

Typically, the law school examination or paper not only provides students with an evaluation of their work but also gives them some sense of the teacher's expectations or standards for the course. But waiting until the end of the term to provide feedback and guidance on faculty expectations regarding the course is simply too late. The student needs to have constant interaction with the teacher and assessment in a variety of ways, but particularly with regard to assignments.

The decline in motivation of students might be countered by giving students more say about the shape and scope of course coverage, by looking for opportunities to relate class discussion to issues outside the law school, or by allowing students, rather than the teacher, to be the questioner for a day. The objective is to engage students in their own learning process so that they will want to do more because it matters.

It is no longer acceptable for anyone – certainly for any member of a law faculty – to declare that women or African-Americans do not have the mental acumen to master the law. And yet expectations for minority students still tend to be low. Some of the problem is confusion over affirmative action. Instead of understanding that it works legitimately to create opportunity, some see affirmative action as an undeserved handout and assume that it brings unqualified and incapable people into law schools. That assumption is simply not supported. If the myths persist, the law school community must do everything possible to counter them, and to insist on high expectations for minority as well as non-minority students.

Instilling in students a commitment to high expectations that will be a part of their personal and professional lives requires more than ensuring that the students have mastered the content, have turned in assignments on time, or even attended class on a regular basis. All of these actions on the part of the student can demonstrate, in part, a commitment to meeting goals and levels of high achievement. But high expectations must

be stitched into students' hearts as well as their minds. They need teachers who know that students can learn, who will commit themselves to assisting, encouraging, and even demanding that students reach higher than the students' own expectations and who, by example, consistently model high expectations both in and outside the classroom.

**Principle 7: good practice respects diverse talents and ways of learning**

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There are many roads to learning. People bring different talents and styles of learning to college. Students rich in hands-on experience may not do well with theory. Students need the opportunity to show their talents and learn in ways that work for them. Then they can be pushed to learning in ways that do not come so easily. The seventh principle asks educators to respect all forms of diversity – not only differences in ethnicity, race, gender, age, sexual orientation and cultural and socio-economic background, but also diverse learning styles, forms of intelligence, previous experiences, levels of preparation for learning, external environments, values and goals.

Respecting diversity does not require us to lower standards and compromise the profession. It does require us to expand our definition of excellence to include a more comprehensive range of skills and abilities. If we understand that there are multiple types of intelligence and that successful professionals use them in combination, we will see that the traditional educational experience is limited because traditional modes of teaching and evaluating focus on only one type.

Institutions that respect diversity must have diversity as an explicit institutional goal. Programs that actively nurture and support diversity are central to the institution's mission – not merely token or marginal. Respect for diversity is evident in: the institutional and classroom climate; admissions processes

and selection criteria; academic policies; students support services; the composition of student body, faculty, and staff; the curriculum; evaluation of student performance; and pedagogy.

The overall climate in an effective institution reflects more than mere tolerance of difference; it embraces difference as a positive and desirable element of a learning environment. The overall climate in most law schools tends to be competitive and hostile, not cooperative and supportive. For many students, this creates a great deal of psychological distress and decreases their motivation to learn. The lack of content relevant to students' lives, the absence of any collaborative learning, and the traditional modes of grading and evaluating performance tend to increase their feelings of alienation.

To create a more effective learning climate, law schools could adopt a pedagogy that connects content to student experience, incorporates students' values, and promotes collaboration. In addition, they could eliminate class ranking and the curving of grades. They could create honours and scholarships based on a broader range of talents, so that more students receive institutional recognition.

Unfortunately, many students perceive the law school classroom as unsafe and so are reluctant to take academic risks. They avoid participating in discussions for fear of being humiliated. Teachers can foster a more effective classroom climate if they treat students with respect; combine the Socratic method with other teaching methods, especially cooperative learning exercises; incorporate different experiences that allow students to display their knowledge in a variety of ways; state their expectations explicitly; give students written questions and hypothetical problems before calls; teach students how to prepare for class; and evaluate student performance in a variety of ways.

To respect diversity, an institution first needs to understand the unique circumstances each student brings to the

learning environment. For law schools this is especially necessary because most law students do not have the luxury of making their studies their sole focus in life. Most law students must work during the school year. Consequently, institutions that respect diversity must have flexible academic policies that accommodate students' varying circumstances.

A curriculum that respects diversity recognises that both the sequencing and the content of courses must be responsive to the diverse needs of the students. The sequencing of courses should build from the students' existing knowledge base and experience, lay an appropriate foundation and provide context for the subject matter, and develop levels of sophistication progressively. Effective curriculum design also integrates skills with substantive courses; provides interdisciplinary course options; helps students see the relationships among their courses; incorporates supplemental and background materials; and includes diverse content, perspectives, and values. The effective curriculum design provides various learning options outside the classroom, such as clinical courses, externships, independent studies and small seminar courses.

The principle that effective pedagogy respects diverse talents and ways of learning is firmly grounded in theories of adult learning, metacognition, multiple intelligences and learning styles. Theories of metacognition indicate that learners maximise their learning and performance when they are aware of how they learn, match their learning method to the learning task, receive frequent and prompt feedback and then modify their methods to increase their learning effectiveness.

Theories about learning styles indicate that learners have a preferred mode of learning, that people learn in different ways, that a variety of learning styles will be present in any classroom, and that no one teaching method is effective for all students. Students can enhance their learning and performance

when they learn more about their own styles and when the instructional methods match their particular styles. Once students understand their own preferred style, they can use alternative learning strategies.

Law teachers who respect different ways of learning teach students about learning styles, provide students with learning style assessments, learn about their students' styles, teach study strategies for the different styles, and use a variety of teaching methods. Effective pedagogical practice respects diverse talents and ways of learning not only by teaching the skills of learning and using a variety of methods, but also by approaching the educational endeavour from a learner-based perspective.

Effective law teachers are interested in and actively learn about their students' diverse ideas, values, interests, motivations, and backgrounds. Effective teachers use what they know about their students when they introduce new information. Teachers also can use information they have gleaned to increase their sensitivity and the students' sensitivity toward other students.

Respecting diverse talents and ways of learning may be the most radical of the seven principles in that it requires a significant shift for most educators. It threatens our notion of standards and causes us to broaden the way we define achievement and determine success. Such a shift may even cause us to add new standards of excellence, such as mastery of learning skills as well as content, and proficiency in more than one type of intelligence. Adopting a worldview that respects diversity challenges us to reconsider our values and modify our actions. But implementing this principle could have a significant impact on legal education and the legal profession. In respecting diversity, law schools will accept, teach, and graduate students who will be better equipped to address the legal needs of our changing society.

## REVIEW ARTICLE

### The law school – global issues, local questions

F Cowie (ed.)

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260pp.

This book is a collection of nine essays contributed by authors from the United Kingdom, Australia, Canada and Italy. It is edited by Fiona Cownie, who is the convenor of the Working Group on the Legal Professions, a sub-group of the International Sociology Association's Research Committee on the Sociology of Law.

As the editor notes in her foreword, whereas legal education is carried out differently in different jurisdictions, there are many issues of common concern to legal educators. She also maintains that, while in the past the study of legal education has been neglected and marginalised, there is now a growing professionalisation to the research into legal education, which in turn leads to a greater self-awareness.

In the first chapter Anthony Bradney looks at the proper role for liberal education in law and concludes that, although there is widespread acceptance among legal academics of the value of a liberal legal education, it is likely that they do not fully comprehend what is entailed in this notion. In many instances, their endorsement is no more than a manifestation within the law school of an opposition to vocational education and to the intrusion of the professional associations into the their curriculum preserves. Roger Brownsword in chapter 2 takes up the challenge issued in the United Kingdom by Lord Chancellor's Advisory Committee on Legal Education and Conduct to law schools to assume the responsibility for producing good citizens as well as good lawyers.

Fiona Cownie mounts a strong argument in chapter 3 for less emphasis to be placed on research as the principal area of activity for legal academics and more on acquiring an understanding of educational theory and practice as a founda-