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## Law Students Who Learn Differently: A Narrative Case Study of Three Law Students with Attention Deficit Disorder (ADD)

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LAW STUDENTS WHO LEARN DIFFERENTLY: A NARRATIVE  
CASE STUDY OF THREE LAW STUDENTS WITH ATTENTION  
DEFICIT DISORDER (ADD)

LEAH M. CHRISTENSEN\*

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Abstract: More law students than ever before begin law school having been diagnosed with a learning disability. As legal educators, do we have an obligation to expand our teaching methodologies beyond the typical law student? What teaching methodologies work most effectively for law students with learning disabilities? The purpose of this study was to examine the perceptions of law students with Attention Deficit Disorder (ADD) about their law school experience. The case study yielded four themes relating to the social, learning and achievement domains of the students. First, law students with ADD experienced feelings of isolation in law school; second, the more successful law students with ADD understood their personal learning styles whereas the less successful students did not; third, the Socratic Method as the

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\*Leah M. Christensen, Assistant Professor of Law, University of St. Thomas Law School of Law; University of Chicago, B.A.; University of Iowa Law School, J.D. I would like to thank the students who graciously participated in this study and volunteered their time to help me learn about their experiences in law school. I would also like to thank Professor Richard K. Neumann, Hofstra University School of Law, for his thoughts and suggestions concerning this study. I was inspired to undertake this research by his keynote address in 2006 on law students with learning disabilities. I would also like to thank Professor Michael Hunter Schwartz, Washburn School of Law, for being a mentor to me and for his important scholarship in the area of teaching and learning that has served as important background research for my work.

predominant teaching methodology inhibited students' learning in the classroom; and fourth, the students expressed feelings of uncertainty about their future careers as practicing lawyers with ADD. It is time for legal educators to welcome nontraditional learners into their classrooms. By seeking to create an environment of inclusion versus exclusion, by expanding our teaching methodologies and by recognizing the multitude of talents and skills our students possess, we can humanize the law school experience for everyone.

## I. INTRODUCTION

Although law school pedagogy has not changed significantly over the years, the demographics of the students attending law schools have changed immensely.<sup>1</sup> More law students than ever before begin law school having been diagnosed with a learning disability.<sup>2</sup> Yet there has been little if any research on how law students with learning disabilities experience law school.<sup>3</sup> Although many students do request reasonable accommodations for their learning disability, equally as many students do not disclose their learning disability to the law school nor do they request disability accommodations.<sup>4</sup> As legal educators, do we have an obligation to expand our teaching methodologies beyond the typical law student? What teaching

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<sup>1</sup>See, e.g., James R. P. Ogloff, et al., *More Than "Learning to Think Like a Lawyer:" The Empirical Research on Legal Education*, 34 CREIGHTON L. REV. 73, 86 (2000) (reporting statistics about gender and minority status in law schools, i.e., the number of women applying to law schools increased 44% and the number of minority applications increased 400%); Susan Johanne Adams, *Because They're Otherwise Qualified: Accommodating Learning Disabled Law Student Writers*, 46 J. LEGAL EDUC. 189, 196-97 (1996) (stating that the pool of diagnosed learning disabled students becoming eligible for postsecondary education is increasing); and Lisa Eichhorn, *Reasonable Accommodations and Awkward Compromises: Issues Concerning Learning Disabled Law Students and Professional Schools in the Law School Context*, 26 J.L. & EDUC. 31 (1997) (noting that "learning disabled people make up one of the fastest growing segments of the law student population.").

<sup>2</sup>See M. Kay Runyan & Joseph F. Smith, Jr., *Identifying and Accommodating Learning Disabled Law Students*, 41 J. LEGAL EDUC. 317, 320 (1990) (asserting that increasing numbers of learning disabled students are identified and receive the assistance they need to complete academic programs).

<sup>3</sup>See Robin A. Boyle, *Law Students With Attention Deficit Disorder: How to Reach Them, How to Teach Them*, 39 J. MARSHALL L. REV. 349, 349 (2006) (describing that most law school classes will include students with ADD and explaining the traits of ADD law students); Laura F. Rothstein, *Higher Education and Disabilities: Trends and Developments*, 27 STETSON L. REV. 119 (1997) (explaining how an entity determines whether an individual has a learning disability); Kevin H. Smith, *Disabilities, Law School, and Law Students: A Proactive and Holistic Approach*, 32 AKRON L. REV. 1 (1999); Donald Stone, *What Law Schools are Doing to Accommodate Students with Learning Disabilities*, 42 S. TEX. L. REV. 19, 25 (2000); Scott Weiss, *Contemplating Greatness: Learning Disabilities and the Practice of Law*, 6 SCHOLAR 219, 219 (2004) (describing the tension between the practicing bar and lawyers with learning disabilities).

<sup>4</sup>Smith, *supra* note 3, at 1; Rothstein, *supra* note 3, at 305. Smith states: "Although most law students with a physical or mental disability apparently do not self-identify, recent studies suggest that approximately ten percent of law students possess a physical or mental disability. Further, the number of students seeking accommodations is increasing rapidly." *Id.* at 1.

methodologies work most effectively for law students with learning disabilities? How do these students approach learning the law?

The purpose of this study was to examine the perceptions of law students with Attention Deficit Disorder (ADD) about their law school experience. I was particularly interested in the learning and studying strategies of these students and their opinions about the effectiveness of teaching methodologies used during the first and second year of law school. The study used a qualitative research methodology<sup>5</sup> and employed a narrative case study analysis.<sup>6</sup>

Part I of this article briefly examines the literature on law students with learning disabilities and explores the traits associated with ADD. Part II describes the study methodology and the students who participated in the study. Part III presents a narrative case study of three students with ADD. The case study yielded four themes relating to the social, learning and achievement domains of the students. First, all three participants experienced feelings of isolation in law school due to their learning disabilities. Second, the two successful law students with ADD seemed to understand and use their personal learning styles to their benefit whereas the less successful student did not. Third, all three students with ADD reported that an educator's reliance upon the Socratic Method as the predominant teaching methodology inhibited their learning in the classroom. Finally, despite each of the students' important accomplishments in law school, they all expressed feelings of uncertainty about their future careers as practicing lawyers with ADD. Part IV of this article explores the conclusions we might draw from the data and the ways in which we might alter law school pedagogy to better serve students who learn differently.

## II. LAW STUDENTS WITH ADD: A NEW REALITY IN LEGAL EDUCATION

There are harsh critiques of the legal academy regarding how it approaches students who learn differently:<sup>7</sup> "Legal educators often suffer from disabling intellectual paralysis and lack of vision when it comes to teaching students with disabilities and nontraditional learners."<sup>8</sup> In addition, law professors may suffer

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<sup>5</sup>Leigh Goodmark, *Telling Stories, Saving Lives: The Battered Mothers' Testimony Project, Women's Narratives, and Court Reform*, 37 ARIZ. ST. L.J. 709, 720 (2005) (asserting that the use of a qualitative research methodology documents individuals' experiences in an important way). In addition, "Qualitative research . . . provides greater understanding of the meaning and context of behaviours and the processes that take place within observed patterns of interrelated factors and enables researchers to examine the perceptions different participants have of the same situation." *Id.* at 722 (citing Martyn Hammersley, DECONSTRUCTING THE QUALITATIVE-QUANTITATIVE DIVIDE, IN MIXING METHODS: QUALITATIVE AND QUANTITATIVE RESEARCH 39, 41 (Julia Brannen ed., 1992)).

<sup>6</sup>The case study is a common way to approach social science research. Rather than using large samples and following a rigid protocol to examine a limited number of variables, case study methods provide a systematic way of looking at events, collecting data, analyzing information, and reporting the results. Bent Flyvbjerg, *Five Misunderstandings About Case Study Research*, 12 QUALITATIVE INQUIRY 219-45 (2006). A "narrative" case study is simply a case study presented in a narrative format.

<sup>7</sup>In my opinion, these critiques are valid.

<sup>8</sup>Jennifer Jolly-Ryan, *Disabilities to Exceptional Abilities: Law Students with Disabilities, Nontraditional Learners, and the Law Teacher As a Learner*, 6 NEV. L.J. 116, 116 (2005).

from “lack of vision, stereotypes, and prejudices that prevent legal educators” from teaching those who learn differently effectively or appropriately.<sup>9</sup> While this may be true of some traditionalists within the legal academy, there seems to be a growing trend among progressive legal educators to incorporate learning theory into their classrooms and to expand their teaching beyond the traditional Socratic Method.<sup>10</sup> Yet even the most talented legal educators may not understand the subtleties of how law students with learning disabilities approach learning the law.

Much of the literature describing law students with learning disabilities deals with the legal requirements of law schools and legal educators to accommodate law students with diagnosed learning, physical or other disabilities.<sup>11</sup> It is difficult if not

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<sup>9</sup>*Id.*

<sup>10</sup>There are many well-written articles on the use of learning theory in the law school classroom. See Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213 (1998) (addressing how the authors ascertained the learning styles of first-year students, in particular sections of legal writing, and suggesting ways to implement this data in the classroom); ROBIN A. BOYLE, *Bringing Learning-Style Instructional Strategies to Law Schools: You Be the Judge!*, in *Practical Approaches to Using Learning Styles in Higher Education* (Rita Dunn & Shirley A. Griggs, eds., 2000) 156 [hereinafter Boyle, *Bringing Learning-Style*]; Carol Chomsky & Maury Landsman, *Using Contracts to Teach Practical Skills: Introducing Negotiation and Drafting into the Contracts Classroom*, 44 ST. LOUIS U. L.J. 1545, 1546 (2000) (explaining that the Socratic dialogue ‘creates a learning environment well designed for students who learn best through abstract conceptualization and reflective observation, but ill-suited for those whose learning strengths are centered in concrete experience and active experimentation’); Kristin B. Gerdy, *Teacher, Coach, Cheerleader, and Judge: Promoting Learning Through Learner-Centered Assessment*, 94 LAW LIBR. J. 59, 65-66 (2002) (suggesting methods of engaging students in learner-centered assessments by using David A. Kolb’s learning theory to achieve ‘active experimentation’ in the learning process’); Gerald F. Hess, *Listening to our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F. L. REV. 941, 958 (1997) (explaining that students are frustrated by the Socratic method because their professors’ questions tend to confuse rather than enlighten students and professors refuse to answer questions; M. H. Sam Jacobson, *Learning Styles and Lawyering: Using Learning Theory to Organize Thinking and Writing*, 2 J. A.L.W.D. 27 (2004) [hereinafter Jacobson, *Lawyering*]; M. H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 SEATTLE U. L. REV. 139 (2001) [hereinafter Jacobson, *Primer*]. Michael Hunter Schwartz, *Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, 38 SAN DIEGO L. REV. 347, 383 (2001) (summarizing learning theories in areas of behaviorism, cognitivism, and constructivism and recommending how to help students build skills from basic to sophisticated levels); Alice M. Thomas, *Laying the Foundation for Better Student Learning in the Twenty-First Century: Incorporating an Integrated Theory of Legal Education into Doctrinal Pedagogy*, 6 WIDENER L. SYMP. J. 49, 97 (2000) (explaining how Joseph D. Novak’s integrated theory of education can be used to ‘motivate students to learn meaningfully so they may creatively solve problems.’).

<sup>11</sup>Thomas, *supra* note 10, at 118. Section 504 of the Rehabilitation Act of 1973 applies directly to law students with disabilities. Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 35 (codified as amended at 29 U.S.C. §§ 701-97 (2000)). Section 504 provides: “No otherwise qualified individual with a disability . . . shall solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activities receiving federal financial assistance.” 29 U.S.C. § 794 (2000). The term “otherwise qualified” in a law school setting has been interpreted to mean that the student can meet the essential eligibility requirements of law school, with or without

impossible to know how many students in law school have been diagnosed with learning disabilities. An actual number of law students with disabilities may never be known given that more and more law students with learning (and other) disabilities choose not to self-identify.<sup>12</sup>

Professor Robin Boyle asserts that the majority of law school classes are likely to include students with ADD, and that it is essential for legal educators to be equipped to teach ADD students.<sup>13</sup> Approximately five to eight percent of Americans have ADD, which means that more than 10 million Americans are affected by ADD.<sup>14</sup> Further, many people, including law students, may not be aware that they have ADD, which means that legal educators will not know this either.<sup>15</sup> Professor Boyle further notes that in higher education, the number of students reporting that they have ADD is substantial.<sup>16</sup> In a survey conducted in the United States, of the 16.5 million undergraduate students in the United States, 6.4 % of the students reported having ADD.<sup>17</sup> This suggests that there are over one million students who know they have ADD and report it to the institution.<sup>18</sup> Just as many students may have ADD without knowing it or are unaware that they are affected by the disability, and do not report it.<sup>19</sup>

Most law school disability-related decisions are based on a “case-by-case” analysis with the only guidance being the “elastic” statutory and regulatory standards

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reasonable accommodations, in spite of the restrictions imposed by the disability.” See Jolly-Ryan, *supra* note 8, at 118. The Americans with Disabilities Act of 1990 also prohibits discrimination and affects the educational rights of law students with disabilities. 42 U.S.C. § 12101 (2000). Although it builds upon the Rehabilitation Act of 1973, Congress intended the ADA to reach beyond the Rehabilitation Act of 1973 (applying to institutions receiving federal funds). The ADA provides: “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodations by any person who owns, leases (or leases to) or operates a place of public accommodation.” 42 U.S.C.A. § 12182(a) (West 2007). The ADA defines discrimination as: “A failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, privileges, advantages or accommodations.” 42 U.S.C. § 12182(b)(2)(A)(ii).

<sup>12</sup>Smith, *supra* note 3, at 2.

<sup>13</sup>Boyle, *supra* note 3, at 350.

<sup>14</sup>*Id.* (citing EDWARD M. HALLOWELL & JOHN J. RATEY, DELIVERED FROM DISTRACTION: GETTING THE MOST OUT OF LIFE WITH ATTENTION DEFICIT DISORDER 8 (2005)).

<sup>15</sup>*Id.*

<sup>16</sup>*Id.*

<sup>17</sup>*Id.* (citing NAT’L CTR. FOR EDUC. STATISTICS, U.S. DEP’T OF EDUC., PROFILE OF UNDERGRADUATES IN U.S. POSTSECONDARY INSTITUTIONS: 1999-2000 (STATISTICAL ANALYSIS REPORT) iii (2002), available at <http://nces.ed.gov/pubs2002/2002168.pdf>)). After significant attempts, I did not find any sources of statistics on how many law students have ADD).

<sup>18</sup>*Id.*

<sup>19</sup>*Id.*

of disability statutes and rules.<sup>20</sup> A direct treatment of disability-related statutes, regulations and cases is beyond the scope of this article and has been well-covered elsewhere.<sup>21</sup> Instead, this article seeks to explore the perceptions and experiences of law students with ADD, and how the legal academy might work towards providing its students with an environment of tolerance, humanity and inclusiveness.<sup>22</sup>

#### A. Attention Deficit Disorder

The three students in this study have been diagnosed with a learning disability, specifically ADD.<sup>23</sup> Generally, a student with a learning disability suffers from a “deficit in the processing of visual and/or auditory information.”<sup>24</sup> Learning disabilities may encompass Attention Deficit Disorder (ADD), and Attention-Deficit Hyperactivity Disorder (ADHD). The research suggests that students admitted to law school with a learning disability are usually very bright, yet their learning disability can sometimes result in a “discrepancy between aptitude and achievement,” despite their high level of intelligence.<sup>25</sup>

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<sup>20</sup>Smith, *supra* note 3, at 2.

<sup>21</sup>See, e.g., Susan Johanne Adams, *Leveling the Floor: Classroom Accommodations for Law Students with Disabilities*, 48 J. LEGAL EDUC. 273, 292 (1998); Leah Bensen Lipskar, *Learning Disabilities and the ADA: A Guide for Successful Learning Disabled Students Considering a Career in the Law*, 3 U. PA. J. LAB. & EMP. L. 647, 648 (2001); Lisa Eichhorn, *Reasonable Accommodations and Awkward Compromises: Issues Concerning Learning Disabled Students and Professional Schools in the Law School Context*, 26 J.L. & Educ. 31, 37 (1997); Susan Johanne Adams, *Because They're Otherwise Qualified: Accommodating Learning Disabled Law Student Writers*, 46 J. LEGAL EDUC. 189, 192 (1996); Joseph F. Smith, Jr. & M. Kay Runyan, *How Private Secondary Schools Can Meet Their Obligations to Accommodate Students with Specific Learning Disabilities*, 17 W. NEW ENG. L. REV. 77, 80 (1995); Paul D. Grossman, *Making Accommodations: The Legal World of Students with Disabilities*, 87 Academe: Bull. Of the Am. Ass'n of U. Professors, Nov.-Dec. 2001, at 41; Donald Stone, *The Impact of the Americans with Disabilities Act on Legal Education and Academic Modification for Disabled Law Students: An Empirical Study*, 44 U. KAN. L. REV. 567, 593 (1996); Weiss, *supra* note 3, at 231.

<sup>22</sup>Smith, *supra* note 3, at 3.

<sup>23</sup>This article describes one part of a larger study I completed on how law students with physical, emotional and learning disabilities read, learn and experience the law. Because of the abundance of data, I chose to focus the present article solely on law students with ADD.

<sup>24</sup>See Jolly-Ryan, *supra* note 8, at 137 (citing Runyan & Smith, *supra* note 2, at 317-21).

<sup>25</sup>*Id.* at 138 (quoting Suzanne Wilhelm, *Accommodating Mental Disabilities in Higher Education: A Practical Guide to ADA Requirements*, 32 J. LEGAL EDUC. 217, 229 (2003)). The Individuals with Disabilities Education Act and regulations define a “specific learning disability” as: “[A] disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations . . . . [The] term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.” 20 U.S.C. § 1401 (2000); 34 C.F.R. § 300.7(b)(10) (2002).

ADD is a neurologically-based condition characterized by inappropriate levels of distractedness, inattentiveness, and impulsiveness.<sup>26</sup> Learning disabilities appear to be the most common form of disability identified by law students.<sup>27</sup> Specifically, ADD is a “trait rising to the level of a [disability] when it affects the person’s world.”<sup>28</sup> The three characteristics of ADD—hyperactivity, distractibility, and impulsivity,<sup>29</sup> do not determine the diagnosis of the disorder; a diagnosis is based upon how these symptoms manifest themselves.<sup>30</sup>

The current research suggests that people who have ADD have impaired executive functions of the brain.<sup>31</sup> The executive functions pertain to how people learn as well as how they function in everyday life.<sup>32</sup> Impairments in executive functions can affect learning because “attention, organization, and application of effective learning strategies” are involved.<sup>33</sup> “Attentiveness and active engagement with the material are affected, meaning that ADD students [may] have difficulty with making connections between new information and prior knowledge and organizing this information in a useful way.”<sup>34</sup>

What is it like subjectively to have ADD? Dr. Edward Hallowell, an expert on ADD, describes his own experience of having the syndrome of ADD as follows:

It's like driving in the rain with bad windshield wipers. . . Or, it's like listening to a radio station with a lot of static and you have to strain to hear what's going on. Or, it's like trying to build a house of cards in a dust

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<sup>26</sup>Jolly-Ryan, *supra* note 8 at 139 (citing PAMELA B. TANGUAY, *NONVERBAL LEARNING DISABILITIES AT HOME: A PARENT’S GUIDE* 212 (2001)).

<sup>27</sup>Kevin H. Smith, *Disabilities, Law Schools, and Law Students: A Proactive and Holistic Approach*, 32 AKRON L. REV. 1, 13 (1999). Smith states: “ADD (and ADHD) are relatively specific neurological or biochemical conditions which impair a student’s ability to take in, retain, recall, comprehend, analyze, process or manipulate, organize and/or express (either verbally or in writing) information, concepts and ideas. These disabilities, principally ADD and ADHD, also include neurological or biochemical conditions which undermine a student’s ability to concentrate, stay ‘on task,’ avoid being distracted by noise or other stimuli, and organize his or her life and work.” *Id.* at 14.

<sup>28</sup>*See* Boyle, *supra* note 3, at 353.

<sup>29</sup>*Id.*

<sup>30</sup>*Id.* Boyle points out:

A diagnosis of [a] learning disability is not made by a professor’s mere observation. Instead, there are tests recognized by the Law School Admission Services that the suspecting student must take, the Woodcock-Johnson Psycho-educational Battery-Revised for example, that can lead to a diagnosis of ADD. Law schools are prohibited by law from inquiring about students’ disabilities. Students who seek accommodations must take the initiative to get tested, provide documentation indicating that they are ‘other qualified,’ and then provide specific requests for accommodations. *Id.* at 354.

<sup>31</sup>*Id.*

<sup>32</sup>*Id.*

<sup>33</sup>*Id.* at 355.

<sup>34</sup>*Id.* at 354.

storm. You have to build a structure to protect yourself from the wind before you can even start on the cards.

In other ways it's like being super-charged all the time. You get one idea and you have to act on it, and then, what do you know, but you've got another idea before you've finished up with the first one, and so you go for that one, but of course a third idea intercepts the second, and you just have to follow that one, and pretty soon people are calling you disorganized and impulsive and all sorts of impolite words that miss the point completely. Because you're trying really hard. It's just that you have all these invisible vectors pulling you this way and that which makes it really hard to stay on task.<sup>35</sup>

ADD carries positive traits with it as well. Some students experience episodes of high energy or intense focus which actually may help them during law school.<sup>36</sup> However, the "giftedness" of students with learning disabilities often can be overlooked or misunderstood by educators: "Intellectually gifted individuals with specific learning disabilities are the most misjudged, misunderstood, and neglected segment of the student population and the community. Teachers, counselors, and others . . . overlook signs of intellectual giftedness and . . . focus attention on such deficits as poor spelling, reading, and writing."<sup>37</sup>

Professor Jolly-Ryan asserts that legal educators (and members of the legal profession in general) need to overcome their prejudices and allow law students with disabilities and more generally, nontraditional learners, to "benefit our classrooms, our teaching, and the legal profession, with their diverse learning styles and unique potential."<sup>38</sup>

If we accept the current data that more law students are coming to us with ADD (and other learning disabilities) and that these students may not self-identify, then how should legal educators respond appropriately?

With our changing student populations, teaching law may involve more than simply producing legal scholarship and mastering the Socratic Method.<sup>39</sup> The most effective law teacher may need to develop new teaching styles that accommodate many different learning styles. This study seeks to add to the current research on how law students learn by exploring the experiences of three law students with ADD.

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<sup>35</sup>Edward M. Hallowell, M.D., *What's It Like to Have ADD?*, [http://www.add.org/articles/whats\\_it\\_like.html](http://www.add.org/articles/whats_it_like.html) (last visited Jan. 27, 2008).

<sup>36</sup>*Id.*

<sup>37</sup>JOANNE RAND WHITMORE & C.J. MAKER, *INTELLECTUAL GIFTEDNESS IN DISABLED PERSONS*, 204 (1985).

<sup>38</sup>Jolly-Ryan, *supra* note 8, at 116.

<sup>39</sup>*Id.* at 117.

### III. STUDY METHODOLOGY

#### A. *The Method For Collecting Data*

A qualitative case study methodology was used to investigate the perceptions of three law school students diagnosed with ADD prior to beginning law school.<sup>40</sup> An in-depth interview was used as the primary method of data collection.<sup>41</sup> Specifically, I employed an “individual face-to-face in-depth interview, which [sought] to foster learning about individual experiences and perspectives on a given set of issues.”<sup>42</sup> Through the interview questions, I explored participants' perceptions regarding their law school experiences and, in particular, their intellectual, social and emotional experiences in law school.

#### B. *The Participants*

The participants were three law students admitted to a private, regional law school in the United States.<sup>43</sup> Two of the students were second year students; one student had just completed her first year of law school. All three students were diagnosed with ADD prior to law school. Only one of the students had requested accommodations for her learning disability in law school.<sup>44</sup>

The students had incoming LSAT scores between 148 and 155, and undergraduate GPA's between 2.89 to 3.64.<sup>45</sup> Once in law school, the students took the same classes during their first year curriculum.<sup>46</sup> The three students were selected from a group of six volunteers for the study after information about the

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<sup>40</sup>Matthew B. Miles & A. Michael Huberman, *Drawing Valid Meaning From Qualitative Data: Toward A Shared Craft*, 13 EDUCATIONAL RESEARCHER, 20-30 (1994).

<sup>41</sup>IRVING SEIDMAN, INTERVIEWING AS QUALITATIVE RESEARCH, A GUIDE FOR RESEARCHERS IN EDUCATION AND THE SOCIAL SCIENCES, 9 (2006).

<sup>42</sup>See Barbara DiCicco-Bloom & Benjamin F. Crabtree, *Making Sense of Qualitative Research, The Qualitative Research Interview*, 40 Med. Educ. 314, 314 (2006).

<sup>43</sup>The appropriate approval for this study was received by the University's Institutional Review Board of Human Subjects. To protect the identity of the students, the students' real names have not been used and the year that the study was conducted has not been indicated. Six students (who had been diagnosed with a learning disability) originally volunteered for the study. I chose to work with three law students who had been diagnosed specifically with ADD. Although the number of students participating in this study was small, this allowed for a more in-depth analysis of the participants.

<sup>44</sup>One of the students, Alexa, had requested accommodations for her disability which included a note-taker for classes (for her first year of law school only) and testing accommodations (for which she received 50% more time on exams). The other two participants chose not to disclose their learning disabilities and did not request accommodations.

<sup>45</sup>The LSAT scores, undergraduate GPA's and law school GPA's were obtained from the law school's registrar with the written consent from the students.

<sup>46</sup>The students took the same first year curriculum, although they may have had different professors teaching similar courses.

study was released by the Office of Academic Achievement. None of the students who participated were paid.<sup>47</sup>

Two out of the three students in this study were very successful in law school, i.e., their law school GPA's were in the top 5% and 30% of their respective law school classes.<sup>48</sup> Alexa, a second-year law student with ADD was in the top 5% of her law school class at the end of her second year. Kelsey, a first-year law student with ADD, was in the top 30% of her law school class at the end of her first year of law school. In contrast, the third student, Baker, had just completed his second year of law school and was in the bottom 15% of his law school class.

**Table 1** Study Participants

Participant	Disability	UGAP	LSAT	LGPA	Law School Class
Alexa	ADD	3.64	155	3.69 (top 5%)	2L
Kelsey	ADD	2.89	155	2.94 (top 30%)	1L
Baker	ADD	3.44	148	2.51 (bottom 15%)	2L

At the time Alexa participated in this study, she had just completed her second year of law school. Alexa was ranked as one of the top 10 students in her class. Alexa entered law school with an LSAT score of 155. Alexa was diagnosed with ADD in her junior year of high school. Although Alexa had problems with reading during elementary school, she found ways to compensate for her disability throughout her primary and secondary education. Alexa was diagnosed with ADD following a visit to a counselor for Post-Traumatic Stress Disorder related to a car accident. While taking various multiple-choice personality inventories, the counselor noted that it took Alexa a significant amount of time to complete the questions. The counselor suggested that Alexa be tested for a learning disability.

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<sup>47</sup>The task of contacting these students for the purpose of the study was challenging. In going through the university IRB (Internal Review Board) process to obtain permission from the university to conduct the study, the board was concerned that the study sought to explore or obtain information from a "vulnerable" population, i.e., students with learning and/or other disabilities. The IRB board requested that I go through the Academic Affairs Office, i.e., send an email solicitation from the office to the students informing them of the study. Quite appropriately, I did not contact any of the students directly; instead, they contacted me to express their interest in learning more about/participating in the study. There were only six students out of the total student body who volunteered to participate in the study. However, only three of the six had requested accommodations (and therefore, received the email about the study). The remaining three students heard about the study through peers and contacted me on their own. This again illustrates that there are students with disabilities that do not disclose them. I chose to report the data in this article about the three students described above because each of the students had been diagnosed with ADD. The fourth student was diagnosed with an emotional disability; the fifth student with a physical disability; and the sixth student with dyslexia.

<sup>48</sup>For the purposes of this study, I defined "success" in terms of law school grades and class standing. This definition, however, in no way suggests that this is the *only* way these students were successful, but it does provide one useful measure for comparison.

Alexa subsequently was tested and she was diagnosed with ADD. Alexa requested (and received) disability accommodations on the LSAT exam. She also requested testing accommodations for her learning disability in law school.

The second study participant was Kelsey. At the time of the study, Kelsey had completed her first year of law school. Like Alexa, Kelsey was a higher-performing student. Kelsey entered law school with a 155 on the LSAT; she ended her first year in the top 30% of her law school class. Kelsey was originally diagnosed with ADD in elementary school. Her teachers reported that Kelsey was “hyperactive” and distracted during school.<sup>49</sup> Her mother took her to a therapist and Kelsey was placed on Ritalin. In order to channel her energy, Kelsey spent a lot of her time growing up channeling her energy into activities such as music and dance. With each challenge that Kelsey has faced throughout her educational career, she described that she would experience initial periods of failure which eventually lead to success. For Kelsey, law school took a similar path. Kelsey did not request disability accommodations in law school and was very determined to succeed on her own without disclosing her disability to anyone.

The third participant in the study was Baker. Baker was a second year student at the time of this study. Baker entered law school with an LSAT score of 148 and struggled during his two years of law school. By the end of his second year, his grades were in the bottom 15% of his class. Baker was diagnosed with ADD in elementary school. His parents took him to a learning center after he had been experiencing academic problems in school. Baker struggled throughout his educational career and compensated for his learning disability by taking high school and college courses that focused on his academic strengths as opposed to his weaknesses. Although Baker’s family was supportive of his decision to go to law school, Baker felt a great deal of pressure to succeed. Baker described feeling the stigma of his learning disability in law school. He felt different from his peers. Baker was determined to keep his disability hidden and did not request accommodations for his learning disability in law school.

### C. Data Analysis

The participants’ interviews were transcribed and analyzed. Each transcript was read independently and a set of themes emerged from readings of the data.<sup>50</sup> As I reviewed the interviews, I grouped similar themes together and ordered them hierarchically (key themes and subordinate themes). I identified the following primary themes: isolation in law school; multiple learning styles; teaching methodologies; and concerns about the future.

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<sup>49</sup>Transcript of Interview with Student 103 at 5 (on file with the author).

<sup>50</sup>In analyzing the interviews, I used an interpretative phenomenological (IPA) approach. “This type of analysis aims to capture the meaning of a certain phenomenon by closely following the personal experience and perception of an event or object. At the same time, IPA acknowledges that researchers will interpret the accounts using their own theoretical background.” M.J. Fischer, et. al., *Participation and Drop-Out In Pulmonary Rehabilitation: A Qualitative Analysis of the Patient’s Perspective*, 21 *Clinical Rehab* 212, 214 (2007) (citing J.A. Smith, et al., DOING INTERPRETATIVE PHENOMENOLOGICAL ANALYSIS, *QUALITATIVE PSYCHOLOGY: A PRACTICAL GUIDE TO RESEARCH METHODS*, 51, 83 (2003)).

#### IV. THE LAW SCHOOL EXPERIENCE OF THOSE WHO LEARN DIFFERENTLY

This next section will describe the perceptions of Alexa, Kelsey and Baker as they discuss their experiences in law school. My purpose in conducting in-depth interviews of these students was to understand the “lived experience of other people and the meaning they make of that experience.”<sup>51</sup> Although there are many articles about law students with learning disabilities,<sup>52</sup> I wanted to explore how actual students, both successful and less successful in terms of law school grades, experienced learning the law. What was most challenging about approaching the study of law? How much time did they spend studying during their first year of law school? What study strategies helped them prepare for class? What teaching methodologies were most effective in the classroom? The students’ answers to these and other questions may increase our understanding of students who learn differently. Specifically, this section addresses the students’ opinions with regard to four main themes: (1) feelings of isolation in law school; (2) the students’ understanding or lack of understanding of their personal learning styles; (3) the failure of the Socratic Method to facilitate learning; and (4) concerns about their future as lawyers with ADD. In addition to the students’ statements regarding these themes, this section will also discuss possible ways that legal education might respond to these issues.

##### A. *Isolation in Law School*

Although there are many law students who experience feelings of isolation in law school, the results of this study suggest that law students with learning disabilities may experience more feelings of isolation than their traditionally-learning peers. Learning disabled law students have been characterized as a “hidden minority” because students with ADD and other learning disabilities are both underreporting their disability and the disability is “hidden” or unseen by the outside world.<sup>53</sup> Because learning disabled students more typically have had challenging educational and social experiences in their past, they may be more likely to experience “anxiety, doubt and isolation concerning their mental abilities.”<sup>54</sup> Further, learning disabled law students’ lives “are often characterized by one disturbing factor which marks their educational, social and professional careers. They feel the need to hide.”<sup>55</sup> Professor Sellers Diamond explains the phenomenon as follows:

[A]lthough learning disabled law students may be entitled to educational assistance to accommodate their disabilities, they may reject the help because of the stigma attached to anything less than hegemonic concepts

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<sup>51</sup>SEIDMAN, *supra* note 41, at 9.

<sup>52</sup>*See supra* note 21.

<sup>53</sup>Alfreda A. Sellers Diamond, L.D. Law: The Learning Disabled Law Student As Part of a Diverse Law School Environment, 22 S.U. L. REV. 69, 74 (1994).

<sup>54</sup>*Id.* (citing JOHN B. SIKORSKI & THOMAS P. MCGEE, LEARNING DISABILITIES AND THE JUVENILE JUSTICE SYSTEM, NATIONAL COLLEGE OF JUVENILE AND FAMILY LAW 9 (Lindsay G. Arthur et al., eds., 3d ed. 1988)).

<sup>55</sup>Diamond, *supra* note 53, at 76.

of "whole-bodiedness." Individuals place great stock in being "normal." Many learning disabled law students feel the need to hide. They remain bound in the guise of the frog, hoping that a kiss will free them, and turn them into something or someone else, someone more acceptable to others, someone not different in any way that might subject them to oppression.<sup>56</sup>

Each of the participants in this study described a need to hide their learning disability. Neither Kelsey nor Baker disclosed their disabilities to anyone at the law school. Although Alexa did disclose her disability to the law school administration, she was very selective about which friends if any she chose to tell about her learning disability. The literature suggests there are personal and social consequences to having learning disabilities in law school that legal remedies, statutes and rules cannot address.<sup>57</sup> It appeared that the fears of Alexa, Kelsey and Baker may have been "generated from a desire to appear normal."<sup>58</sup> Further, in Baker's case, he seemed to willingly trade the stigma of being a lower performing student as opposed to being someone who learns differently or is less than "normal."<sup>59</sup> Consider the comments of Alexa, Kelsey and Baker as they described their feelings of isolation in law school.

Alexa described that she began law school feeling isolated. Although Alexa had requested accommodations for her learning disability, she was conflicted about this decision.<sup>60</sup>

. . . I didn't tell anyone my first year [about my disability] because I was embarrassed. And then, getting good grades makes me more embarrassed because I don't feel like [the accommodations are] warranted.<sup>61</sup>

My first year, I told my study partners [about my learning disability] because I would get anxiety. They would be like, "Oh, I can't finish with the times that they are giving us." [They asked me:] "Where are you when you're going to take the test?" I was like, "No, I take extended time and I'm not in the room because I have all these things. I still didn't feel comfortable even with my study friends."<sup>62</sup>

I'd say in law school it's been difficult. Very difficult.<sup>63</sup>

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<sup>56</sup>*Id.* at 77 (citing David M. Engel & Alfred S. Konefsky, *Law Students With Disabilities: Removing Barriers in the Law School Community*, 38 *BUFF. L. REV.* 551, 559 (1990)).

<sup>57</sup>Diamond, *supra* note 53, at 83-84.

<sup>58</sup>*See Id.* at 82-84.

<sup>59</sup>*See Id.*

<sup>60</sup>Alexa received 50% additional time on her exams and took exams in a separate location than her peers. She also received note-taking accommodations during her first year.

<sup>61</sup>Transcript of Interview with Student 100 at 6 (on file with the author).

<sup>62</sup>Transcript of Interview with Student 100 at 6 (on file with the author).

<sup>63</sup>Transcript of Interview with Student 100 at 9 (on file with the author).

Again, because I'm getting this [accommodated] testing. The grades that I'm getting, I don't feel like I deserve them. Like in college, . . . I was getting good grades, but I was working extra hard for them. Or, if I didn't get a good grade, it was because of the disorder.<sup>64</sup>

Now, because I am getting accommodated testing, I'm getting good grades because of the disorder. Then, if I don't do well, then I just don't know. It just doesn't – I would say it has been difficult. And, I'm just feeling like I don't know.<sup>65</sup>

I would say that looking back [over my first year in law school], I spent all my time studying. I thought I wasn't [just studying], but I did.

. . . I think I studied every Friday, Saturday and Sunday. And thank goodness for my "study buddies." My study buddies also studied that much. We would pick Fridays where we would go to dinner. So, we would work all Friday afternoon and then eat dinner. And that felt like we were "going out." I didn't really make a lot of friends . . .<sup>66</sup>

. . . I definitely think it took me longer [than other students to complete assignments] the first year. I definitely think first year I put more effort into it. This year I'm – I haven't been putting as much effort. But then I pull all-nighters. So, it's kind of like I've kind of reverted back to college.<sup>67</sup>

In contrast to Alexa, Kelsey did not request accommodations for her learning disability. She tried to use the positive aspects of ADD to her benefit and to minimize the negative traits of her ADD. Kelsey emphasized that she did not want to be different because of her ADD. Kelsey also expressed feelings of isolation.

I don't like to be set apart for [ADD] at all. I feel like you can use ADD to your advantage and actually have an advantage over other students.<sup>68</sup>

Well, because your mind is more creative generally. You have an infinite way of thinking about one thing and I think that usually people with ADD tend to have more energy . . . I feel like if you can turn it around and make it into something positive and really learn to control it. You have more energy going into that one reading. A "normal" person will just maybe

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<sup>64</sup>Transcript of Interview with Student 100 at 10 (on file with the author).

<sup>65</sup>Transcript of Interview with Student 100 at 6 (on file with the author).

<sup>66</sup>Transcript of Interview with Student 100 at 7 (on file with the author). Alexa described her "typical" week: "First year, we had classes at 9 a.m. . . . Then at 3 p.m. [after classes], I would go straight to the library. Do reading. Later in the semester, I would do less reading and more just sitting and talking to the "study buddies" or something. So, I probably would just get dinner and then come back and stay . . . until like 10:30 p.m. or 12 a.m., and then go home and start all over again. . . I would do that all week. 7 days a week. I would pick one day a week where I would go out or something like that. Later in the semester, I would be able to go to dinner or something like that. But, I would make sure it would be one." *Id.*

<sup>67</sup>Transcript of Interview with Student 100 at 8 (on file with the author).

<sup>68</sup>Transcript of Interview with Student 103 at 9 (on file with the author).

read [a case] casually. But to me, like if I'm reading [a case], . . . it's my entire world for that moment. [S]o I think, sometimes, you can read it more [intensely]– and you can remember it more.<sup>69</sup>

. . . I very much feel isolated. . . . I don't really have very many friends here. I almost feel like I've intentionally "outcasted" myself in a way. Well, I guess I just – I don't want to study with them . . . And I don't go out with them or anything like that. . . . I guess, I don't know, I have had a hard time making friends in law school which is really strange to say because I've never had a problem with it before.<sup>70</sup>

I just think it's so important for my own self to feel at the same level as everyone else is. But maybe not as the same level, but higher. Like I need to feel that like I'm doing better than "normal" people. It just goes to show that if you can overcome this, you can overcome something else. And, it's good to reflect [upon] that. "Well, [if] I was able to do it [before], then I can do it again."<sup>71</sup>

Baker indicated clearly that he did not want to be treated differently because of his ADD. In addition, it appeared that the competitive nature of law school took a toll on Baker's self-esteem.

To me . . . I don't want accommodations for my "thing." I'll get the grades I get in the system [because of] the way it's designed. I don't want an accommodation. Part of that is because I fear that if I got the accommodation and I didn't do any better, then what is the consequence of that? I don't know, I haven't really thought about it.<sup>72</sup>

. . . If my skills aren't supported in law school in terms of grades, then that's fine. I'll walk out of here and say, "[law school] doesn't [acknowledge] my skills and that doesn't bother me. I'm not gunning for the top job and six figures right out of law school. Perhaps the reason that I'm not gunning for one of those jobs is because I can't get the grades to get one."<sup>73</sup>

In legal education, how can we combat feelings of isolation for students who learn differently? Certainly feelings of isolation are not infrequent among traditionally-learning law students as well as non-traditional learners. However, law students with learning disabilities may be even more likely to "hide." Professor Sellers Diamond explains that our societal presumptions require that "there must be that which is normal."<sup>74</sup> Yet this presumption effectively limits the opportunities of

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<sup>69</sup>Transcript of Interview with Student 103 at 10 (on file with the author).

<sup>70</sup>Transcript of Interview with Student 103 at 9 (on file with the author).

<sup>71</sup>Transcript of Interview with Student 103 at 10-11 (on file with the author).

<sup>72</sup>Transcript of Interview with Student 102 at 7 (on file with the author).

<sup>73</sup>Transcript of Interview with Student 102 at 7 (on file with the author).

<sup>74</sup>Diamond, *supra* note 53, at 83.

learning disabled students.<sup>75</sup> Professor Sellers Diamond opines that if we accept the majority discourse on that which is “normal,” there is no opportunity for any discussion or understanding of what it means to be “different,” unless the discourse “consciously includes alternative conceptualizations.”<sup>76</sup>

In order to combat the majority discourse, we may need to consider a theory of inclusion in law school so that all voices and experiences are heard and respected.<sup>77</sup> One important step toward inclusion of all those who learn differently is for law professors to adapt their teaching methodologies to serve multiple learning styles. This topic will be discussed in more detail in the next section. However, in addition to teaching to a wide variety of learning styles, we also might consider altering the law school curriculum to value differences, not only differences in learning, but also differences in talent, skills and experience. We need to assess our students’ abilities differently.

How we assess students has a great deal to do with their relative success in law school.<sup>78</sup> Describing her theory of legal education, Professor Alice Thomas explains the importance of how we evaluate law students as it relates to learning in legal education:

The system of evaluation depends on qualitative and quantitative feedback during the process of learning, formative and summative assessment and positive reinforcers. Meaningful learning experiences require more than summative assessments in the form of exams and quizzes. Learners need to receive feedback about what they are learning, how they are conceptualizing the new material, how they are assimilating the new material, and guidance about the learning process itself. Feedback at an early stage permits the learner to adapt and make changes before the summative assessment is made.<sup>79</sup>

If we are truly committed to creating an inclusive learning environment, then legal education cannot rely solely on the final exam as the only assessment of students’ learning. Although many professors offer a midterm in addition to a final exam, perhaps legal education might consider assessing students by other means. We could incorporate small group exercises into larger lecture classes. Professor Thomas suggests “structured collaborative learning exercises” where the professor

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<sup>75</sup>*Id.*

<sup>76</sup>*Id.*, at 83-84.

<sup>77</sup>*Id.*

<sup>78</sup>Alice M. Thomas, *Laying the Foundation for Better Student Learning in the Twenty-First Century: Incorporating An Integrated Theory of Legal Education Into Doctrinal Pedagogy*, 6 WIDENER L. SYMP. J 49, 95-96 (2000).

<sup>79</sup>*Id.* at 93. Professor Thomas’ refers throughout her article to the learning theory of JOSEPH D. NOVAK, *LEARNING, CREATING, AND USING KNOWLEDGE: CONCEPT MAPS AS FACILITATIVE TOOLS IN SCHOOLS AND CORPORATIONS* 112, 180-81 (1998).

can give feedback to the group.<sup>80</sup> Feedback to a small group is better than no feedback at all.<sup>81</sup>

In addition, we can value the multitude of skills and experiences our students bring to law school by allotting a certain percentage of points in any class toward these alternate skills. What about assessing students' "formative" knowledge by asking students to create videos or provide oral presentations "where you encourage the students to produce handouts, schemata and the like"?<sup>82</sup> Although some professors will undoubtedly object to the increased time these exercises take in a semester-long class, it seems arguable that students may in fact learn more about a particular subject using these approaches.

We also need to decrease the hostility within the law school environment.

[L]aw schools need to become more cognizant of how teaching methods and law school policies affect creative functioning. Removal of a grading system in the first semester, as Yale has done, or a refusal to rank students or to release grades to employers are methods some law schools have adopted. These lessen the tremendous pressure in law school, make for a more relaxed environment and facilitate the freer exchange of ideas.<sup>83</sup>

What if law school professors were more receptive to creative answers of students? What if the atmosphere in class was more neutral? "Students in the classroom should be encouraged to try out new approaches, to "think up tentative solutions to problems at hand, make wild guesses, hitchhike ideas, build on the ideas of others and point these ideas in new directions."<sup>84</sup> A professor's attitude in class has a direct relationship toward the "intellectual risk" of a student responding with a new idea.<sup>85</sup>

This is not to suggest that our classes become less rigorous, only more humane. Perhaps the intellectual, critical analysis could be postponed until after the class has been allowed to express ideas and/or theories that may ultimately be incorrect.<sup>86</sup> This would begin to transform our classrooms away from the hyper-competition that thrives on assessment and "differences" among students, to a more inclusive environment that values diversity. This sense of inclusion may be the most effective way to combat isolation in students who learn differently.

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<sup>80</sup>Thomas, *supra* note 78, at 96. See also Janet Motley, *A Foolish Consistency: The Law School Exam*, 10 NOVA L. REV. (1986) (questioning the appropriateness of the law school exam as the only way to measure student learning); and Amy L. Ziegler, *Developing a System of Evaluation in Clinical Legal Teaching*, 42 J. LEGAL EDUC. 575 (1992) (discussing uses of a formative evaluation system in clinical education).

<sup>81</sup>Thomas, *supra* note 78, at 96.

<sup>82</sup>*Id.*

<sup>83</sup>David R. Culp, *Law School: A Mortuary for Poets and Moral Reason*, 16 CAMPBELL L. REV. 61, 92 (1994).

<sup>84</sup>*Id.*

<sup>85</sup>*Id.* at 93.

<sup>86</sup>*Id.*

*B. Multiple Learning Styles in Law School—What Works Best for Law Students with ADD?*

All three of the students in this study seemed to feel that they learned differently than their law school peers who did not have ADD. Yet each student had their own way of approaching how to learn in law school. Educational psychologists use the term “learning styles” to describe a student’s preference for methods of learning.<sup>87</sup> There are many excellent articles and books analyzing law students’ learning styles.<sup>88</sup> Auditory learners tend to learn through listening.<sup>89</sup> Visual learners tend to learn best by seeing.<sup>90</sup> Kinesthetic or tactile learners learn best when moving or doing, using role-plays or demonstrations.<sup>91</sup> “Read/write” learners prefer the printed word; they like to learn from texts and other written materials and to express themselves in writing.<sup>92</sup> Finally, multi-modal learners (which make up 50-70% of the population), may prefer two, three or all four learning styles or strategies.<sup>93</sup> Professor Michael Hunter Schwartz describes that “expert self-regulated learners know themselves well.”<sup>94</sup>

Not only do they know how to learn and what strategies work best to produce learning, but, also, they know how they personally best learn and how they prefer to learn.<sup>95</sup>

Both Alexa and Kelsey appeared to understand how they learned most effectively in law school. Knowing how they learned most effectively may have contributed to

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<sup>87</sup>*Id.*

<sup>88</sup>There is a great deal of excellent literature on understanding learning styles in law schools. I will list the research that has helped me personally learn about students’ different modes of learning. See Michael Hunter Schwartz, *Expert Learning For Law Students* 53 (2005); Michael Hunter Schwartz, *Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, 38 SAN DIEGO L. REV. 347 (2001) (explaining learning theory and how the field of instructional design can be applied to teaching law school); Robin A. Boyle, *Bringing Learning-Style Instructional Strategies to Law Schools: You Be the Judge!*, in PRACTICAL APPROACHES TO USING LEARNING STYLES IN HIGHER EDUCATION (Rita Dunn & Shirley A. Griggs, eds., 200) 156; Kirsten A. Dauphinais, *Valuing and Nurturing Multiple Intelligences in Legal Education: A Paradigm Shift*, 11 WASH. & LEE RACE & ETHNIC ANC. L.J. 1, 5 (2005). M.H. Sam Jacobson, *Learning Styles and Lawyering: Using Learning Theory to Organize Thinking and Writing*, 2 J.A.L.W.D. 27 (2004); M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 Seattle U. L. Rev. 139 (2001); Robin A. Boyle, *Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student*, 81 U. DET. MERCY L. REV. 1 (2003).

<sup>89</sup>See Jolly-Ryan, *supra* note 8, at 143.

<sup>90</sup>*Id.* at 144.

<sup>91</sup>*Id.* at 145.

<sup>92</sup>See Schwartz, *supra* note 88, at 61.

<sup>93</sup>*Id.*

<sup>94</sup>*Id.*

<sup>95</sup>*Id.*

their success in law school.<sup>96</sup> In contrast, Baker seemed less clear on “how” he learned or in what way he learned most effectively. Perhaps this contributed to his challenges in law school. Consider the following comments of Alexa, Kelsey and Baker with regard to how they studied and learned in law school.

Out of all the students, Alexa appeared to understand most specifically how she learned in law school, and she organized her study materials to fit her unique learning style. Alexa knew that she was a visual learner.

I learned it in college that, for me, that I just have to rewrite things over and over. And over again. That [is] how I would study in college. . . I had all my handwritten notes and before an exam I would type them up. Or I would rewrite them. And I've been doing that now as well. That's like outlining is a great thing [for me]. Like where you have to rewrite it.<sup>97</sup>

. . . I wrote note cards because just reading it [only] doesn't help. And so then just writing it in the computer doesn't help. Its – I would love to say that I'm a hypochondriac or something because like I sometimes think I have OCD because like just certain colors. With this I'm going to color

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<sup>96</sup>The study reported in this article is part of a larger study on law students with learning disabilities in which I examined how study participants read legal text in comparison to each other, and in comparison to traditionally-learning law students, in addition to asking about their perceptions of law school. This reading study, which analyzes how law students with ADD read the law, will be reported in a separate article. However, the conclusions of the reading study relating to law students with learning disabilities were both surprising and relevant. I found that successful law students with ADD, i.e., Alexa and Kelsey, read legal text using the same reading strategies as their traditionally-learning counterparts, i.e., successful law students without ADD. Likewise, less successful students with ADD, i.e., Baker, read the text similarly to non-traditional, less-successful law students. After each student read the same article, I compared the percentage of time each student spent using three different categories of reading strategies as they read: (1) default reading strategies (paraphrasing, highlighting, making margin notes); (2) problematizing reading strategies (problem-posing, hypothesizing, problem-solving); and (3) rhetorical reading strategies (connecting to purpose, connection to prior experience, evaluating). For an explanation of the study methodology, see Leah M. Christensen, *Legal Reading and Success in Law School: An Empirical Study*, 30 SEATTLE U. LAW REV. 601, 608 (2007). The results were surprising to me. I hypothesized that law students with ADD would read text differently than traditionally-learning law students without ADD. Specifically, Alexa (High GPA) spent 21.05% of her time using default reading strategies; 26.32% of her time using problematizing reading strategies; and 56.23% of her time engaged in rhetorical reading strategies. Kelsey (High GPA) spent 32.43% of her time using default reading strategies; 41.89% of her time using problematizing strategies; and 25.68% of her time using rhetorical reading strategies. In contrast, Baker (Low GPA) spent 67.19% of his time using default reading strategies; 14.06% of his time using problematizing reading strategies; and 17.19% of his reading time using rhetorical reading strategies. In the prior reading study, the more successful law students spent a mean time of 21.43% engaged in default strategies; 45.70% in problematizing strategies, and 32.87% in rhetorical strategies. *Id.* at 625. The less successful law students spent a mean time of 77.48% engaged in default strategies; 12.54% in problematizing strategies, and 9.55% in rhetorical strategies. *Id.* These results continue to suggest that the way in which students read legal text correlates to their success in law school (in both traditionally learning and non-traditionally learning law students). *Id.* at 633.

<sup>97</sup>Transcript of Interview with Student 100 at 8-9 (on file with the author).

code everything. Where I become just extremely organized and I - for my appellate brief visually had everything in different colors.<sup>98</sup>

Kelsey described her initial frustrations at figuring out how to study and learn in law school.

Well, it was really hard for me at first [in law school]. And I did really horrible when I first did midterms . . . I was trying so hard to read everything and remember everything about every case. It was just like killing me. So, I got my grades back from midterms and it was like, "Gosh, I'm [stupid]. I shouldn't be here."<sup>99</sup>

And so, I had to go through and evaluate [what I was doing] . . . I talked to the academic advisor, and I just kind of stepped back and let them say, "O.K., what am I doing wrong?" [I] realized I was kind of focusing on the wrong details. So, I guess it kind of comes down to reading and how I was trying to read everything and remember everything. . . I think it became a lot easier after that. And, I did really well on my finals. But at the same time, my grades weren't as great because I totally failed midterms.<sup>100</sup>

In order to organize her reading and studying in law school, Kelsey devised a very intricate highlighting system in which she would use ten different colors of highlighters to note particular aspects of any case. In order to work with her ADD, Kelsey described how she would create visual cues as she read in order to trigger her memory about a particular aspect of a case. Kelsey acknowledged that she was a visual learner.

The colors give me a point of reference . . . It makes my mind think, "O.K., I know what that is." I don't have to read it once I color it. Once I color "facts," I know what those facts are. Part of my process is [that when I] highlight them, [I'm] kind of saving them in my mind.<sup>101</sup>

"Pink" is the rules. Underlining in "pink" [marks] a commentary rule. And then, "purple" is [the] court's reasoning. "Blue" is the court's holding and . . . order. "Yellow" is a fact. I have other colors. I have a "light orange" [that] I use to represent a case that is cited in a case. And I use a "dark orange" for procedural history [and] . . . "red" for dicta. And I use a weird "green" color . . . for my notes within a case.<sup>102</sup>

Kelsey also studied most effectively in a quiet setting, most often away from the law school. Kelsey described that she had to get in her study "zone." In addition, Kelsey knew that structure and organization were important to the success of her learning.

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<sup>98</sup>Transcript of Interview with Student 103 at 9 (on file with the author).

<sup>99</sup>Transcript of Interview with Student 103 at 4-5 (on file with the author).

<sup>100</sup>Transcript of Interview with Student 103 at 5 (on file with the author).

<sup>101</sup>Transcript of Interview with Student 103 at 7 (on file with the author).

<sup>102</sup>Transcript of Interview with Student 103 at 7 (on file with the author).

Well, [I] . . . have to get into this zone. . . Because it's like you have to shut out everything else . . . your whole world exists on what you're doing.

. . . So everything in your energy goes to that. Everything you're doing is trying to stay [in] that [zone] Otherwise, you're going to see something and be more interested [in that] or you're going to sometimes just feel like you're everywhere . . . Like stress can really [make] that "zone" hard to control.<sup>103</sup>

Baker commented on the stressful environment of the first year of law school and how he needed to move around as he studied.

I need to move around [when I study] and the library intimidates me. Seeing everybody else sitting at a desk in one place for six hours and not moving-- - it's an uncomfortable place for me. I like a place like the coffeehouse. Its odd, but I can focus where there are things going on . . . the light noise.<sup>104</sup>

Yes. It's the [law school] environment. It's the whole law school environment. . . But coming to school and seeing everybody sitting in the library until 1:00 a.m. at night, reading through case after case after case was just--- I couldn't take it.

[I]t's just the culture of law school and a lot of it is bred in the first year . . . It's this hyper-[in]tense environment of competition and [competing] with yourself, and trying to become a perfectionist and all that.<sup>105</sup>

Why should law professors care about students' learning styles? When we teach in ways that acknowledge and validate different styles of learning, students do better.<sup>106</sup> All students in law school do not learn in the same way.<sup>107</sup> However, when educators teach to multiple learning styles, they "take advantage of [students'] learning strengths, [and] students learn . . . information more readily and permanently."<sup>108</sup> "Students are more likely to be successful if a professor considers learning styles when developing modes of instruction."<sup>109</sup>

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<sup>103</sup>Transcript of Interview with Student 103 at 6 (on file with the author).

<sup>104</sup>Transcript of Interview with Student 102 at 5 (on file with the author).

<sup>105</sup>Transcript of Interview with Student 102 at 5-6 (on file with the author).

<sup>106</sup>Olivette E. Mencer, *New Directions in Academic Support and Legal Training: Looking Back, Forging Ahead*, 31 S.U. L. REV. 47, 78 (2003) (citing JAMES ANDERSON & MAURIANNE ADAMS, ACKNOWLEDGING THE LEARNING STYLES OF DIVERSE STUDENT POPULATIONS: IMPLICATIONS FOR INSTRUCTIONAL DESIGN IN NEW DIRECTIONS FOR TEACHING AND LEARNING: TEACHING FOR DIVERSITY 24 (Laura Border and Nancy Chism eds., (1992)).

<sup>107</sup>See Anthony S. Niedwiecki, *Lawyers and Learning: A Metacognitive Approach to Legal Education*, 13 WIDENER L. REV. 33, 46-47 (2006) (discussing that law students, as adult learners, learn differently).

<sup>108</sup>Mencer, *supra* note 106, at 78.

<sup>109</sup>*Id.*

*C. The Failure of the Traditional Socratic Method to Reach Law Students Who Learn Differently*

A third theme discussed by the students was the impact of a law professor's teaching methodology on their learning. Alexa commented on the usefulness of visual aids in class. She preferred lectures with power point presentations so that the concepts discussed in class were presented visually as well as orally. Kelsey was adamant that the use of fear and intimidation as motivators for learning were ineffective for her. For Kelsey, having ADD meant that if a professor created a classroom of intimidation, fear was the only emotion she could feel. Baker had a similar opinion. He was terrified to go to class and felt that he did not learn anything during his first year of law school. Baker described being questioned in class like being in a "pressure cooker" because there were "a million different things they could ask you." Baker explained: "The reading was fine. The material was fine. But going to class was [horrible]."

There is an abundance of literature on the inherent weakness of the Socratic Method as the sole method of instruction in law school. The present critique is different only because it is the actual students doing the critiquing. Professor Jolly-Ryan describes that the Socratic Method has always been the "litmus test for determining who qualifies as the 'fittest' in a competitive and rigorous law school environment."<sup>110</sup>

In the present study, even Alexa and Kelsey who were successful students by any measure critiqued their professors' use of the Socratic Method. Alexa and Kelsey were successful despite (some) of their professors' use of the Socratic Method. Baker suffered as a result of (some) of his professors' use of the Socratic Method. Quite simply, the Socratic Method as the primary or only teaching tool for educating these three law students with learning disabilities was ineffective.

Alexa discussed those professors that she felt supported her visual learning style.

My favorite was Professor ["Z"]. [I]t was his power points that really helped [me]. Just being able to really see where he's going. And it just seemed like every single step, he knew, and so it made it easier for me.<sup>111</sup>

I think, for example, my torts class [was more difficult] where there were absolutely no visual aids. I actually stopped using my computer because it was – it was just not helpful. I had to write it down because that way I could be a little bit more free-flowing [in my note-taking]. Also, [in]

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<sup>110</sup>See Jolly-Ryan, *supra* note 8, at 124. Professor Jolly-Ryan states:

For over 130 years, law professors have engaged their students in the time honored Socratic Method and benefited few students in the process. The professor using the Socratic Method, stands at the podium in front of the class and engages students in one-on-one dialogues, questioning about the facts and legal principles contained in the an appellate decision. While the Socratic Method may engage and benefit the verbal learner who is the subject of the questioning . . . it does little for the majority of the class . . . such as the visual, auditory, or kinesthetic learners. *Id.*

<sup>111</sup>Transcript of Interview with Student 100 at 8 (on file with the author).

Property. I hand wrote all my notes because [then] the stuff is . . . a little bit more visual for me.<sup>112</sup>

Another thing that I did was create visual diagrams for most of my classes. Flow charts. . . I would . . . make them colorful. I did that for . . . everything . . . and I showed it to the professors.<sup>113</sup>

Kelsey described that she was shocked initially with the Socratic Method.

I am petrified every time I'm there [in class]. And I know that's a horrible thing to say, but a lot of times people with ADD can only experience so many emotions and so many thoughts at the same time. And, so, I'm experiencing fear. . . and . . . anxiety. . . It's hard because I can't believe I let someone get to me like that. And why does she get to me?<sup>114</sup>

It's beyond [the traditional Socratic method]. . . I was yelled at one day for not being prepared when I was actually fully prepared. I actually didn't say the words that she wanted me to say it.<sup>115</sup>

[She said:] . . . "I can't believe you would come here unprepared. I can't believe you would . . . not brief a paper like I told you." "You know I told you what you needed [to do] and you're not doing it.

. . . [F]or the rest of the day, you sit there and you think about it.

. . . So, when I go to that course, it's like, "[I]s she going to call on me? Am I not going to know the answer?"<sup>116</sup>

Baker had a similar experience with the Socratic Method during his first year of law school. Like Kelsey, Baker described that he was terrified to go to class.

The first two weeks, I felt confident coming in that I was as smart as everybody else. I really didn't think that was going to be a problem. I still don't think that's a problem. I was definitely afraid of having to give an answer "on my feet." [T]here [were] a million different things they could ask you. And the social pressure around you. Like most people, I was terrified to go to class. The reading was fine. The material was fine. But going to class was [horrible].<sup>117</sup>

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<sup>112</sup>Transcript of Interview with Student 100 at 8 (on file with the author).

<sup>113</sup>Transcript of Interview with Student 100 at 9 (on file with the author).

<sup>114</sup>Transcript of Interview with Student 103 at 14 (on file with the author).

<sup>115</sup>Transcript of Interview with Student 103 at 14 (on file with the author).

<sup>116</sup>Transcript of Interview with Student 103 at 15 (on file with the author).

<sup>117</sup>Transcript of Interview with Student 102 at 4 (on file with the author).

. . . I think it was the whole first year just stress in general. Some professors were tougher. And I looked back at my grades and I didn't do any better or worse really. So it was just a stressful environment.<sup>118</sup>

And it's all new. And I don't understand that. I don't understand why, when people are new at something you would grill them off the bat.<sup>119</sup>

. . . That's kind of the problem in law school for me. Especially when it's "on your feet" thinking. I'm just not that quick, I need to sit down and I write a lot. I write well. I work through things as I write. I think slower than other people. And I don't know if that is a function of a learning disability or what, but I can't be put in pressured decisions. . . .<sup>120</sup>

Baker also reflected how his second year was distinctly different than his first year of law school. He described how he learned more in his second year of law school because the classroom environment was more positive.

[Law school] treat[s] second and third year students differently. It's not the "pressure cooker" it was. And, I can already tell I'm learning things. I'm remembering [more] because I'm [feeling] more positive in the classroom environment. Last year, I felt like I learned nothing. I mean, I look back and I couldn't even tell you what the basic elements of a contract are without having to look at my notes. It's the same thing with constitutional law and everything [else].<sup>121</sup>

The Socratic Method has been described as "mystifying and patriarchal, persisting because of the large classes and professors too lazy to adopt new teaching methods."<sup>122</sup> It has been found to be, particularly ineffective for teaching women, minorities, and students who learn differently.<sup>123</sup> Yet this teaching methodology persists.<sup>124</sup> There may be many reasons why the status quo remains in the legal academy. Some scholars argue that the "status quo is preserved . . . under [the] hiring, retention, and promotion practices that value scholarship over teaching . . . effectiveness."<sup>125</sup> The pressure on most young faculty is on the production of

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<sup>118</sup>Transcript of Interview with Student 102 at 4 (on file with the author).

<sup>119</sup>Transcript of Interview with Student 102 at 4-5 (on file with the author).

<sup>120</sup>Transcript of Interview with Student 102 at 3 (on file with the author).

<sup>121</sup>Transcript of Interview with Student 102 at 4 (on file with the author).

<sup>122</sup>Jolly-Ryan, *supra* note 8 at 124--125. See also Paula Gaber, "Just Trying To Be Human in This Place:" *The Legal Education of Twenty Women*, 10 YALE J. L. & FEMINISM 165 (1998) Alice K. Dueker, *Diversity and Learning: Imagining a Pedagogy Difference*, 19 N.Y.U. REV. L. & SOC. CHANGE 101 (1991-92); Paul L. Caron & Rafeal Gely, *Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning*, 54 J. LEGAL EDUC. 551, 554 (2004).

<sup>123</sup>Jolly-Ryan, *supra* note 8, at 125.

<sup>124</sup>*Id.*

<sup>125</sup>*Id.*

scholarship such that “the wise newer professor knows that the most direct path to tenure is to write law review articles.”<sup>126</sup>

In addition, professors who use creative teaching methods designed to reach the nontraditional learner and accommodate a variety of learning styles may be viewed as “less rigorous” by other faculty and by the students’ themselves.<sup>127</sup> Certainly scholarship dealing with pedagogy or teaching and learning may be considered something “less” by the legal academy.<sup>128</sup> In addition, consider the image we all have of the typical law professor (at least initially), a Professor Kingsfield-ish lecturer who possesses a “sink or swim” attitude in the classroom.<sup>129</sup> Unless we begin to recognize and promote professors who strive to teach more effectively, and to reexamine our perception of “rigor” in the classroom, it is our students who will be most severely affected.

And it is clear that at least for the students involved in the present study, the Socratic Method, particularly when used in a punitive and arrogant manner, can negatively affect learning in law school. “There cannot be a disconnect between teaching styles and the students’ learning styles.”<sup>130</sup> In any law school classroom, students representing all of the various learning styles, i.e., visual, auditory, kinesthetic/tactile, will be present.<sup>131</sup> In order to reach all law students more effectively, we need to consider employing teaching methodologies that reach different types of learners.

#### D. Concerns About the Future

Finally, each of the three study participants expressed concern over their future careers as a result of having a learning disability. Despite the fact that Alexa and Kelsey achieved significant success in law school, they were nonetheless worried about whether they could compensate for their learning disabilities as attorneys. Baker recognized that his struggles in law school may narrow what type of law he practices once he completes law school. The students’ concerns about their future careers suggest yet another difference between the way in which traditional and non-traditional learners experience law school.

Alexa, even though she was ranked as one of the top 10 students in her law school class, expressed concern about the challenges she might face as a practicing lawyer with ADD.

[What type of lawyer will I be?] That’s my new worry . . . Before, like I said, I was worried that I wasn’t going to pass the bar and that’s why I really wanted to work on [dealing with my disability]. Now that I’m in law

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<sup>126</sup>*Id.*

<sup>127</sup>*Id.* at 126.

<sup>128</sup>*See, e.g.,* Peter Toll Hoffman, Symposium: *The Many Voices of Clinical Legal Education*, 1 CLINICAL L. REV. 93, 107 (1994) (discussing that doctrinal scholarship is required for tenure purposes even for clinicians and/or those who specialize in skills training).

<sup>129</sup>Jolly-Ryan, *supra* note 8, at 126.

<sup>130</sup>*Id.* at 142 (citing Tracy L. McGaugh, *Generation X In Law School: They Dying of the Light or The Dawn of a New Day*, 9 J. LEGAL WRITING INSTIT. 119, 143 (2003)).

<sup>131</sup>Jolly-Ryan, *supra* note 8, at 142.

school, I'm thinking past the bar. I'm thinking about what I'm going to do when I'm working. This is a billable hour environment. I mean getting extra time--- you just can't do [that]. If you're working four hours and someone else is working two hours, and you're doing the same amount of work-- you know there is not any amount of accommodations that they can give you that will help out with that.<sup>132</sup>

. . . I'm wondering now not only should I be getting accommodating testing or accommodations, but should I be trying to work on reading better? I mean, I don't know how, but . . . I have looked into professional reading centers. I don't know. I just heard about them. But that's kind of my new worry now. In terms of how I'm going to work with other clients or other professionals. I haven't thought about it in that way. The thing that I just really worry about is if there is a perception in law school [about having a learning disability], then what's the perception outside of law school?<sup>133</sup>

Alexa also described a different kind of pressure that she feels given her success in law school.

. . . I've gotten the opportunity to work at a law firm and I'm going to be working in the summer and people have kind of this -- they have said, "Oh you're set. You're set." And, I don't know if they think I'm being humble or what. But I say, "No, I'm not." If I can do [the job] this summer, and if they like what I do, I hope that I can be there at the end of the year.

. . . I'm seriously thinking about, can I work in that type of environment? I like doing the work, but can I do it in that fast-paced billable hour type of environment? This is going to be my test. I don't have any real expectations. . . . If it doesn't work out, that's fine. It's not me being humble, it's me being realistic.<sup>134</sup>

Kelsey's main concern about her future stemmed from her belief that she'll initially struggle as a new lawyer before she "figures out" how to be successful in her new role.

"Well, I have worries that I'm going to go through that same phase I have with every other big step in life--- where I start out really bad and then end up growing into my own, and . . . flourishing . . . [B]ut -- I do feel that I'm going to have that time."<sup>135</sup>

Baker hoped that the real-world practice of law was different than law school.

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<sup>132</sup>Transcript of Interview with Student 100 at 11 (on file with the author).

<sup>133</sup>Transcript of Interview with Student 100 at 11 (on file with the author).

<sup>134</sup>Transcript of Interview with Student 100 at 12 (on file with the author).

<sup>135</sup>Transcript of Interview with Student 103 at 11 (on file with the author).

I mean the amazing thing about law school is it's contrary to the profession. The profession is about, at least for me, being collaborative. [It's about] discussing the issues . . . .<sup>136</sup>

. . . I've come to law school and [now I'm] . . . on the brink of whether or not I want to practice law. . . Law school has kind of opened my eyes to the fact that maybe I don't have the skills to do some of the things that are important or required [of] a lawyer. I'm still very insecure about some of my skills.<sup>137</sup>

. . . I'm not as great as [a] researcher as I'd like to be. You know, I do challenge myself. I did [go out for moot] court [to] see if I could speak well on my feet. It was okay. . . . When I look at law, I want to be on the transactional side--the front end of law. I don't want to be fixing peoples problems. I don't want to be a litigator fighting over [things]. I'd rather be drafting a contract or selling a business or something that I feel is more constructive on the front end than on the back end. So I don't know. I might stick with it. I might not. I'm not sure at this point. It's kind of open.<sup>138</sup>

There is every possibility that lawyers with learning (and other) disabilities can make important contributions to the practice of law. A practicing attorney with a learning disability may have more empathy and compassion for his or her clients.<sup>139</sup> Perhaps the legal profession is in more need of lawyers with "all types of disabilities" than ever before.<sup>140</sup> In addition, it is possible that once these students graduate from law school and pass the Bar, many of the issues relating to their learning disabilities will disappear.<sup>141</sup> Often lawyers in smaller law firms can make their own accommodations or learn how to practice flexibly.<sup>142</sup> Such accommodations might be making lists; modifying client billing procedures to compensate for a longer time needed to complete tasks; or specializing in one area of practice.<sup>143</sup>

In addition, the use of technology in the practice of law "not only places the lawyer with a disability on a more equal footing with lawyers with no disabilities," it allows for increased efficiency overall.<sup>144</sup> The lawyer with a learning disability also

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<sup>136</sup>Transcript of Interview with Student 102 at 8 (on file with the author).

<sup>137</sup>Transcript of Interview with Student 102 at 7 (on file with the author).

<sup>138</sup>Transcript of Interview with Student 102 at 7 (on file with the author).

<sup>139</sup>See Jolly-Ryan, *supra* note 8, at 131.

<sup>140</sup>*Id.*

<sup>141</sup>R. Randall Kelso, *Reflections on the Learning-Disabled Lawyer: Or on the Importance of Being Swift—A Modest Proposal*, 42 S. TEX. L. REV. 119, 124 (2000).

<sup>142</sup>*Id.*

<sup>143</sup>Scott Lemond & David Mizgala, *Identifying and Accommodating the Learning Disabled Lawyer*, 42 S. TEX. L. REV. 69, 75 (2000).

<sup>144</sup>See Jolly-Ryan, *supra* note 8, at 134.

can use “slightly different methods of working” to “generate the same work product as non-learning disabled people.”<sup>145</sup> “They simply “take alternate routes to arrive at the same destination as non-learning disabled people.””<sup>146</sup> Just like the students in the present study, lawyers who learn how to work with their learning disabilities and understand their strengths and weaknesses can be successful.<sup>147</sup>

#### V. WHAT CAN WE LEARN FROM THESE STUDENTS?

The results of this case study suggest that legal educators can do a great deal to support students with learning disabilities. The literature provides excellent pedagogical suggestions about how legal educators can support law students who learn differently in the classroom and this section will not attempt to repeat those suggestions or provide a comprehensive analysis of them.<sup>148</sup> Instead, this section lists ten practical suggestions as recommended by the students in this study as ways in which legal educators can facilitate classroom learning for law students with ADD.<sup>149</sup>

1. Be Organized: Follow your syllabus. Arrive to class on time. Be timely with your grading.
2. Vary the Format of Your Lectures: Students’ attention spans are approximately 20 minutes.<sup>150</sup> Use cooperative learning and small group activities to change the classroom dynamic.
3. Teach to a Multitude of Learning Styles: Keep students involved in the classroom. Employ “active learning” techniques. Make use of student laptops hooked up to the internet. Encourage collaboration among students. Utilize role-plays.
4. Model Enthusiasm: Students become more engaged when their professors are engaged with the course content. Enthusiasm is contagious.
5. Avoid the Long Lecture: Break up long presentations by “chunking” content. At the end of each “chunk,” have students respond in some way to re-focus their attention.
6. Increase Student Feedback (and Assessment): Break down assignments into “mini-assignments,” and build in reinforcement as the class completes each part.
7. Reduce Competing Stimuli in the Classroom: Students may benefit when professors reduce competing stimuli in the classroom environment. This

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<sup>145</sup>*Id.* at 133 (citing Lisa Eichhorn, *Reasonable Accommodations and Awkward Compromises: Issues Concerning Learning Disabled Students and Professional Schools In the Law School Context*, 26 J.L. & EDUC. 31, 37 (1997)).

<sup>146</sup>Jolly-Ryan, *supra* note 8, at 133.

<sup>147</sup>*Id.* at 134-35.

<sup>148</sup>*See, e.g.*, Boyle, *supra* note 3, at 373-75; Jolly-Ryan, *supra* note 8, at 148.

<sup>149</sup>During the course of the interviews, I asked each of the study participants to provide suggestions for how their law professors could make learning easier for them as students who learn differently. This list is my summary of the students’ suggestions. I have no doubt that many of these suggestions are well-documented in the current literature covering this topic as well.

<sup>150</sup>Jolly Ryan, *supra* note 8, at 146.

may mean prohibiting laptop use for a particular class or at least requesting that students not respond to email during class.

8. **Spend Time at the Beginning of the Law School Experience Discussing Learning Styles and Learning Strategies:** All students, but particularly students with ADD, may benefit from spending time at the beginning of law school to discuss individual learning styles. Organizational strategies are also helpful for students with attention deficit disorder. Consider giving examples of color-coding or flow charts as different ways to grasp the material at hand.
9. **Give Clear Directions Both Orally and Visually:** Whenever possible, provide students with a model of what he or she should be doing.
10. **Be a Mentor:** Students who learn differently may benefit a great deal from having opportunities outside the classroom to talk to professors about the material.

## VI. CONCLUSION

The new reality in legal education is that a certain percentage of our student population will have a learning disability, either disclosed or undisclosed. This study sought to explore the experiences of three law students with ADD. Although the sample size was small, the case studies of these students suggest that legal educators can have a profound effect on the learning experiences of law students with learning disabilities. What advice did the students in this study have for future law students with learning disabilities? Each agreed that the best advice they could give was: follow your own path.

[W]hatever [you do], don't doubt yourself. You will find your way. The system may not be perfect for you. Just find your way through it. You are not going to change the system. Tailor what you do with your time with what makes you feel comfortable. Get help if you can. There are professors who are willing to help you outside of school. . . . And just play to your strengths. Be prepared to be isolated. Because there might not be a lot of people who study like you or think like you do and . . . you'll just have to find new ways to compensate.<sup>151</sup>

Any legal educator can be one of those professors that are "willing to help" a student who learns differently. It is time for legal educators to welcome nontraditional learners into their classrooms. By seeking to create an environment of inclusion versus exclusion, by expanding our teaching methodologies and by recognizing the multitude of talents and skills our students possess, we can humanize the law school experience for all students.

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<sup>151</sup>Transcript of Interview with Student 102 at 8 (on file with the author).