

Education & Practice

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Learning Styles and Problem-Solving: What Difference Does Our Teaching Make?

By Eric DeGross

It is no secret that today's law students are different from those of previous generations. Most are products of the television and computer age and are used to having instant access to information.¹ They are less likely to have learned primarily through books, but have grown accustomed to – some would say, dependent upon – the stimulation of visual learning and entertainment. They are thus more likely to be visual learners and holistic, right-brained thinkers, rather than sequential, logical thinkers.² And if the literature is correct, they are also less adept, on the whole, than previous generations at organizing and synthesizing large amounts of information -- and in fact are often less motivated even to try.³

This does not mean that students in Generations X and Y are less capable of learning. But it may suggest a need to reconsider law school pedagogy to ensure that we are providing what they require to prepare them for prac-

tice.⁴ The literature increasingly suggests an expanded role for experiential teaching and learning, and asserts that an active, problem-based classroom best fits the learning styles of many law students today. A recent study by Regent University School of Law appears to lend support for these views.

Why are the learning styles of our students worthy of our attention? An earlier study some years ago by Regent University faculty members confirmed a significant relationship between learning styles, on the one hand, and students' LSAT scores and law school success on the other. The study was conducted with the Kolb Learning Style Inventory, and was motivated by a desire to understand how to help students who enter law school with average LSAT scores or who, for some reason, find it difficult to master the basics of legal analysis. The findings of that study suggested that the success of those students might ultimately depend on their

acquiring proficiency with the analytical learning styles of their more successful classmates.

But is it possible for adult learners to change significantly -- and, if so, can that process occur over the relatively-short course of a law school career? Questions such as these have divided learning style theorists for many years. Some suggest that learning styles are "hard

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Chair's Column

**Professor
Jim Moliterno**

Teaching writing is a daunting but critical task. Everything lawyers do relies on communication skills.

As anyone who has ever been the newest member of an effective and established group knows, it is wise to listen and learn before exploring ways to contribute. That is what I have been trying my best to do, as I am not only in the newest group of Board members, but also the Chair. I have been fortunate to have the advice and counsel of those who preceded me, on whom I will continue to rely.

In recent years, the section has been engaged in a number of critical endeavors, including the Law School Professionalism Program and the Minority Pre-Law Program and Mentoring Project, in partnership with the VSB Young Lawyers Conference. Most recently, the Section has embarked on a project to improve the quality of writing among Virginia lawyers. We have been exploring ways to assist law schools, but our present efforts are directed at creating useful CLEs focused on writing.

Teaching writing is a daunting but critical task. Everything lawyers do relies on communication skills. We appreciate when doctors explain themselves, but the acts of the surgeon's expert hands do not depend on communication skills. Lawyers, by contrast, get no productive work accomplished without effective expression. The most brilliant legal mind, full of ideas, arguments, or solutions to a client's problems, gets nothing accomplished until those ideas, arguments or solutions are effectively communicated, usually in writing.

The task is as daunting as it is critical. CLEs and other forms of instruction about substantive legal material can be effectively delivered to a large audience by a single instructor. But lectures about writing are largely ineffective. To teach writing skills, the students must write. And they must receive careful feedback from instructors who both know how to write and know how to teach it. That changes the economics of CLE. One writing instructor can effectively teach only a modest number of students, and the sessions themselves require more time than the typical one or two-hour lecture.

To accomplish this task, we need to engage more human resources than are needed for CLEs on other topics. And we will have to leverage technology and be open to alternative formats for CLEs that teach writing. This will be among the missions of the Section for 2014-15. We will need the help of practitioners, academia, and the judiciary.

The Board is also aware that the ABA recently amended the law school accreditation requirements. One change requires law schools to be more detailed in their assessment of students. Traditionally, law school assessment has consisted of a single exam at the end of each course. No one knows how much change the accreditation amendment will produce. But it is clear that in some courses, most notably seminars and experiential courses, law schools have the capacity to evaluate students in ways more comparable to how law firms and corporations have assessed employees for years. The Board will be monitoring developments in accreditation of law schools and assessment of students. We ask Section members to stay alert for opportunities to engage with law schools on these emerging issues. ✧

Learning Styles and Problem Solving

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wired” genetically and therefore subject to minimal, if any, change – especially in adults.⁵ Others, including David Kolb, believe that learning styles reflect both “nature and nurture” and may be influenced by exposure to new learning environments or demands.⁶ Recent research in non-law school settings has supported the latter view; but significant change in learning styles has rarely occurred in fewer than two years, even where students are in programs where a predominant teaching style prevails.⁷

The research recently conducted at Regent was designed to follow up the earlier learning style study, and in the process answer two questions. First, does immersion in a law school program promote significant change in law students’ learning styles? Second, if so, do variations in teaching styles affect the type of change that occurs?

A little background may help explain the purpose and design of the recent study. The Kolb Learning Style Inventory was premised on Kolb’s belief that adult learning styles can change. The four learning styles identified by Kolb can be graphed like a compass, with quadrants in the Northeast, Southeast, Southwest and Northwest. Learning styles are determined according to personal preferences as to information acquisition and processing. Each learning style has unique strengths and weaknesses with

respect to particular academic demands, and each is uniquely compatible with certain teaching techniques.

Students with learning styles in the “southern” two quadrants share a propensity for abstract thinking and tend to thrive in an environment that emphasizes logical, sequential reasoning. Regent and other law schools that have used the Kolb instrument have consistently found that roughly 75% of their students have learning styles that lie in those two quadrants. Those are also the students who typically have higher LSAT scores and better law school grades. Students in the southeast quadrant (“Assimilators”) show a preference for logical thought, reflective observation, and skill in developing theories and concepts. They are typically effective at understanding and formulating abstract constructs, and tend to be detail-oriented, methodical, deliberate and analytical. In formal learning situations, they often prefer read-

ing, lecture, exploring analytical models, and having time to think individually. A large percentage of lawyers identify with this learning style.

Students with learning patterns in the southwest quadrant (“Convergers”) also rely primarily on the learning strengths of abstract conceptualization and active experimentation. But they tend to be more comfortable with making quick decisions and prone to look for “one correct answer.” Those who exhibit this style are typically skilled problem-solvers and decision-makers, and tend to place a premium on practical uses for ideas. In formal learning situations, Convergers tend to be less cerebral than Assimilators, often preferring active experiments, simulations, or laboratory assignments. Professions typically associated with this learning style include medicine, engineering, and applied sciences, but students with this learning style also tend to have relatively high LSAT scores and to perform well

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in law school.

Students with learning styles in the “northern” two quadrants tend to be visual or global thinkers who are able to see the “big picture” but are less adept at working sequentially through a theoretical construct. Those in the northwest quadrant (“Accommodators”) may be skilled at adapting knowledge to new situations and developing and implementing plans. In learning situations, they typically prefer “hands-on” learning experiences and group projects. Professions associated with this learning style include management, marketing and human resources.

Students with learning styles in the northeast quadrant (“Divergers”) have strengths in imaginative thought and feeling. Divergers typically learn best by listening and sharing, and tend to be gifted at creative thinking. They are often good at viewing situations from multiple perspectives, are intuitive in their personal relationships, and tend to specialize in the arts. In learning situations, they may enjoy working in groups to generate ideas.

All four learning styles have characteristics that lend themselves to the practice of law in particular settings. But students with learning styles in the northern two quadrants often enter law school with relatively low LSAT scores, and may be challenged to survive the 1L year, with its emphasis on doctrinal courses and Socratic teaching. They may also find it harder to master the abstract, sequential thought process critical to legal analysis.

But Kolb and others suggest that adults can learn to accommodate less familiar learning styles if they are introduced to material in a way that makes sense for them, and are then assisted in walking through the entire “learning cycle.”

Kolb suggests that students with learning styles in the northern quadrants may acquire greater proficiency with abstract conceptualization if they are initially introduced to material in a way that “connects” with them – visually, for example, or through a group problem-solving exercise. They can then be assisted in working through the entire learning cycle, ultimately learning how to understand and organize the material in a logical, sequential way and to use the information in solving problems. Kolb refers to a learning process that engages all four learning styles as “experiential learning.” He suggests that teachers who conduct their classes so as to connect with students with all four learning styles can best assist them in working through the learning cycle and becoming more proficient with learning styles with which they are initially less competent. The study described in this article was designed to test this theory.

Our subjects consisted of all first-year students who registered for classes at Regent in the year the study was completed. Four faculty members who taught 1L courses were involved, in the sense that their classes were observed and the learning styles of students in their sections were tracked. Of those four faculty

members, two (Professors A and B) were familiar with the concept of experiential learning theory and incorporated aspects of that theory into their teaching, including in-class simulations, small group problem-solving exercises, brainstorming, analytical modeling and writing assignments. The other two professors, who taught the same courses, were rigorous instructors recognized for their teaching excellence, but somewhat more Socratic in their approach. The class sections were divided in such a way that 25% of the subjects had Professor A, but not B; 25% had Professor B, but not A; 25% had both Professors A and B; and 25% had neither.

Students’ learning styles were first tested before the fall semester began, and were tested again at the end of the spring semester. Before-and-after comparisons reflected a statistically significant shift in the students’ learning styles in a westward direction – toward a greater level of proficiency with active experimentation and problem-solving. Students in all four groups experienced a similar westward shift. Though the change was modest, the fact that any statistically significant shift occurred in only one year suggests that the law school environment promoted a problem-solving orientation.

As to the effects of different teaching methods, students in classes taught by either A or B reflected slight southerly shifts in learning styles – toward a more analytical approach -- with those who had both A and B reflecting

the strongest shift in that direction. Those in classes taught by neither A nor B remained essentially unchanged in that respect. However, the number of students in each section was small, and the changes were not statistically significant. Thus, whether an experiential approach promoted greater analytical competence remains unproven, but the findings suggest that it was possible.

We share this research in the hope of stimulating further thought about how to assist students who enter law school with modest LSAT scores or who encounter academic challenges once they arrive. Inevitably, students vary in terms of their natural fit for a legal education, and some of the traits of Generations X and Y may make the transition to law school more challenging. While the jury is still out, our research suggests that an experiential approach in the classroom could make a difference in helping more of those students succeed. ✧

(Endnotes)

1. See, e.g., M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 SEATTLE U. L. REV. 139, 140 (2001).

2. *Id.* See also, Michael TI Richmond, *Teaching Law to Passive Learners: The Contemporary Dilemma of Legal Education*, 26 CUMB. L. REV. 943, 956 (1995-96).

3. See, e.g., Joan Katherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the "MTV/Google" Generation*, 54 LOY. L. REV. 775, 780 (2008).

4. Lauren Carasik, *Renaissance or Retrenchment: Legal Education at*

a Crossroads, 44 IND. L. REV. 735 (2011).

5. See, e.g., Sandra Penger, Metka Tekavcic & Vlado Dimovski, *Meta-Analysis and Empirical Research of Learning Style Theories in Higher Education: The Case of Slovenia*, 5 J. COLLEGE TEACHING & LEARNING 1 (Nov. 2008).

6. Alice Y. Kolb & David A. Kolb, *Learning Styles and Learning Spaces: Enhancing Experiential Learning in Higher Education* 15, 21 (2002) (unpublished manuscript on file with the author).

7. See, e.g., Richard Tucker, *Learning Style Drift: Correlation Between Built Environment Students' Learning Styles and the Learning Styles of Their Teachers*, 3 J. FOR EDUC. IN THE BUILT ENV'T 68, 71 (2008).

CONTRIBUTIONS

The section gratefully acknowledges the following Virginia law firms and law schools for their generous support of section activities during the last bar year.

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Faculty News

Regent

- ◆ Prof. Eric DeGroff was elected secretary of the Board of Governors for the Virginia State Bar's Environmental Section.

University of Richmond

- ◆ Jim Gibson was promoted to Associate Dean for Academic Affairs.
- ◆ Prof. Ann Hodges received the 2014 Elizabeth Hurlock Beckman Award.
- ◆ Prof. Meredith Harbach was appointed to a three-year term on Governor McAuliffe's Virginia Council on Women.

University of Virginia

- ◆ UVA welcomed several new professors to the faculty this fall, including Kimberly Kessler Ferzan, a criminal law theorist from Rutgers with a background as a federal prosecutor; A. Benjamin Spencer, an expert in federal civil procedure and jurisdiction from Washington and Lee University; Michael Doran, a former UVA Law tax professor returning from teaching at Georgetown; and Cynthia Nicoletti, an expert in legal history from Mississippi College.

William & Mary

- ◆ Prof. Susan Grover was recognized by Lawyers Helping Lawyers with the James R. Treese Award for exemplary personal dedication to members of the legal community struggling with mental health, substance abuse, and other impairment issues.
- ◆ Prof. Timothy Zick, a highly regarded constitutional law scholar, was named the Mills E. Godwin, Jr., Professor of Law.
- ◆ Three Visiting Professors of Practice joined the law school: Roy A. Hoagland, former Vice President of Environmental Protection and Restoration at the Chesapeake Bay Foundation, was named Director of the Virginia Coastal Policy Clinic. Crystal Shin, formerly of the Just Children program at the Legal Aid Justice Center in Charlottesville, and adjunct professor with the Child Advocacy Clinic at the UVA School of Law, joined the Parents Engaged for Learning Equality (PELE) Special Education Advocacy Clinic as managing attorney. Aniela K. Szymanski, a civil affairs officer for the U.S. Marines Corps Reserves, joined the Lewis B. Puller, Jr. Veterans Benefits Clinic as staff attorney. ✧

News and Events Around the Commonwealth

University of Richmond

- ◆ On October 24, Richmond Law Review held their 2014 Allen Chair Symposium: Lethal Injection, Politics, and the Future of the Death Penalty. Speakers included Stephen Bright, professor at Yale Law School; Dr. Joel Zivot, professor of anesthesiology at Emory Medical School; and a Richmond Times-Dispatch reporter, who witnessed numerous executions.
- ◆ On February 27, 2015, Richmond Law's Journal of Law and Technology will hold their annual symposium. "Who's Looking at Your Mobile Device" will investigate the iCloud and emerging technologies along with ethical considerations surrounding getting and retaining electronic information.

University of Virginia

- ◆ A new fellowship at the University of Virginia will provide \$32,000, a "dream mentor" and residency at UVA Law next year to a doctoral candidate working on a promising legal history dissertation. The Charles W. McCurdy Legal History Fellowship will be offered starting in the fall of 2015 by the Miller Center in collaboration with the School of Law and the Department of History.
- ◆ The University of Virginia will offer a new dual-degree option, the J.D.-M.D., starting this fall. The program is a partnership between the School of Law and the School of Medicine.

William & Mary

- ◆ Alumnus and former university Rector Henry C. Wolf and his wife, Dixie Davis Wolf, have created the 1779 Scholars Fund for student scholarships at William & Mary Law School.
- ◆ Twenty distinguished alumnae from across the nation spoke to students and alumni about the role of lawyers as leaders in law firms, business and finance, public policy advocacy, the non-profit world, and bar associations at William & Mary Law School's Lawyers as Leaders Conference on September 12.
- ◆ William & Mary's Institute of Bill of Rights Law hosted its 27th annual Supreme Court Preview conference on September 19-20.
- ◆ The Raymond A. Mason School of Business and William & Mary Law School held the fourth annual McGlothlin Leadership Forum on October 21-23.
- ◆ The William & Mary Property Rights Project hosted its 11th annual conference on October 30-31, and awarded the 2014 Brigham-Kanner Prize to Michael M. Berger of Manatt, Phelps, and Phillips. ✧

CALL FOR NOMINATIONS

William R. Rakes Leadership in Education Award The Section on the Education of Lawyers in Virginia Virginia State Bar

The Section on the Education of Lawyers in Virginia has established an award to honor William R. Rakes, Esquire, of Gentry Locke Rakes & Moore LLP, for his longstanding and dedicated efforts in the field of legal education, both in Virginia and nationally. The inaugural award was presented to Mr. Rakes in conjunction with the [20th Anniversary Conclave](#) on the Education of Lawyers in Virginia sponsored by the Virginia State Bar's Section on the Education of Lawyers in April 2012.

2014 Recipient – Hon. Elizabeth B. Lacy

2013 Recipient – W. Taylor Reveley III

2012 Inaugural Recipient – William R. Rakes

Criteria

The award recognizes a lawyer in good standing in Virginia from the bench, the practicing bar or the academy who has:

- (1) demonstrated exceptional leadership and vision in developing and implementing innovative concepts to improve and enhance the state of legal education, and in enhancing relationships and professionalism among members of the academy, the bench and the bar within the legal profession in Virginia; and
- (2) made a significant contribution (a) to improving legal education in Virginia, both in law school and throughout a lawyer's career; and (b) to enhancing communication, cooperation and meaningful collaboration among the three constituencies of the legal profession.

Please submit the [nomination form](#) found on the section's website, together with a letter describing specifically the manner in which your nominee meets the criteria established for the award.

Nominations must be received no later than December 5, 2014.

For questions about the nomination process, please contact Elizabeth L. Keller, Assistant Executive Director for Bar Services: keller@vsb.org (804) 775-0516.

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