Setting the Argument  
Authoring in the Law School Transition

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Abstract
This article details an assignment that provides students opportunities to develop critical thinking skills native to what it means to “think like a lawyer.” By asking students to map and write a narrative about a contested public issue that describes the issue’s various dimensions (legal, social, cultural, political, economic) and how they interact to shape the issue as a public concern, the assignment invites students to reimagine their roles as writers and see themselves as having the capacity to assemble and set a problem for analysis and deliberation, i.e., author, rather than accept a problem as pre-structured. Through the assignment, students witness the constitutive nature of the structure of legal discourse and the intra-operations of the facets of legal critical thinking. Through explaining the assignment’s design and rationale, this article demonstrates how writing assignments that emphasize problem setting prepare students well to navigate the transition to law school and ultimately begin laying the grounds for successful professional careers.

Introduction
The undergraduate study to law school transition is complex and involves many challenges ranging from learning how to read opinions in casebooks and navigating the Socratic method in classroom discussion to acquiring a new professional language and learning how to apply it in speech and writing. At play in each of these challenges is students’ quest to develop the critical thinking practices associated with what it means to “think like a lawyer” (e.g., Mertz, 2007; Schauer, 2009). Law school curriculum is explicitly designed to inculcate this critical thinking ability, but undergraduates often lack the fundamental thinking and reasoning skills necessary to master the curriculum and ultimately bridge the transition (Flanagan, 2015).

This article introduces the Problem Setting Narrative (PSN), a combined mapping and writing assignment designed to initiate undergraduates in the reasoning skills involved in thinking like a lawyer. I teach the PSN in Writing in Context, which is a required class for the Writing, Rhetorics, and Literacies major at Arizona State University. The course is designed to familiarize students with rhetorical practices that position them to read, assess, and respond in writing to the rhetorical demands of varying public and professional work environments where they may work, like law, medicine, business, government, and non-profits. The PSN’s pedagogical innovation is its invitation to students to reimagine their writing roles as authors, namely as individuals who have the capacity to assemble and set a problem for analysis and deliberation rather than accept a problem as pre-structured (e.g., Hannah, 2015; Slack et al., 1993). It is in cultivating this conception of authoring that undergraduates can begin to fit themselves with the reasoning skills necessary to successfully navigate the law school transition.

Assignment Description
The PSN involves students mapping and writing a narrative about a contested public issue that describes the issue’s various dimensions (social, cultural, political, legal, economic) and how their intersections shape the issue as a public concern. Through pairing mapping and writing...
Figure 1. Student V-Chart Example of Inefficient Recycling in Phoenix Metropolitan Area

(see Sullivan and Porter, 1997), the assignment prompts students to think carefully about how they frame public issues as addressable. As the PSN’s organizing feature, addressability, i.e., the ability to be identified, defined, located, and accessed (Dhaliwal, 2022), eschews ultimate problem resolution in favor of situating an issue in broader rhetorical contexts and creating multiple pathways for responding to its exigencies. In centering addressability, the PSN requires students to identify and define new ways to represent an issue and ultimately locate them in relationships that provide access to disparate audiences. When activated, addressability’s critical acts coalesce in ways akin to the reasoning processes found in the practice of law.

V-Chart Mapping
To begin, I ask students to identify a public issue connected to their majors and create a v-chart that visualizes a macro to micro logic for how a problem develops. V-charting is a pedagogical activity I developed based on my formal legal training, and its goal is helping students develop spatial thinking skills (see Sullivan and Porter, 1997) for identifying relationships between potential causes. For example, if recycling inefficiency was a student’s interest (see Figure 1), they might identify, through their everyday experiences with recycling, as causes materials, government oversight, and education.

Because visualizing macro to micro thinking is unfamiliar and requires abstract thinking, I
use a Russian nesting doll as a metaphor to illustrate how smaller and larger concepts are nested, i.e., how in recycling, collecting is an activity among the linear processes involved in Phoenix recycling (see Figure 1). I explain students’ task in v-charting as being about connection and describing how the outermost doll is conceptually related to inner dolls. How, for example, is a lack of education about recycling (the innermost doll) an inefficient recycling issue (outermost doll)? Articulating this relationship requires students to think outside of their experiential knowledge and express connections that are not immediately obvious. In particular, they play with everyday language that can accommodate multiple concepts and principles and ultimately symbolize the new connections they are drawing. In Figure 1, structure is an overly general, yet capacious, word that can embody a number of unrelated sub-topics. The student’s task in v-charting was articulating potential connections between sub-topics and authoring, or naming, the grounds for making the case about what structure specifically looks like in the greater Phoenix area and ultimately how that structure leads to inefficiencies. The following paragraphs explain how the student author of the v-chart shown in Figure 1 visually represented those argument grounds.

To represent the potential causes or influences on recycling as a public problem, the student developed macro to micro, i.e., general to specific, relationships through labels that move readers vertically on pathways that begin with a broad generalization and then move through related influences that narrow the generalization. Labels operate as macro and micro topics in that they take their meaning (as a micro) from the preceding label (as a macro) on the pathway and then give meaning (as a macro) to the following label (as a micro). In Figure 1, collecting takes, from linear, its meaning as an initiating act of recycling, one that precedes sorting and exporting. Collecting then gives meaning to single-stream, as a type of collecting. This process continues until the student named an influence she could not specify further and thereby suggested it as a potential cause. As the student worked her way towards this point, she witnessed the creative power of hierarchy in reasoning in that what leads defines what follows. To explore this creative power, the student was encouraged to experiment with label naming and then place such naming in new relations. For example, the student contemplated the word “pick-up” as a replacement for collecting. However, she explained during in-class workshops that the phrase was too narrow in that it conjured the idea of a city recycling trash truck yet ignored other kinds of collecting like an individual gathering trash at a party. Through experimenting with words, the student witnessed how naming and defining creates different opportunities for argumentation by making visible the operation of oppositional logic, i.e., A/not A, (Andrus, 2015) that excludes that which was not selected or named. In the student example, the alternative term “pick-up” and its municipal connotation potentially excluded considerations of the kinds of human interaction that are involved in collecting recyclable materials. Armed with this knowledge of potential exclusions, the student anticipated critiques, i.e., counterarguments, about the appropriateness of using “pick-up” as a defining label for the initial phase of the linear structure of recycling and ultimately chose to use collecting for its ability to capture a wide range of activities that initiate recycling.

Horizontally, v-charts require students to develop labels that establish apples-to-apples relationships between topics so they can be compared. In articulating these relationships, students develop themes (A) through which to translate two unrelated topics (B & C) as being intelligible to one another and thus able to speak back to the organizing theme. In Figure 1, we see under the exporting label the student develop intelligibility between the concepts unstable market and equipment limitations through the theme of contracts. She explained during in-class workshops that exporting or transferring recycled material that had been sorted was extremely resource sensitive and needed to be controlled in some way. The question for
her was how to equate unstable market and equipment limitations as an issue of control, and she identified contracts as a control measure. While there may be some disagreement amongst readers of this article as to whether control is implicated in the concepts, what is important to recognize here is the student grappling with questions of relevancy. More specifically, only certain themes can do the work of representing subordinate, micro concepts as equivalent to one another, and the student must select a theme that can both represent the micros and connect back to preceding macro theme labels. A key part of determining a relevant theme for horizontal intelligibility is selecting one for which there is available secondary research. Without this research, the theme label will be meaningless as it cannot sustain a student’s argument. In Figure 1, the student located secondary sources about the effects of shaky market conditions and outdated recycling equipment on recycling programs in general. With this information, she believed she could develop arguments about how contracts might stabilize the challenges posed by volatile markets by establishing contract terms in advance or provide flexibility for procuring access to newer, updated equipment via shorter lease renewal periods. Again, while there may be some debate about the merits of the student’s claims regarding the potential power of contracts to improve the exporting of recycled materials, the important thing here was the student thinking through how evidence can activate different argument pathways that share an organizing theme. Using the idea of authoring to describe this process, the student used contracts as a macro theme to author two lines of argument around which she later could use one line to argue in a policy proposal that recycling exporting contracts are a significant contributor to recycling inefficiencies.

In light of the preceding two paragraphs, let’s now take a closer look at the movement in the student example in Figure 1, which focuses on recycling inefficiencies in the metro Phoenix area and the lack of education about recycling that contributes to the problem of inefficiency. Arriving at the specificity of this naming was not easy for the student. In the initial v-chart, the student framed/named the issue as recycling (macro) and directly linked it to contamination (micro). Though this pairing represents a reasonable argument about why recycling is done poorly, it oversimplifies the causal influences acting on the issue by jumping over other contributing factors. The challenge for the student then was to revise and build in intervening micros that elaborated on potential influences that link recycling with contamination. In this example, the student identified and named, i.e., authored, four intervening inputs as well as a further specification of contamination. In doing this work, the student transformed her understanding of recycling in three important ways: (1) she added a qualitative feature (inefficiency), (2) she located recycling (Phoenix), and (3) she constrained that location (metropolitan). Furthermore, she developed a sophistication with recycling-related language that is necessary for translating the issue’s discipline-specific language into everyday language accessible to lay audiences.

Regarding horizontal relationships, the student successfully visualized groups of intelligible concepts. For example, looking at the collecting/sorting/exporting level, the v-chart represents the student’s awareness of the different features of a linear recycling approach that could lead to inefficiencies. What is important to recognize at this level is that the student makes no claim about which of the features leads to greater inefficiencies—that assessment comes lower on the vertical pathway. Rather, the level operating at this point induced a pause in the student’s thinking, a pause that thwarted her impulse to claim a solution and spurred her to survey other available options for addressing the larger issue of recycling inefficiency. Through identifying these other options, the student simulated the operations of oppositional logic by making visible the not-A examples that compete for the student’s framing attention when revising the v-chart. For example, if the student later decided in a policy proposal to focus her arguments on the collecting challenges of recycling, the v-chart reminds her that sorting and exporting are still
relevant as potential influences and thus prepares her to better anticipate counterarguments to any collecting claims she develops.

To close this section, I want to remind readers of the unfamiliar, messy, and sometimes misguided nature of v-chart mapping. Students will continue to oversimplify concepts, draw tenuous connections, and miss opportunities for developing nuance between macro/micro relationships, such as in the gap between single-stream and contamination in Figure 1, where the student failed to identify intervening micros that would provide much needed specificity to that relationship. Regardless of the success or failure of this student’s mapping, through composing and revising the v-chart, her thinking developed in three important ways. First, the student’s orientation to the issue shifted from solution to addressability. That is, in authoring new micros, the student identifies and defines new problem spaces for stakeholders to locate their work and develop arguments to access the problem and grapple with its exigencies. Second, through authoring the new problem spaces, the student experienced the phenomenon of writing with constraint. Writing with constraint is a key feature of composing in professional environments as rules and norms take on special meaning and set parameters for what counts as actionable discourse, namely something that can be recognized and acted on by peers within the professional community. Third, and most important, the student wrestled with the complexity inherent to reasoning with specificity, namely how the relationality, oppositional logic, and anticipation of naming gives shape to an idea’s form. At play in each of these advances to the student’s thinking is the quest to render the issue as intelligible, i.e., make it actionable for public and private stakeholders. V-charting provides students the opportunity to author the conditions of intelligibility that will set the grounds for what it means for someone to access and communicate well in a specified professional community.

**Narrative Composing**

To articulate their understanding of the public issue’s addressability, students compose a narrative that tells the story of their v-chart, i.e., describes the different critical reasoning processes through which they can develop arguments to address the issue. Students’ goal in composing the narrative is not to rely on descriptive, play-by-play expressions of the decisions they made. Rather, their goal is to explain the rationale for their decision-making, namely why they developed specific macro/micro relationships over others that were available to them.

In their narratives, students pay special attention to the relationality, oppositional logic, and anticipation that operates in their v-chart and note how those phenomena create conditions for argumentation. Looking at Figure 1, the student would explain the vertical and horizontal relationships that flowed from the initial framing between the macro inefficient recycling and the two second level micros, structure and policy. She would describe how inefficient recycling is a complex issue that involves many factors like economics, politics, environment, infrastructure, and law, and that in this instance, she believes the infrastructure and policy routes offer the most efficient way to have some initial impact. In describing these relational choices—inefficient recycling and infrastructure and inefficient recycling and policy—the student would demonstrate three things. First, she would demonstrate awareness of the broad rhetorical context in which the issue exists, i.e., here’s the world of the issue. Second, she would demonstrate her capacities as a strategic thinker, i.e., here are two ways to narrow that world and make the issue actionable. Third, she would demonstrate how different dimensions of a problem are in conversation, i.e., here’s how those dimensions influence each other. For example, in this student’s narrative, she commented on how the v-chart helped her see the ways policy operated uniquely at each horizontal level, namely how finance was a contractual, procurement matter with exporting processes whereas for sorting processes it was a labor/human resources issue.
Armed with the understanding of these nuances, the student now has criteria for evaluating the different information needs of procurement and human resources specialists and can constrain her writing to those competing needs.

To extend their thinking about an issue’s relationality, students are asked to describe how oppositional logic and anticipation are implicated within it. Regarding the former, students would describe how they surveyed available themes for a label and selected one that was: (1) capacious enough as a macro to house or hold various micro examples that sufficiently defined the theme, and (2) distinct enough from other themes on the same horizontal level such that the A/not-A relationship would hold. That is, students describe how their naming practices created themes with rigid boundaries that imposed distinct intelligibility requirements that required stakeholders to develop data and information to speak in the name of the theme. As part of this discussion, students also would describe the clearing-out effect of choosing their theme (A) over other options (not A). More specifically, students would try to attend to those aspects of the not-A that circulated behind the scenes of the framed A issue and laid ready to animate potential counterarguments to A. In the student’s narrative to the v-chart in Figure 1, she commented on the merits of a non-linear recycling structure but noted that the broad diversity of those structures made it difficult to explain those merits in an accessible way to lay audiences. Using robustness as an example of merit, the student noted the positive connotations of robust processes but then quickly noted the difficulty in specifying how robustness could lead to tangible results. She then explained how the challenge of tangibility is exacerbated when compared to a linear approach and its implicit benefits of efficiency and predictability. Ultimately, through this back-and-forth discussion of A/not A, the student experienced the oppositional/adversarial nature of argumentation by exploring the discursive grounds, i.e., vocabulary/terminology, of disagreement. Importantly, this anticipatory pedagogical work is different than simply imagining the counter claims an adversary or opponent might make. Instead, this work involves interaction with a structural component of argumentation, namely the vocabulary/terminology that will create distinct pathways for developing arguments.

Regarding the style or genre of the narrative, students are encouraged to draw from the early mapping work they did in the v-chart and use its structure to organize their writing. As noted earlier, the v-chart has a natural hierarchical macro/micro structure that lends itself well to identifying levels of information within a document. Thinking about these levels in terms of information design, the different theme levels offer model language for developing header and sub-header sections in the narrative. Similar to how headers and sub-headers signal informational content in a report, students learn how to signal the informational content of their own authored problem, and in doing so, they identify the terms of engagement (Hannah & Saidy, 2014) for intelligibility. That is, they provide the rule book, if you will, for communicating about their set problem. When done well, a narrative represents the dynamic nature of the set issue and describes distinct pathways for addressing the issue in a constrained, yet strategic, manner.

**Anticipating the Transition**

I will use the remainder of this article to discuss three of the PSN’s intended outcomes and how they will help students imagine and work through the undergraduate to law school transition, specifically, awareness of: (1) problem authoring, (2) the structure of legal discourse, and (3) the facets of legal critical thinking.
Problem Authoring
As noted in the opening of this article, my principal motivation for developing the PSN was to disrupt students’ understanding of what it means to use writing to address problems. Often, when we ask students to think about a problem to write about, they will name topics in an overly broad manner—“I want to write about mitigating climate change,” “I want to write about developing gun control laws,” “I want to write about abolishing the death penalty,” etc. Across these examples, we see recognition of an important and timely issue (A) and an associated action verb (B), e.g., mitigating, developing, abolishing, that projects a desired end. In fairness to my students, I know they do not believe that the argument they lay out will ultimately achieve the desired end, but what strikes me each time I hear an “I want to write about...” statement is the student’s acceptance of the problem as a given, as something that cannot be understood or expressed as different. In the practice of law, problems do not show up in this way. Granted, there are typical patterns with some legal problems, but at its core, a problem is unique to the facts and circumstances of the specific context in which the problem arose. The opportunity for a lawyer is to define that problem, i.e., author it, and give it meaning.

Take your standard self-defense case, where the prosecutor identifies the legal issue as battery and the defense attorney qualifies it as self-defense. Each frame calls on the facts and circumstances to define the parameters of the frame that give shape to the problem. For example, in arguing self-defense, the defense attorney is saying the parameters of the problem are that the defendant acted reasonably in the face of an imminent threat, i.e., the person could not avoid a perceived harm and responded in a way that was proportional to the harm posed. The specific parameters that set the problem in this instance—reasonableness, imminence, threat, avoidance—provide the grounds for intelligibility by signaling what evidence from the problem context will be deemed relevant for crafting a legal argument. Translating this example in terms of a v-chart map, the terminology defining the parameters of self-defense will operate as labels, and students would identify behavioral features and examples from the fact pattern that illustrated the labels, e.g., threat—the attacker raised a bat to strike your client.

Ultimately, in naming the labels, students create the constraints within which they will write, i.e., they author the conditions of possibility for argumentation. Enquist (2005) argues there are fundamental differences between undergraduate and legal writing. I see knowing how to write within constraints as an example of one of these fundamental differences, and v-chart mapping offers students, as authors, the opportunity to develop some facility with navigating this important transition hurdle.

Structure of Legal Discourse
Working again with Enquist’s (2005) recognition of the fundamental differences between undergraduate and legal writing, the PSN invites students to negotiate another of these differences—writing in formal discourse structures. Legal genres like memos, briefs, and motions involve unique genre features that engender a particular, professional discourse style, one that generally moves from the identification of general principles and rules to the specification of arguments that represent a persuasive application of those principles and rules. The PSN’s v-chart map mirrors this hierarchical, general-to-specific argument structure, as it includes hallmarks of good organization in legal writing like the division of complex material into sections/subsections and the development of language for headers/sub-headers (Tiersma, 1999). In directing students’ attention to how label naming fosters conditions for the division, or partitioning, of concepts, the v-chart demonstrates the constitutive nature of arrangement. That is, rather than seeing arrangement merely as an outlining matter, a document’s arrangement scheme, via its headers/sub-headers, is content that communicates to readers what matters, i.e., has value, has
priority, and has authority. I see disrupting students’ understanding of arrangement away from outlining as offering them, as authors, the opportunity to develop some facility in navigating the discourse structure hurdle that illustrates another of the fundamental differences between undergraduate and legal writing.

Legal Critical Thinking
As noted in this article’s introduction, an organizing feature of law school curriculum is helping students inculcate the habit of mind underlying what it means to “think like a lawyer” (Mertz, 2007; Schauer, 2009). At play in this professional thinking practice are notions of relationality, hierarchy, simultaneity (i.e., oppositional logic), anticipation, and intelligibility (Hannah, 2024) that represent facets of legal critical thinking. The PSN’s v-charting work requires students to negotiate these facets in their invention practices as they compose the narrative story of their set problem. Beginning with the initial framing choice students make regarding their public issue, they encounter the relationality that inheres in that framing choice and will explore the range of available macro/micro relationships that can speak to and give meaning to the problem as it is framed. Through establishing the macro/micro relationships, students witness the hierarchy of legal critical thinking and also gain insights into the simultaneity of legal issues, the A/not A nature of legal issues that emerges through issue spotting and naming. Lastly, in structuring the macro-micro relationships, students lay out a visual field that prompts them to ask both what is next and what counter arguments circulate as non-A claims in the background of the v-chart’s argumentative structure. Ultimately, the intra workings of these critical thinking facets shape lawyers’ translational work that is involved in fitting their arguments with the required intelligibility for participating in law’s discourse system. I see introducing students to these distinct analytical workings as offering them, as authors, the opportunity to develop and leverage some facility in “thinking like a lawyer,” which in many respects, I believe, is the most durable influence operating in the undergraduate to law school transition.

Opportunities and Challenges
Teaching this assignment is a wonderful opportunity to situate students in contexts tied to their course of study and offer the chance to think about what it might mean to work in the professional world. In particular, they learn to see themselves in such work and imagine the relevancy of the expertise and skills they are developing in their course work. The biggest challenge to teaching the PSN is working against students’ instincts or beliefs that complex problems are ultimately solvable. Resisting the impulse towards resolution, the assignment invites students to think of complex social issues as addressable, as primed for engagement through nuanced issue framing. A related challenge is students having sufficient knowledge of rhetorical concepts implicated in the assignment. For example, questions about rhetorical issues like exigencies, the rhetorical situation, kairos, audience, identification, ethos, pathos, and logos, animate this assignment, and I believe they offer students useful vocabulary for talking about their mapping and composing decisions. Equipping students with knowledge of such concepts thus stands as a simultaneous opportunity and challenge for instructors to navigate. Lastly, a persistent challenge in teaching the assignment is providing students the space to fail. Because I know I am inviting a rupturing (Mertz, 2007) of students’ reasoning processes, I am overly attentive at times and handhold too much early on—I ask too many leading questions and offer too many labeling suggestions for building their v-charts. In those moments, I have to remind myself to let them be and provide the space to think and revise, to allow them to center their own thinking in their mapping and writing work. Ultimately, in allowing students to work in this way, we can create conditions for learning how to “think like a lawyer” and thus begin to
Moving Toward a Professional Life

Using the PSN to prepare students for professional careers encourages them to newly imagine writing’s role in their work. No longer is writing simply a way to respond to and address problems. Instead, writing is a way to craft a call to action, to set a problem in its larger rhetorical context and draw connections between its various legal, social, cultural, political, and economic dimensions to make it addressable by a wide array of stakeholders. Learning to do this work is especially important in contemporary professional work environments that are characterized by workers collaborating across different specialties with competing notions of time, space, language, values, and knowledge. Failing to accommodate these competing phenomena can dampen writers’ calls to action by creating cognitive dissonance rooted in disparate framing and language-use practices. In the practice of law, such dissonance can be especially poignant as law’s specialized language, distinct discourse structure, and diverse reasoning practices (see Conti et al., 2024, pp. 20-26) introduce unique barriers to newcomers’ transition towards learning to “think like a lawyer.” While the goal for students is not complete mastery of law’s communication and reasoning practices, the PSN’s initiation of students in those practices through combined mapping and writing primes them to negotiate the transition’s discursive complexity in meaningful ways.

ASSIGNMENT

Problem Setting Narrative (PSN)

This project involves students visually mapping and composing a written narrative that describes the various inputs and/or pathways that “feed” a problem of public concern. You will produce two deliverables and also deliver an informal presentation to a group of your classmates to receive revision feedback.

Deliverable 1—V-Chart Mapping

You will complete a v-chart map that frames your selected problem and visualizes argumentative pathways for addressing the problem (see attached student example). To begin your map, you will need to develop keywords and keyword phrases to populate the macro/micro labels that you will use to signal the argument structure of your proposed reasoning pathways. When creating these labels, you will need to be mindful of the relationships between the macro/micro sections to ensure that the labels offer meaningful distinctions both vertically and horizontally on the map and also create comparable, apples-to-apples relationships on the vertical and horizontal pathways.

In Week 1 of this assignment, you will complete a draft of the v-chart map for peer review. You will revise the v-chart during Week 2 of the assignment while you compose your narrative.

Deliverable 2—Narrative Composing

To describe your reasoning processes in developing the v-chart map, you will compose a narrative that tells the story of your v-chart, i.e., describes how and why you framed the public issue in the manner you did as well as how and why you developed and named your macro/micro labels to establish the vertical and horizontal relationships on each reasoning pathway. As part of this
discussion, you will comment on the range of names you considered for your labels and note how the labels, though related, offer different argument pathways for addressing the narrative. To limit the scope of your narrative, you will select 2 of the pathways to describe in detail and note how they relate to the other pathways on the v-chart map.

When composing the narrative, your goal is not to provide a play-by-play breakdown of what you did—your goal is to describe your reasoning process so that I can see your mind at work. Doing so will enable me to provide more targeted feedback to guide your revision process. To structure your narrative, I encourage you to model the layout of your v-chart map and use the language from your labels as your headers and sub-headers.

In Week 2 of this assignment, you will compose a draft of your narrative for peer review. You will revise the narrative during Week 3 of the assignment.

Informal Presentation
During our Week 3 class sessions, I will create groups of 4-5 students for informal presentations of your problem setting work. You will have 5 minutes to describe your v-chart mapping and composing, and your group members will have the opportunity to ask questions and offer feedback for revision.

Supplementary Material
For supplementary material accompanying this paper, including a PDF facsimile of the assignment description formatted as the author(s) presented it to students, please visit https://doi.org/10.31719/pjaw.v8i2.188.

References