

Humanising Legal Education through Valuing and Nurturing Multiple Intelligences

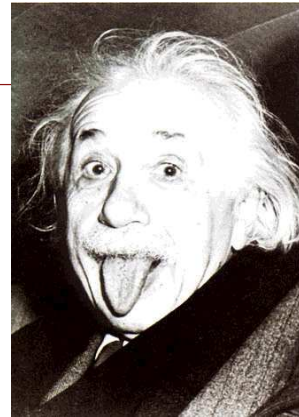
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And these tend inward to me, and I
tend outward to them,
And such as it is to be of these
more or less I am,
And of these one and all I weave
the song of myself.

Walt Whitman
Song of Myself

Today's Discussion

- I. Howard Gardner's Theory of Multiple Intelligences
- II. The Intelligences and Their Application to Lawyering
- III. Legal Pedagogy and Testing
- IV. Legal Careers



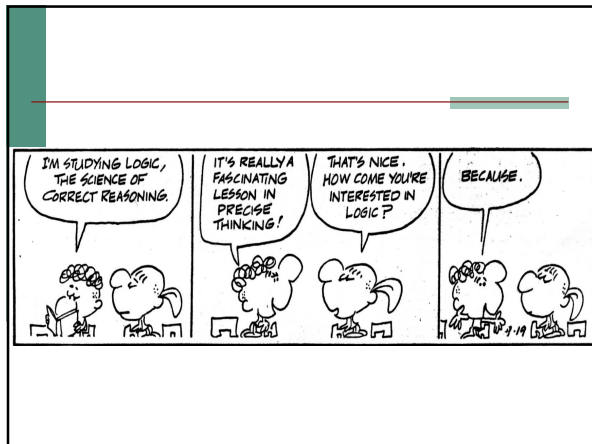
Howard Gardner's Theory of Multiple Intelligences

- *Frames of Mind: The Theory of Multiple Intelligences*
- A new theory of human intellectual competences
- Binet IQ Test has relatively little predictive power outside the school context

Howard Gardner's Theory of Multiple Intelligences

- Logical Mathematical Intelligence
- Linguistic Intelligence
- Spatial Intelligence
- The Personal Intelligences
- Musical Intelligence
- Bodily Kinesthetic Intelligence
- Natural Intelligence*
- Spiritual Intelligence*
- Existential Intelligence*

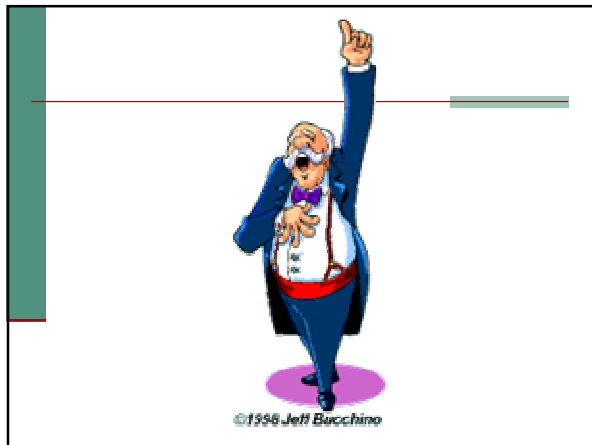
*proposed in *Intelligence Reframed* - 1999



Logical-Mathematical Intelligence

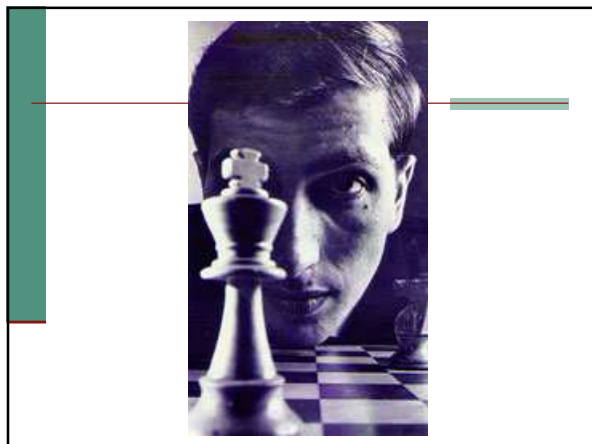
Capacity to:

- Analyze problems logically
- Carry out mathematical operations
- Investigate scientific claims



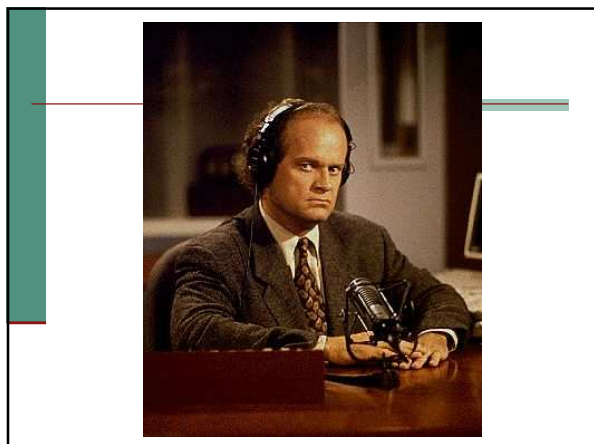
Linguistic Intelligence

- Mastery of semantics
- Mastery of phonology
- Mastery of syntax
- Mastery of the pragmatic functions



Spatial/Visual Intelligence

- Potential to recognize and manipulate patterns of wide space (pilots, navigators), as well as the patterns of confined areas (chess players, surgeons)



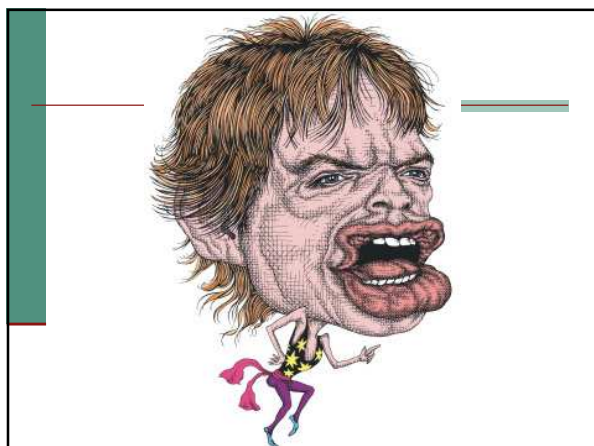
Interpersonal Intelligence

- Capacity to understand intentions, motivations, and desires of other people, and to work effectively with others



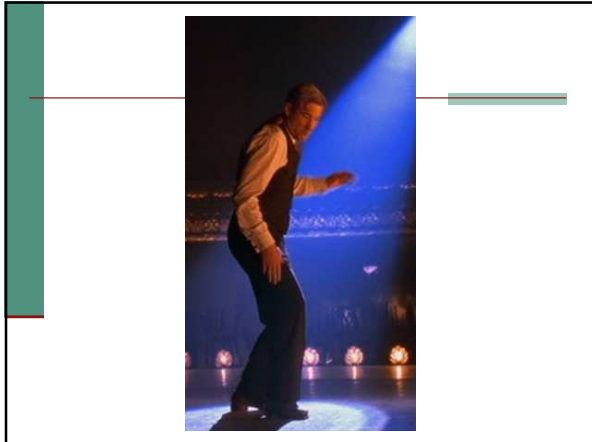
Intrapersonal Intelligence

- Capacity to understand oneself; to have an effective working model of oneself; insight
- Includes the use of such information in effectively regulating one's own life
 - Self awareness
 - Self confidence
 - Self discipline
 - Motivation



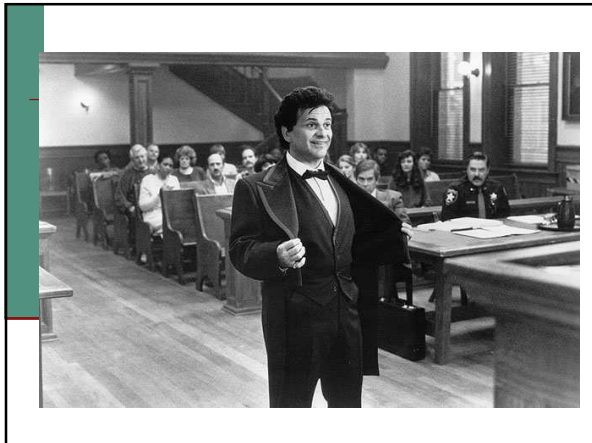
Musical Intelligence

- Skill in the performance, composition, and appreciation of musical patterns
- Almost parallel structurally to linguistic intelligence

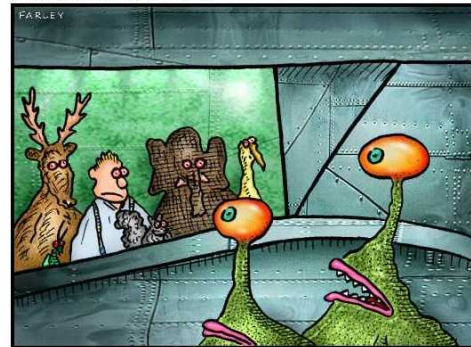


Bodily-Kinesthetic Intelligence

- Potential of using one's whole body or parts of the body to solve problems or fashion products
- For expressive as well as goal directed purposes
 - gross motor skills
 - fine motor skills
 - facial expressions
 - body language/posture



DOCTOR FUN



"They all look alike to me."

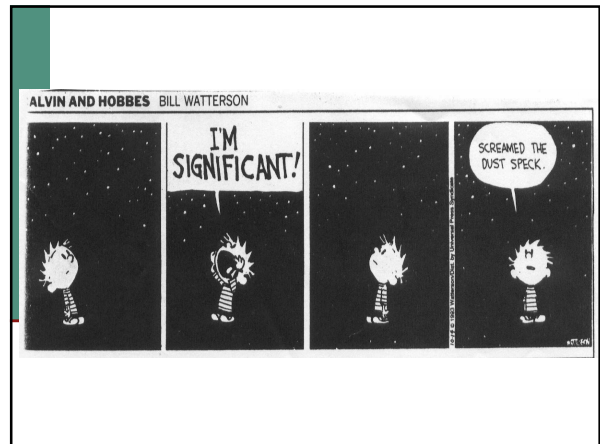
Natural Intelligence

- Core capacities to recognize individuals as members of a group
- To distinguish among members of a species
- To recognize the existence of other, neighboring species
- To chart out the relationships among the several species



Spiritual Intelligence

- Concern with cosmic or existential issues
- Achievement of a state of being
- Effect on others



Existential Intelligence

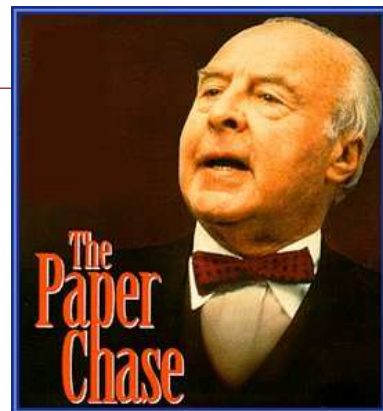
- Concern with ultimate issues
- Capacity to locate oneself with respect to the furthest reaches of the cosmos and existence
- Ability to imagine and contemplate the infinite

Criticisms of Multiple Intelligence Theory

- Logical and linguistic intelligences should be valued above others
- The theory is arbitrary

Multiple Intelligences in Law School Instruction and Evaluation

- Traditional model of instruction
- Traditional model of evaluation
- Alternatives



Traditional Model of Instruction in the U.S.

- The Socratic Method
- Reading, answering questions about, and applying the rules of appellate decisions
- Can be quite successful in engaging logical and linguistic intelligences

Possible Drawbacks to the Socratic Method

- Favors men
- Favors whites
- Addresses few intelligences

Traditional Model of Evaluation in the U.S.

- One Time Written Examinations
 - Issue spotting
 - Application of precedent to fact patterns
 - Effective in evaluating certain intelligences

Possible Drawbacks to Written Examination

- Grades in many courses hinge on a single examination
- Restrictive format
- Not reflective of multiple intelligences



Alternative Methods of Instruction and Evaluation

- Movement away from education as a “spectator sport”
- Multiple Intelligence based assignments
- Instructor can provide varied assignments that cut across different intelligences



Linguistic Intelligence

- Participate in class discussion.
- Create a narrative
- Write a research paper
- Interview an expert
- Interpret a chapter of text
- Lecture the class

Spatial/Visual Intelligence

- Paint, draw, or create a mockup of an evidentiary exhibit
 - Create chalkboard or paper charts to illustrate legal issues
 - Design a software program as a study aid (e.g. citation)
- Instructor utilizes chalkboard, multimedia, and audiovisual equipment as much as possible

Bodily/Kinesthetic Intelligence

- Perform in mock oral argument or moot court
- Participate in simulations (more on this later)
- Create a skit demonstrating a legal principle or scenario
- Travel to courts and other legal institutions

Musical Intelligence

- Write songs to demonstrate legal principles
- Incorporate musicality (eloquence) into oral class performances

Interpersonal Intelligence

- Interview legal professionals
- Team teach a legal concept with other students or the instructor
- Participate in team-oriented simulations, projects, and externships
- Engage in regular class participation

Intrapersonal Intelligence

- Write a journal reflecting on a legal experience
- Discuss the ethics relating to a legal argument
- Be diligent in setting and attaining goals regarding quality and timeliness of work product (the effort grade)

Naturalistic Intelligence

- Effectively compare and contrast legal situations
- Demonstrate honed ability to analogize and distinguish precedent

Spiritual/Existential Intelligence

- Act as a leader in the law school community or even in the classroom
- Demonstrate an appreciation of the moral and philosophical context of a legal debate

An Alternative Legal Instruction and Evaluation Paradigm: Simulation

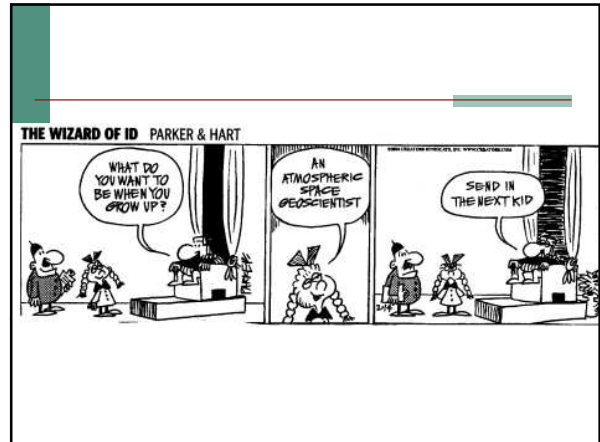
- The performance of a lawyering task using a hypothetical situation which emulates reality
- Can vary in time duration and scope
 - The simple simulation
 - The extended simulation

Real-World Applications

- Extended simulation at UND Law School
 1. Issue spot
 2. Client intake interview
 3. Memo to file
 4. Client letter
 5. Settlement negotiation
 6. Contract drafting
 7. Negotiation journal
 8. Motion brief
 9. Oral argument

Spotting the Knack: Multiple Intelligences in Legal Career Mentoring

- Intelligence identification could aid in career counseling
- Professors uniquely situated to correlate student strengths with possible career paths
- Chambers v. public interest/public service
- Barrister v. solicitor



Overall Criticisms of Multiple Intelligence Theory in Legal Education

- Traditional teaching style works
- Some students may not be adequately prepared
- Some students should not attend law school

Conclusion

- Legal education should change, not students
- Diverse and pluralistic society
- Law students are adult learners to be treated with respect
- Challenge is to support the average student or the student who may be extraordinary in a way that may have gone unrecognized in the past
- Maximize effectiveness of representation for an intellectually diverse society
- "No single, central, organizing paradigm will be adequate."

