

**2006 AALS ANNUAL MEETING SENTENCE OUTLINE
WORKSHOP ON A SEARCH FOR BALANCE
IN THE WHIRLWIND OF LAW SCHOOL
CONCURRENT SESSION: PANEL ON TEACHING AND GRADING**

**VALUING AND NURTURING OUR STUDENTS
THROUGH MULTIPLE INTELLIGENCE PEDAGOGY**

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Introduction:

This presentation would be derived from my article *Valuing and Nurturing Multiple Intelligences: A Paradigm Shift*, 11 WASH. & LEE RACE & ETHNIC ANC. L. J. 1 (2005) applying Harvard educational psychologist Howard Gardner's theory of Multiple Intelligences (MI) to legal education. My article proposes that using MI theory to take a new, more expansive approach to recognizing and evaluating student capabilities could help us to provide a better and more humane legal education in several arenas. Utilizing this theory could enable us to render our students the ultimate service of recognizing their unique potentials and tailoring their legal education in our teaching and mentoring to nurture their individual talents.

Description of Presentation:

This presentation will be divided into three sections: 1) describing traditional intelligence theory and how Gardner redefined it; 2) exploring his nine identified intelligences and how each of them might contribute to successful lawyering; and 3) identifying teaching and evaluation techniques in which MI theory could be employed to provide a more inclusive experience for students and could create a learning environment that fosters the wide array of skills and talents practicing lawyers need in today's competitive environment.

1) Traditional Intelligence Theory and the Gardner Redux

I will spend the first minutes of my presentation discussing traditional IQ theory, as characterized by Binet, Piaget, and others, and how that theory has become entrenched in institutions of higher education, including law schools, particularly in light of the paramount role played by standardized testing. I will then introduce Gardner's MI theory and his criticisms of the traditional model. I will, however, explore potential criticisms of Gardner as well, particularly those positing that we should retain the status quo.

2) The Nine Intelligences

Gardner has identified nine distinct intelligences: logical-mathematical, linguistic, spatial, inter- and intrapersonal, musical, bodily-kinesthetic, natural, spiritual, and existential.

I will explore each of these in turn and, with the audience, brainstorm about the different manners in which each of these intelligences could aid a lawyer in being better at her craft.

2) Legal Education

For the final portion of my presentation, I will describe teaching and grading techniques where MI theory could be employed to make law school a more beneficial and inclusive experience for a greater number of students. There are methods of instruction and evaluation that we can use which are more reflective of legal skills and mastery of material than traditional pedagogical methods. Langdell's Socratic Method and the bluebook examination have both been criticized as discriminatory and favoring a small group of intelligences to the exclusion of others. I will solicit views from the audience as to how we could engage each one of the intelligences in our classroom teaching and will particularly highlight simulations, both brief and extended, as a possible means of better educating and testing our students.

There will be time for audience questions at the end.

DESCRIPTION OF HANDOUT MATERIALS

Along with my presentation, I will provide a bibliography of leading sources for further information on multiple intelligence theory and legal pedagogy. I will also include a multiple intelligence self-inventory for participants to complete for their information.

SELECTED BIBLIOGRAPHY

My article on which this presentation is based cites approximately sixty sources. Following is a sampling of some of these:

Mark Neal Aaronson, *Thinking Like a Fox: Four Overlapping Domains of Good Lawyering*, 9 CLINICAL L. REV. 1 (2002).

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Derrick Bell and Erin Edmonds, *Students as Teacher, Teachers as Learners*, 91 MICH. L. REV. 2025 (1993).

JEROME J. BRUNER, *ON KNOWING: ESSAYS FOR THE LEFT HAND* (1979).

Charles R. Calleros, *Training a Diverse Student Body for a Multicultural Society*, 8 LA RAZA L. J. 140 (1995).

Kimberlé Williams Crenshaw, *Forward: Toward a Race Conscious Pedagogy in Legal Education*, 11 NAT'L L. J. 1 (1989).

Richard Delgado, *Official Elitism or Institutional Self Interest? 10 Reasons Why UC-Davis Should Abandon the LSAT (And Why Other Good Law Schools Should Follow Suit)*, 34 U.C. DAVIS L. REV. 593 (2001).

Harry J. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992).

Paul S. Ferber, *Adult Learning Theory and Simulations – Designing Simulations to Educate Lawyers*, 9 CLINICAL L. REV. 417 (2002)

Charles L. Finke, *Affirmative Action in Law School Academic Support Programs*, 39 J. LEGAL EDUC. 55 (1989).

HOWARD GARDNER, *FRAMES OF MIND* (1983).

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Lani Guinier, *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994).

Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75 (2002).

M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 SEATTLE U. L. REV. 139 (2001).

Sandra Janoff, *The Influence of Legal Education on Moral Reasoning*, 76 MINN. L. REV. 193 (1991).

Andrea Kayne Kaufman, *The Logician Versus the Linguist—An Empirical Tale of Functional Discrimination in the Legal Academy*, 8 MICH. J. GENDER & LAW 247 (2002).

Janeen Kerper, *Creative Problem Solving vs. the Case Method: A Marvelous Adventure in which Winnie-the-Pooh Meets Mrs. Palsgraf*, 34 CAL. W. L. REV. 351 (1998).

Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support Programs*, 31 U.S.F. L. REV. 839 (1997).

Carrie Menkel-Meadow, *Aha? Is Creativity Possible in Legal Problem Solving and Teachable in Legal Education?*, 6 HARV. NEGOT. L. REV. 97 (2001).

John B. Mitchell, *Current Theories on Expert and Novice Thinking: A Full Faculty Considers the Implications for Legal Education*, 39 J. LEGAL. EDUC. 275 (1989).

William Wesley Patton, *Opening Students' Eyes: Visual Learning Theory in the Socratic Classroom*, 15 L. & PSYCH. REV. 1 (1991).

JEAN PIAGET, *SUCCESS AND UNDERSTANDING* (1974).

Cruz Reynoso and Cory Amron, *Diversity in Legal Education: A Broader View, A Deeper Commitment*, 52 J. LEGAL EDUC. 491 (2002).

Marjorie A. Silver, *Emotional Intelligence and Legal Education*, 5 PSYCHOL. PUB. POL'Y & LAW. 1173 (1999).

Ian Weinstein, *Testing Multiple Intelligences: Comparing Evaluation by Simulation and Written Exam*, 8 CLINICAL L. REV. 247 (2001).

Linda F. Wightman, *The Threat to Diversity in Legal Education: An Empirical Analysis of the Consequences of Abandoning Race as a Factor in Law School Admissions Decisions*, 72 N.Y.U. L. REV. 1 (1997).