

The Quest for Pedagogical Reform: Lessons from Legal Education in Latin America

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Pedagogical reform often draws on successful educational approaches and best practices from different contexts to improve the quality of teaching and learning. However, uncritical adoption of pedagogy from elsewhere can lead to significant misalignment with local contexts. Legal education in Brazil and Mexico offers an illustrative example; in both countries, imported pedagogical methods have largely failed to take root due to discrepancies with the local professional and disciplinary environments. The implications are significant for legal education but also pedagogical reform in higher education more generally.

Latin America has undergone rapid social, economic, and political changes in recent decades, placing increasing pressure on universities to adapt amid the expansion of higher education in the region. In legal education, these changes have generated demands for a new type of legal training capable of preparing lawyers to navigate an increasingly complex legal environment.

As a result, reformers have drawn on models developed in common-law countries (e.g., the Socratic method and the clinical education model) and have encouraged their use in legal education, often with limited attention to how these pedagogies align with local institutional conditions, sector characteristics, and educational objectives. Using examples from legal education in Brazil and Mexico, this article identifies the challenges posed by pedagogical reform and their consequences. It argues that evaluating pedagogical innovation must extend beyond simply assessing the apparent benefits of pedagogies to include a comprehensive analysis of how well they fit with the institution's realities and disciplinary contexts, as well as their potential implications for inequality within and across institutions.

Legal Education Reforms in Mexico and Brazil

Mirroring the global trend of massification in higher education, Mexico and Brazil have seen rapid growth in law schools. Currently, both countries are among the largest legal education systems worldwide, with Brazil having over 1,400 law schools and Mexico having more than 2,000. This expansion, along with rapid changes in the legal system, has raised concerns about the quality of legal education. Specifically, efforts have been made to update teaching methods, as the current approach is often seen as too theoretical, formalistic, and lacking in practical skill development.

In Brazil, the introduction of the Socratic method stands out as a significant example. This method was introduced as part of law and development initiatives backed by USAID and a few Brazilian universities in the 1970s. As noted by Grandfield in *Legal Imperialism*, this educational approach was introduced as a legal transfer from the US. While initially welcomed, it later faced resistance, and its long-term influence was limited. The problem was that the Socratic method required conditions that only a few institutions could provide: small classes, thorough student preparation, and dedicated full-time faculty. In contrast, most Brazilian law schools mainly relied on part-time faculty and a growing student body that struggled to balance work and study.

Similarly, in Mexico, despite efforts by organizations and institutions to promote student-centered approaches and case-based methods, adoption has also remained limited due to a combination of institutional and contextual factors. For example, most faculty members (many of whom are practicing lawyers and civil servants) have limited time to prepare and tend to replicate the pedagogies of their own training. Moreover, many institutions face limited resources, lack training opportunities, and have few incentives to improve teaching quality. This situation is particularly prevalent in small law schools outside major urban areas that often serve students from low-income backgrounds.

Uneven Adoption and Unequal Outcomes

An additional side effect of recent reforms is inequality across the sector. Differences in institutional contexts and access to resources have resulted in limited impact across the wider legal education sector, with only a few elite institutions with a more corporate and international focus successfully implementing new teaching methods. This uneven adoption has resulted in notable disparities in students' learning experiences. Since such reforms often demand substantial resources, faculty

development, and institutional support, they tend to advantage students at well-funded schools, raising important questions about fairness and equity.

For instance, in Brazil, Fundação Getúlio Vargas, one of the most prestigious law schools, has revamped its curricula and, in recent years, introduced a case-based model alongside specialized training in international and corporate law. In Mexico, institutions such as ITAM, Tec de Monterrey, and others have incorporated legal clinics, law & economics courses, and international learning opportunities for their students.

Recently, the gaps have widened, contributing to existing inequalities in students' educational opportunities and professional outcomes. For example, in Brazil, most institutions have historically low bar passage rates, while elite law schools consistently maintain high passage rates. Moreover, graduates from these institutions are better positioned to enter large corporate law firms or hold the most prestigious positions in the government or the private sector.

In Mexico, although there are no reliable data on the number of lawyers or the sectors they work in, some studies point to the growing stratification of the legal profession. Elite institutions prepare students for corporate areas and more global practice, and students often occupy positions in prominent transnational legal firms and corporations; other graduates occupy less prestigious jobs or do not practice law at all.

Misalignment Between Pedagogy and Professional Norms

Perhaps most importantly, beyond questions of institutional capacity, relatively little attention has been given to how pedagogical methods should be tailored to the goals of legal education in Latin America. Many innovative teaching approaches in the region are derived from common-law countries and are based on assumptions about legal reasoning, the legal system, and the lawyer's societal role that may not easily apply elsewhere. In countries such as Brazil and Mexico, doctrine and codified law are more influential than judicial opinions, which are central in common-law systems. These differences raise questions about how, when, and under what conditions pedagogical strategies from one legal tradition can be adapted to another.

Conclusion

While these examples come from the legal education sector, they offer broader lessons for higher education systems worldwide. While the international circulation of pedagogical innovations is now common across many disciplines and sectors, their adoption must be accompanied by a critical reflection on whether the pedagogy aligns with local institutional capacities, sector characteristics, and educational objectives. It is also necessary to consider how implementation may deepen existing inequalities between institutions and students. Without such reflection, the transformative potential of pedagogical innovations will remain limited and may even serve to disadvantage graduates when they enter the workforce.

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