life. The team did research on the problem and presented their tentative conclusion in the seminar to the rest of the class, just as if it was a meeting at the law firm, in order to update the responsible partner on the case and request input. During



this presentation, the students of the other teams were requested to ask questions and comment on the presented conclusion. The lecturer had a supporting role and remained out of the students' way as much as possible during the first half of the seminar. During the second half of the seminar, the lecturer assumed a more active role and was devoted to clarifications and summarising what the team had found, and pointing out logical 'gaps' in their reasoning, if they hadn't already recognised them, the goal being to find solutions to these gaps through class discussion.

After the seminar, the team made references to the relevant literature they found and case law available to the other students on Brightspace. The teams were encouraged to put their recommendation to the administrator on paper, taking into account the feedback they received during the seminar. The teams were encouraged to hand it in, so the lecturer could provide even more feedback. In a final meeting, each team pitched their final recommendation in a short presentation to the administrator, who was present and asked additional critical questions or offered comments on whether the proposed solution would be feasible in practice. A professor who wasn't previously involved in the project was also present as an expert to discuss.

Students were asked to commit to participation in the seminar. The seminars were not compulsory, but once they committed to participation, they were expected to be present for the entire course and could not let their team down. The exam was open book and consisted of two essay questions on new topics, in which students could show they now possessed the higher-order thinking skills to solve new complex and 'fuzzy' problems on their own.

OUTCOME – POSITIVE RESULTS

The evaluations of the pilot projects (based on surveys and discussions with students) are promising. They show that student engagement and interest in the subject matter have improved and additional self-study hours were invested in the course. That is a huge improvement, because legal education isn't about learning a simple trick that can be applied to any case, it's about investing time in the matter to develop the higher-order thinking skills, including critical thinking, being capable of analysis, discussion and debate. These are all skills students must have to be a successful lawyer, judge or legal scholar in this new technology-filled world. More engaged students allowed us to spend more time on practicing those desired skills and increase test difficulty accordingly.

Related to the previous: students seem to be more actively involved with the material and we achieved more interaction and discussion in the seminars at a higher level than before. In the third-year course, students surprised us by asking highly pertinent questions in seminars and highlighting weak spots in reasoning in legal literature or



case law. We believe a lot of the students were able to acquire a more critical stance towards the law and took responsibility for their own learning.

We learned that when students are challenged, they can truly develop themselves as academically adept lawyers. For example, in the Master's degree course, we expected the students to solve the part of the (very difficult) case that was assigned to their team up to 70% on their own. However, as it turned out, the teams were mostly able to solve the case to around 95%, only requiring the lecturer's help with the very last part. The pilot projects truly placed the onus for the students' learning process with the students. Again, the Master's degree course may serve as an example: students were encouraged to ask the coordinating lecturer of the course for help whenever they got stuck in preparing their seminar. Several teams actually did this, mostly to ascertain whether they were on the right track, which they usually were, so our job as lecturers was mostly confirming that a certain issue was indeed tricky and encouraging them to keep doing what they were doing. In short, the students developed a more academic mindset that befits an academic education.

We expected that the teamwork in the Master's degree course might prove to be a hassle, fearing students may drop out during the course given that it was optional. It seems, however, that the warning we gave them at the beginning of the course to commit truly worked. About 40 of the 60 students who enrolled actually committed themselves to working in the team and there were virtually no dropouts during the course.

In hindsight, it might have been better to have started with a first-year course. For a lot of students, the 'regime change' came as a shock and they had a hard time adjusting to it. After all, they were already used to two years of education in 'the old-fashioned way'. Some students were used to being able to pass their exams with just a cursory knowledge of the law and a mechanical application of this knowledge to a fact pattern. Now, they were required to evaluate, analyse and more. Thus, what made the projects a success, also proved a pitfall: because the project was initiated bottom-up, by lecturers that were committed to the idea and plan, it was successful, but, due to the lack of top-down control or supervision, the pilot perhaps did not run at the best possible point in the curriculum. We also encountered a lot of resistance by students because a necessary consequence of the changes is that we needed to put the students to work much more than they were used to.

OUTCOME - CHALLENGES

Some challenges remain, including on a more fundamental level. First of all, the changes caused much insecurity among the students; they felt insecure about their preparation for the written exam, since the seminars were so different from what they



were used to in previous years and the exam was adjusted to the new learning objectives. We tried to overcome this by reassuring students that the exam would be comparable to the level of the seminars. In the year following the pilot, we used old exam questions for the students to practice with as examples. Still, our impression is that students – perhaps because of their experience in taking exams in other courses – are more focused on reproducing knowledge, even though we explained, and it is clear from the practice exam that it is impossible to pass the exam in this way. Evaluations also show that many students fail to grasp the importance of developing and practicing the higher-order thinking skills. This may be another reason why they stick to the security provided by having a lot of knowledge and why they are focused on getting the right answer from the lecturer, instead of trusting their own and each other's capabilities. How can we best deal with the insecurity the focus on skills instead of knowledge generates among students? How can we make students feel comfortable with the ambiguities of the law?

A more important – but closely related – challenge is how to make sure we do not 'lose' a great number of the students along the way, due to the high demands we place on them. The focus on the higher-order skills has increased the level of the courses and not all students are capable of keeping up with that. How should we deal with students who have difficulty adapting to a more free-flowing learning environment? We are still working out how we can best help the students that are struggling. How can we actively train the desired skills in students to whom these skills do not come naturally?

A related challenge is that of motivation and preparation. In order to be able to practice the skills in seminar, students need to prepare and take responsibility for laying the knowledge foundation necessary to be able to discuss, debate, evaluate, etc. Although, in general, we believe students are better prepared for seminars than before, ill-prepared students certainly remain. We are under the impression that especially students who are in the 'danger zone', often fail to prepare for class (in the right way) or focus primarily on knowledge. Because the format of having students presenting the cases and assignments to each other in groups worked so well in the Master's degree course, we implemented the same in the third-year course last year. This was the third year the course was taught along these new lines. This seemed to work very well. However, we did encounter two challenges. First of all, (and this is also something we are struggling with in the Master's degree course) having the students prepare a presentation works very well for the students who are to present that week. But how do we get the other students, the audience so to say, to be actively involved as well? Secondly, when rehearsing exam questions halfway the course, we noticed that students hadn't mastered the skills after all. Only after rehearsing the problem, so going through the problem a second time, the penny seemed to finally drop. Unfortunately, we do not have the means to practice everything with students twice. That is exactly why we expect students to prepare themselves, by attending the lecture, reading the relevant literature, taking the



formative knowledge test, watching short clips on the subject, doing the assignment for themselves, among other good habits. How do we motivate students to actually do this and make the most effective use of seminar time?

CONCLUSION

Several developments gave reason to adjust two academic courses with the objective of enabling students to develop higher-order thinking skills. We believe that students should be able to not only apply the law in a specific situation, but, for example, also to critically reflect on the underlying norms. Being able to remember, understand and (mechanically) apply the law can hardly be called academic. Furthermore, this skill is becoming rapidly obsolete in a world driven by Artificial Intelligence. This development calls for an academically-educated lawyer with a different mindset and a new cognitive skillset. To help students achieve this new mindset and skillset, we have implemented a number of changes in two courses that are part of the law degree at our Faculty of Law in the Netherlands. The two courses (on property law) functioned as pilot projects.

In short, we modified the way the seminars were held to stimulate practice of these higher-order reasoning skills. We tried to stimulate the students' curiosity and motivation by working on realistic, but largely fictive cases and casefiles or by even simulating a law firm. Furthermore, we asked students to solve 'fuzzy' problems that give rise to discussions, we placed greater responsibility on the students to practice and develop the desired academic skills and we used methods of blended learning. In hindsight, we recognised that the changes we implemented were loosely based on Dochy's HILL-model and on the theories of constructivism and self-determination.

The evaluations of the pilot projects are promising. Students are well prepared for class, actively involved and we achieved more interaction and discussion at a higher level than before. Students can truly develop themselves as academically adept lawyers, they just need to be challenged. We are convinced that strong teamwork has greatly contributed to the success of the project. Everyone in the team of lecturers acknowledged the importance of the goal and strived to achieve the objective that had been set. Of course, some challenges remain. Presumably, the challenges we meet are inherent to education in general. They continue to receive our attention. By continuously evaluating and finetuning the design of the course and the seminars we strive to help the students reach the higher-order learning objectives in the best possible way, given the parameters of the curriculum. Overall, we believe the result of the changes is very positive and we are more certain than ever that this is the way to go.



REFERENCES

- Ahsmann, M. (2018). Civiel effect: nut en noodzaak. Met enkele rechtsvergelijkende beschouwingen over de initiële en postinitiële opleiding. In M. Ahsmann et al (Eds.), *Herijking van de juridische opleidingen (Preadvies NJV)* (pp. 15-64). Deventer: Wolters Kluwer.
- Bain, K. (2004). *What the Best College Teachers Do*. Cambridge, Mass.: Harvard University Press.
- Bloom, B. S. (1956). *Taxonomy of educational objectives: the classification of educational goals; Handbook I: Cognitive Domain*. New York; London: Longman.
- Dochy, F., Berghmans, I, Koenen, A-K. & Segers, M. (2016). *Bouwstenen voor High Impact Learning*. Amsterdam: Boom uitgevers.
- Elzinga, H. (2018). Interdisciplinariteit in de initiële juridische opleiding. In M. Ahsmann et al (Eds.), *Herijking van de juridische opleidingen (Preadvies NJV)* (pp. 65-91). Deventer: Wolters Kluwer.
- Kanselaar, G. (2002). Constructivism and socio-constructivism.
- Van Klink, B., De Vries, B. & Bleeker, T. (2017). Recht in context. *Nederlands Juristenblad* 773.
- Van Oostrom-Streep, N. (2016). ‘A wounded deer leaps highest’. *Nederlands Juristenblad* 2115.
- Ryan, R.M. & Deci, E.L (2000). Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development and Well-Being. *American Psychologist*, 55, pp. 68-78.
- Soeharno, J. & Winter, J. (2018), De deskundige advocaat. Een pleidooi voor de togetoets en volwaardige academische en professionele vorming. In M. Ahsmann et al (Eds.), *Herijking van de juridische opleidingen (Preadvies NJV)* (pp. 187-212). Deventer: Wolters Kluwer.
- Stolker, C. (2011). Een discipline in transitie. Rechtswetenschappelijk onderzoek na de Commissie Koers. *Recht en Methode in onderzoek en onderwijs*, 1, pp. 13-43.
- Stolker, C. (2013). Over de toekomst van het juridisch onderwijs. *Ars Aequi*, pp. 72-82.