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# **Critical thinking for the legal professional**

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# Outcomes

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1. Although most think that critical thinking can be taught in the workplace, sending graduates better prepared to address these types of challenges will set them apart.
2. Critical thinking should not only bring the parties to the “best” answer, but one that most will embrace as the proper outcome.
3. Activities for developing critical thinking should also give us the opportunity to work on problem solving, communication skills, and creativity.

# Critical thinking

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**Lawrence & Chester:** *Engage the Fox: A Business Fable about Thinking Critically and Motivating Your Team* (2014):

- Problem solving
- Systematically assembling information
- Generating further ideas
- Evaluating the information and
- Making sure everyone is on board.

# **Critical thinking – Not a soft skill**

- ✓ **Critical thinking is not a soft skill (Green, 2019).**
- ✓ **Can be taught in the workplace**
- ✓ ***Should* be taught in an academic program**

# Learning is a process

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- Start with smaller concepts and then you can work your way up (Green, 2019).
- Assemble the needed information (Lawrence & Chester, 2014).
- Think about the issues from different perspectives be able to argue both sides of a problem (Bouygues, 2018).
- With strong critical thinking skills, we will be more open to the process.

# **Employers' needs**

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“4 Critical Thinking Skills That Could Save Your Career,” by Ernie Bray (2018).

- Critical thinking is one of the most important skills employers are looking for.
- Critical thinking also works off of problem solving, creativity and communication skills.

# **Students going out into the workforce**

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- Applicants with strong critical thinking skills will be more successful.
- Skills can be reinforced in the workplace.
- Critical thinking skills not only helps us to find the “best” answers, but the process also ensures buy-in from colleagues (Green, 2019).
- Ultimately can save the employer time and money.

# Law and Society – Unit 1 DB activity

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**“The Case of the Speluncean Explorers,” by Lon L. Fuller (Copyright 1949).**

Five members of the Speluncean Society are trapped in a cave. On 20<sup>th</sup> day of being trapped (being told that it may take an additional 10 days to get them out), they ask the rescuers if by consuming the remains of one of the deceased members, would this improve the chances of survival. The response was yes. They then asked if they should draw lots to identify the person to be sacrificed. The trapped explorers got no reply. They ultimately went ahead with their plan. Finally, on the 32<sup>nd</sup> day, the four explorers were rescued. They were tried for murdering their colleague.

They testified that the person who lost was the one who suggested rolling the dice, and he brought his dice along himself. They are convicted. Case was then appealed to the state supreme court, comprised of five justices: Chief Justice Truepenny, Justice Foster, Justice Tatting, Justice Keen and Justice Handy.

Students are given each of the justices opinions. Each justice presents a slightly different argument. Some argue for a more traditional view of law; some argue for a more social science perspective; and one doesn't commit to either theory.

Students have to identify the justice that they agree with and why ... and then wait for everyone to respond.

# Business Law – Unit 8 DB activity

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Cardware's latest business line: Designer Car Seat Covers!

Cardware has hired Nicole Marriott to create to be the advertising manager for this line. Nicole frequently freelances for many businesses. She has a wealth of knowledge and contacts. She has an office at Cardware and can use their equipment, but she can also use her own computer. She also relies on her own specialized software to do much of her work.

Nicole goes to Z-1, a major car manufacturer, to try and sell them on the product. She sees an old adversary, Raquel, at Z1. Raquel is known for stealing ideas from her competitors. While there, Raquel "accidentally" (?) bumps into Nicole and causes Nicole's files to scatter. Nicole isn't having any of that and punches Raquel. Raquel wants to sue **Cardware**.

Two issues: 1. independent contractor or employee and 2. how does either status impact Cardware's liability.

# Conclusion

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- **Discussion boards can be a great way to “start small.”**
- **General scenarios with lots of “right answers.”**
- **Students can be as involved as they want – and get out of it what they put into it.**

# References

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Bray, E. (2018, Jan. 12). 4 Critical thinking skills that could save your career. Retrieved from <https://www.business.com/articles/4-critical-thinking-skills-to-save-your-career/>

Bouygues, H.L. (2018, Nov. 21). How critical thinking improves life outcomes. Retrieved from <https://www.forbes.com/sites/helenleebouygues/2018/11/21/how-critical-thinking-improves-life-outcomes/#6f36f3f44811>

Green, R. (2019, Sept. 27). Why critical thinking matters in your business. Retrieved from <https://www.businessnewsdaily.com/7532-critical-thinking-in-business.html>

Lawrence, J. & Chester, L. (2014). *Engage the fox: A business fable about thinking critically and motivating your team*. Austin, TX: Greenleaf Book Group Press.