

2015

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Recommended Citation

Ian Weinstein, *Learning and Lawyering Across Personality Types*, 21 *Clinical L. Rev.* 427 (2015)

Available at: http://ir.lawnet.fordham.edu/faculty_scholarship/624

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LEARNING AND LAWYERING ACROSS PERSONALITY TYPES

IAN WEINSTEIN*

ABSTRACT

Personality theory illuminates recurring problems in law school teaching. While the roots of modern personality theory extend back to Hippocrates and the theory of the four humors, contemporary ideas owe much to Carl Jung's magisterial book, Psychological Types. Jung's work gave us the categories of introvert and extrovert, as it explored what has come to be understood as the cognitive bases for our habits of mind. These are powerful ideas but also complex and sometimes obscure. Applying them to law school teaching and learning (and law practice) can be very fruitful, if we pay careful attention to ourselves and colleagues, the structure of the ideas we convey, the complexity of the skills we aim to sharpen and the settings in which we teach and learn. While the theory has something to say about teaching and learning in large groups, the most widely cited pedagogic notion that flows from personality type theory — the claim that teachers should match their mode of presentation to the learning styles of the students — is not among them. In the large classroom, we might better match our modes of presentation to the structure of the ideas we are conveying than varying our presentations to appeal to a heterogeneous group of personality types. But when we work with individual students and small groups to build problem solving, interpersonal and collaborative skills, personality type theory can be a powerful guide to how we teach as well as a useful set of ideas for our students. This paper discusses Jungian Personality Theory and the lessons it offers in a variety of teaching and learning settings in law school.

INTRODUCTION

Each law student, like any person, is characterized by the particular combination of emotional responses, behaviors, and thought patterns that make up his or her personality. The idea that each person's complex set of individual differences can be analyzed into constituent

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components and categorized traces back to Hippocrates and the theory of the four humors.¹ This ancient idea takes contemporary form in personality psychology, a field which offers a largely descriptive, empirically driven branch, personality trait theory, and the more analytic and theory driven school of personality type theory. Modern personality type theory, which hypothesizes that sets of traits vary together, grew out of the work of the great Swiss psychiatrist Carl Jung. His magisterial book, *Psychological Types*,² first popularized the ideas of *introversion* and *extraversion* and categorized people by their preferences in three psychic dimensions he believed fundamental.³

Legal education has long been quite sensitive to dimensions of individual difference among law students other than personality. Law students are rigorously sorted for their aptitude in abstract reasoning and for their prior academic achievement in the law school application process, and they are re-sorted in that dimension by law school exams. In recent years, legal education has become a bit more attentive to other dimensions of individual difference as appreciation for the complexity of modern professional practice has deepened.⁴ We have grown more ambitious, aiming to challenge students intellectually while also better preparing them for the social and emotional dimensions of being a lawyer. Personality theory can help us meet those ambitions.

Application of these complex and sometimes obscure ideas to law school teaching and law practice can be tricky. Useful work with these ideas requires careful attention to ourselves, our students, the structure of the ideas we convey and the complexity of the skills we aim to sharpen in our students. In the large classroom, personality theory can give us some useful insights. However, the most widely cited pedagogic notion that flows from personality type theory, the claim that teachers should match their mode of presentation to the learning styles of the students, is not among them. In the large classroom, we might better match our modes of presentation to the struc-

¹ Genuine Works of Hippocrates Translated From the Greek (Francis Adams, LL.D. trans. 1886); see also Galen's Doctrine of the Four Temperaments, ELSEVIER'S DICTIONARY OF PSYCHOLOGICAL THEORIES (2006), available at http://www.credoreference.com/entry/estpsytheory/galen_s_doctrine_of_the_four_temperaments.

² CARL G. JUNG, PSYCHOLOGICAL TYPES (1933).

³ See *infra* pp. 10-15.

⁴ See William M. Sullivan, et al., *Educating Lawyers: Preparation for the Profession of Law* ("the Carnegie Report") (2007); American Bar Association Section of Legal Education and Admissions to the Bar, *Legal Education and Professional Development – An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* ("the MacCrate Report") (1992); DONALD A. SCHÖN, EDUCATING THE REFLECTIVE PRACTITIONER: TOWARD A NEW DESIGN FOR TEACHING AND LEARNING IN THE PROFESSIONS (1st ed. 1987).

ture of the ideas we are conveying than varying our presentations to appeal to a heterogeneous group of personality types. In other settings, when we work with individual students and small groups to build problem-solving, interpersonal, and collaborative skills, personality type theory can be a powerful guide to how we teach as well as a useful set of ideas to teach to our students.

This article proceeds in five parts. Part I provides an overview of Personality Theory and places Carl Jung's thought in context among some other significant thinkers in 20th Century psychology. Part II explores Jung's thought in more detail, focusing on several key ideas underlying his type theory, ideas which can inform teaching and learning. Part III applies Jung's type theory to teaching in the large class setting. Part IV applies theory to teaching small group and to professional practice with a focus the Jungian influenced Myers-Briggs Type Indicator (MBTI). Part V discusses my experiences, utilizing both Jung's type theory and the MBTI in teaching and clinical supervision.

I. PERSONALITY THEORY — TRAITS AND TYPES

Gordon Allport, a leading academic personality psychologist of the mid-twentieth century defined personality as "the dynamic organization within the individual of those psychophysical systems that determine his characteristic behavior and thought."⁵ Allport is one of the founders of contemporary personality trait theory, which provides a useful descriptive framework for categorization of human personality. The most widely used contemporary variation on trait theory is the Big Five Factor Model,⁶ an approach to personality driven more by data than theory.⁷ Using surveys, psychologists collected data on the distribution and combination of traits among a given population to

⁵ GORDON W. ALLPORT, *PATTERN AND GROWTH IN PERSONALITY*, 28 (1961).

⁶ See generally RAYMOND B. CATTELL, *PERSONALITY, A SYSTEMATIC THEORETICAL AND FACTUAL STUDY* (1st ed. 1950) (outlining an objective and theoretical approach to organizing personality factors); see also RAYMOND B. CATTELL, *THE SCIENTIFIC ANALYSIS OF PERSONALITY* (1965) (further developing a multiple-factor system to theories of personality). Consensus exists today concerning the Big Five factors: Extraversion, Agreeableness, Conscientiousness, Neuroticism, and Openness. See Robert R. McCrae & Paul T. Costa, Jr., *Comparison of EPI and psychoticism scales with measures of the five-factor model of personality*, 6 *PERSONALITY AND INDIVIDUAL DIFFERENCES* 587 (1985); see also Robert R. McCrae & Oliver P. John, *An Introduction to the Five-Factor Model and Its Applications*, 60 *J. OF PERSONALITY* 175 (1992) (summarizing the history of the five-factor model and the nature and theories surrounding the five factors).

⁷ Allport's approach to personality mirrors Charles Spearman's work on intelligence – each sought empirical evidence for the contours of the psychological entities they studied. See CHARLES SPEARMAN, *THE NATURE OF "INTELLIGENCE" AND THE PRINCIPLES OF COGNITION* (2d ed. 1927); see also GORDON W. ALLPORT, *PERSONALITY: A PSYCHOLOGICAL INTERPRETATION* (1937).

build clusters of related personality tendencies. *Open* people will tend to like art, hold unconventional beliefs, and be interested in new ideas. You can find art lovers among those who attend the most traditional churches, but if you want to sell the most memberships to an art museum, you might better look in places where people with unconventional beliefs are likely to collect. On the other hand, sociability, which many might first think of as a part of *openness*, is associated with *extraversion*, a distinct trait as personality trait theorists divide things up. Making people feel at ease, which might be part of sociability, is a subtrait of *agreeableness*. Although we understand how a person can be open but not sociable or agreeable, as those traits are defined, the contours of each trait are not necessarily intuitive to all. The Big Five Factor Model,⁸ sometimes called the Big Five or referred to by the acronym OCEAN, measures openness, conscientiousness, extraversion, agreeableness, and neuroticism, and it is a valid instrument for sorting large populations and screening for outliers.

But trait theory, exemplified by the Big Five, is largely descriptive. Allport wrote, “Individuality is a prime characteristic of human nature . . . We need laws of learning, of perception, of cognition . . . but we also need a special point of view in order to bring these general principles to converge upon the individuality of pattern that comprises personality.”⁹ But no “special point of view” has yet emerged upon which the ideas of personality trait theory have decisively converged. For Allport and some others, sorting into incompletely theorized categories in an effort to resolve the common perception that each person’s personality is both unique and common is incoherent.¹⁰ Yet there are those for whom considering each half of the apparent antinomy of consistency among variations creates a pleasing, harmonious whole.

That sort of person may be more drawn to personality type theory, an approach pioneered by Carl Jung that has proven a rich inspiration for three related sets of ideas that continue to speak to many educators. While trait theory holds that traits vary independently, type theory hypothesizes deeper underlying structures of personality that cause traits to vary together. Type theory looks to a middle ground between the aggregate and the individual, seeking to identify structures of personality that are more than just descriptions of indi-

⁸ See McCrae & Costa, *supra* note 6.

⁹ See ALLPORT, *supra* note 5, at 21. Allport goes on to use the technical framing. “The psych of personality is not exclusively nomothetic nor exclusively idiographic. It seeks an equilibrium between the two extremes . . . often we find that the picture of personality offered is that of an uncemented mosaic of elements and test scores, or of fragmentary processes, never vitally interrelated.” *Id.*

¹⁰ See *id.* at 16.

vidual traits that come together in particular people. We are all type theorists when we play the ninja/pirate game¹¹ or otherwise divide those we know into categories or groups.

Personality type theory, the idea that people can be categorized by their characteristic preferences in certain fundamental mental processes, has come to play a significant role in contemporary educational theory through the cognitive style literature, exemplified by the work of theorists like Herman Witkin¹² and Neil Fleming,¹³ who give us the embedded figure and VARK instruments. This line of thinking is the genesis of the modern mantra in education that different students learn in different ways. There is also an important psychometrically inflected version of type theory in Robert Sternberg's work on thinking styles.¹⁴ The third and most distinctively Jungian branch is best represented by the well known and sometimes criticized Myers-Briggs Type Indicator (MBTI).¹⁵ Personality psychology presents the law professor interested in teaching with a rich, complex, and not wholly satisfying body of literature, instruments, and current practices.

While each of these thinkers offers a perspective from which we can learn, the fractured field of personality psychology offers no powerful model for how personality relates to learning, and the field has no instrument that predicts learning variation associated with personality types analogous to Wechsler-based intelligence testing.¹⁶ That being said, these thinkers offer insights that some of us, depending on our personality type, will find very interesting and useful, while others

¹¹ According to the Internet meme, based upon a video game, in the epic battle between pirates and ninjas, each of us belongs to one side or the other. *Pirates Versus Ninjas*, WIKIPEDIA (June 11, 2013, 12:42 PM), http://en.wikipedia.org/wiki/Pirates_versus_Ninjas. I test as a ninja. See *Pirates or Ninjas*, QUIZ ROCKET (June 11, 2013, 12:43 PM), <http://www.quizrocket.com/pirate-vs-ninja-quiz>.

¹² HERMAN A. WITKIN, PERSONALITY THROUGH PERCEPTION, AN EXPERIMENTAL AND CLINICAL STUDY (1954); see also Herman A. Witkin, *Individual Differences in Ease of Perception of Embedded Figures*, 19 J. OF PERSONALITY 1 (1950) (describing differences among subjects in discovering the simple figure within the complex, embedded one).

¹³ NEIL D. FLEMING & COLLEEN MILLS, *Not Another Inventory, Rather a Catalyst for Reflection*, 11 TO IMPROVE THE ACADEMY 137 (1992), available at <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1245&context=podimproveacad>.

¹⁴ See ROBERT J. STERNBERG, THINKING STYLES (1997); HANDBOOK OF INTELLECTUAL STYLES: PREFERENCES IN COGNITION, LEARNING, AND THINKING (Li-fang Zhang, Robert J. Sternberg & Stephen Rayner eds., 2012).

¹⁵ See ISABEL BRIGGS MYERS, MBTI MANUAL: A GUIDE TO THE DEVELOPMENT AND USE OF THE MYERS-BRIGGS TYPE INDICATOR (3d ed. 1998); see also ISABEL BRIGGS MYERS & PETER B. MYERS, GIFTS DIFFERING: UNDERSTANDING PERSONALITY TYPE (1995). See Robert R. McCrae & Paul T. Costa, Jr., *Reinterpreting the Myers-Briggs Type Indicator From the Perspective of the Five-Factor Model of Personality*, 57 J. OF PERSONALITY 1 (1989), for an analysis of the MBTI through a Jungian theory perspective.

¹⁶ See DAVID WECHSLER, THE MEASUREMENT AND APPRAISAL OF ADULT INTELLIGENCE (4th ed. 1958) (describing the theory, application and results of the Wechsler Bellevue Intelligence Scale (W-B I) and the Wechsler Adult Intelligence Scale (WAIS)).

will find them frustratingly opaque, incomplete, and without practical application.

II. JUNG'S PSYCHOLOGICAL TYPES

Ideas quite similar to personality type theory can be traced back to the ancients,¹⁷ and the eternal battle between Platonists and Aristotelians can have much of the flavor of personality type theory. Swiss psychiatrist Carl Jung offered the first modern theory of personality types.¹⁸ Rather than collecting traits, as Allport had, Jung theorized about recurring patterns of unconscious thought,¹⁹ revealing the basic tendencies of the human psychic process. Drawing on his own study of both Western and other spiritual practices, an extensive clinical practice and his own inner experience, Jung identified and argued for three axes of personality: extroversion/introversion,²⁰ or the tendency to seek information in either the outside world or inner experience, sensation/intuition,²¹ the tendency to perceive parts and divisions or wholes, and thinking/feeling, the difference between deciding by counting reasons and deciding by feeling.²²

Jung's work on personality is complex. Several strands in his thinking remain central to contemporary personality psychology. He introduced the terms *introversion* and *extraversion* and identified them as the poles of the axis that primarily defines human personality. That axis remains a central organizing principle. For Jung, the fundamental psychological process relates our inner experience, the subject, to our outer experience, the object. According to Jung, an extrovert's psychic energy more easily flows outward, toward the object. The extrovert feels at ease or energized and engaged when his or her psychic energy plays or focuses upon the outer world. Reflection, or the inward projection of energy, can require more effort and become tiring for the extrovert.

The introvert, in contrast, prefers to project psychic energy inward. For him or her, reflection or subjective focus is energizing, while the projection of energy toward the object can become tiring

¹⁷ Hippocrates' theory of the four humors is the earliest known example of type theory.

¹⁸ See JUNG, *supra* note 2.

¹⁹ Jung famously broke with Freud over the nature and value of the unconscious. In Jung's view, the unconscious was the source of important, positive human feelings and ideas, as well as the fears and negative emotions on which Freud focused.

²⁰ Extraversion/introversion is also one axis in the Big Five. For a discussion of the five factors, see *supra* note 6 and accompanying text.

²¹ I have always thought this axis bore a strong family resemblance to the debate between the empiricists and rationalists. In college philosophy courses, John Locke often represents the sensation side and Gottfried Leibniz presents the intuitionist perspective.

²² Here, I think more of the Romantics and Classicists of the turn of the eighteenth to the nineteenth centuries, but that opposition is also an ancient one.

and require effort. The extrovert gains energy from a crowd and seeks the stimulation of the outer world of objects, while the crowd tires the introvert, who prefers the experience of reflection on the subject or inner life. Importantly, this axis does not tell us who will enjoy a party or who will be lively and engaging in a group. *Introversion* and *extraversion* are not measures of social grace; they are ideas about one's characteristic stance or preference in mediating between our subjective or inner life and the outer world. Another way to think of this opposition is to ask, does a person characteristically turn to his or her own inner experience or to the outside world? Do you live in your head or in the world? Is your inner life or the outer world a more congenial focus for your attention?

Of course, most of us live both in our heads and in the world. As with all aspects of personality, the question is tendencies, preferences, and characteristic modes. The introvert favors or tends toward subjective modes, but most spend a good deal of psychic energy focused upon and are quite alive to the objective or outer world. Each type is reasonably comprehensible to the other, neither has a superior perspective, and no particular view, outcome or result flows inevitably from a type.

In addition to one's attitude toward the problem of mediating between our inner life and the outer world, Jung also identified two pairs of opposed functions. The four functions are the set of irreducible psychic activities,²³ or basic, fundamental psychological processes. In contemporary terms, as I will argue below, we might understand them as the modes of managing information. The sensation/intuition pairing captures the two modes of perception. According to Jung, sensation is conscious perception: the appreciation or consciousness of the redness of the flower, along with all its other attributes, as well as the concepts, feelings and other mental entities that combine in the mental experience of seeing a flower.²⁴ Intuition, in contrast, is unconscious perception. To the intuitive perceiver, content is presented as a whole, without ready access to analysis of its constituent parts.²⁵ So, the flower is seen as a flower by the intuitive perceiver, not as a red, sweet-smelling, five-petaled organism that is called a flower.

In Jung's view, while sensing is conscious and intuition is unconscious, both are irrational. The experience is not subject to significant change through reflection; one sees the flower or sees the redness and petals, and further mental focus does not alter that experience.

Thinking and feeling are the two rational functions through which

²³ See JUNG, *supra* note 2, at 547.

²⁴ See *id.* at 585.

²⁵ *Id.* at 568.

we use our mental faculties to shape thought, feeling and action.²⁶ Thinking, Jung observes, involves the application of a set of rules or processes to arrive at a conceptual connection among ideas.²⁷ Those with a preference for thinking apply rules and take a process approach to thinking and shaping action. Feeling, in contrast, is a subjective process that relies upon value, or the opposition of liking and disliking, to shape thought and action.²⁸ We might think of the difference between counting reasons and weighing preferences as the primary modes of choosing among alternatives.

These three oppositions or axes combined in predictable ways for Jung. Each person has a dominant attitude, either introverted or extroverted. Then the four functions must be ordered. The two pairs of functions identify exclusive modes. While most people can feel and think, in Jung's view, they cannot do both at the same time, as is also true of sensing and intuiting. So, Jung argued that each person has a dominant attitude and a dominant function. The function opposing the dominant function, in Jung's view, recedes into the unconscious and is rarely used. In early work, he distinguished eight types, according to attitude and dominant function. He also theorized that the preferred function of the remaining pair, whether it is the rational or irrational pairing, is the auxiliary or secondary function. In later work, Jung noted the likely existence of more types, drawing out the idea that the two sensing categories, introverted and extroverted, may be subdivided among the sensing feelers and the sensing thinkers, but never sensing intuitionists, as sensing and intuition are opposed to each other. One of the best known and most strongly Jungian contemporary type theories, the Myers-Briggs Type Indicator, expands Jung's eight categories to sixteen with the addition of the auxiliary function and a fourth axis.

While Jung warned that correct classification of any individual can require extensive interviewing and analysis, some will find an illustration useful. So, I offer the suggestion that the two figures I have discussed, Allport and Jung, are of two different types. While both were likely introverts, as academics tend to be, Allport's characteristic modes seem to be sensing and thinking. He was a collector of data and his writing is straightforward. He assembled evidence to support a conclusion and was cautious about theorizing beyond the limits of the collected data. In Jung, on the other hand, intuition and feeling dominate. He presents big ideas whole and offers pronouncements supported by evidence. For Jung, the evidence runs out before the

²⁶ *Id.* at 583.

²⁷ *Id.* at 611.

²⁸ *Id.* at 544.

theory.²⁹ As my interest in his work suggests, Jung's categories resonate deeply with me. I have repeatedly tested as an introvert, with intuition as my dominant function and feeling as my auxiliary function. While I rather like being the center of attention and enjoy a lively party, I tire easily at large gatherings, often seek the edges of big groups and gravitate, after a while, to a quiet spot to recharge during conferences. I live in my head. I have also long been fascinated by my own tendency to see ideas and concepts whole and jump to conclusions about the rightness or wrongness of arguments first and then analyze them later. My subjective experience has led me to write about decision making in the law in an effort to understand that experience.³⁰ But as Jung says of the introverted, intuitive type, I have often found my words inadequate to convey my inner experience, and I know I continue to confuse others as I continue to perplex myself.³¹

²⁹ Dividing people into groups is one of the attractions of type theory - for those who enjoy categorizing. Researching this project, I read work by Francis Galton, who first considered the question of heritability of aptitude after Darwin, Charles Spearman, the first to hypothesize the existence of a unitary general intelligence factor, Gordon Allport, who is discussed above, Louis Thurstone, whose work in factor analysis significantly advanced psychometrics between the World Wars and David Wechsler, the creator of the Wechsler Intelligence Scale. Their work is filled with examples of the impulse to know the world by noting, counting, and classifying the constituent parts of things. This is the world of the extrovert, alive to sensation; a world in which data flows from the outside to the mind and the bits adds up to understanding. Speaking broadly, allusively, and in a manner conducive to those given to intuition, these minds looked outward to build theory.

On the other hand, there are those for whom theory and theme are the place to start, and data is collected to elucidate theory, not discover it. Reading the work of Jean Piaget, Carl Jung, William James, Alfred Binet, and Howard Gardner, one encounters minds looking inward to generate theories and then outward to collect data. Theirs is the world of the introvert given to intuition.

All ten of these thinkers offered deep and lasting insights in the nature of human intelligence through the closely linked enterprises of theorizing and collecting data. And while Jung warned that many people must be studied carefully before one can be confident of categorizing them correctly, for illustrative purposes, the work of the first five, with its characteristic counting and crafted statements of narrower theory suggests energy flowing more easily outward to the object and careful attention to sensation. In their work, insightful description is an important kind of understanding. For the latter group, psychic energy flowed to the subject and their deeper but less lucid theories suggest greater access to intuition than sensation. In their work, theory and theme are important ways of understanding. The two groups are of two types.

³⁰ See Ian Weinstein, *Lawyering in the State of Nature: Instinct and Automaticity in Legal Problem Solving*, 23 VT. L. REV. 1 (1998); see also Ian Weinstein, *Don't Believe Everything You Think: Cognitive Bias in Legal Decision Making*, 9 CLINICAL L. REV. 783 (2003).

³¹ See JUNG, *supra* note 2, at 510 ("Therewith, he also deprives himself of any influence upon [the world] because he remains unintelligible. His language is not that which is commonly spoken - it becomes too subjective.").

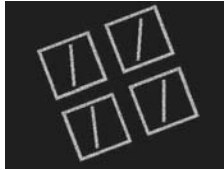
III. TYPE THEORY IN THE MODERN CLASSROOM

Type theory, with distinct traces of Jung, is evident in the work of contemporary educational theorists. The categories of sensation/intuition and feeling/thinking, understood through an information processing and decision making lens, underlie the idea of cognitive styles or preferences in information processing and learning. Theorists in this aspect of personality type theory, as applied to education, include Herman Witkin and, with a more psychometric twist, Robert Sternberg.³² Cognitive learning or thinking style theories or instruments can usefully be understood as the cognitive science/information processing take on personality.³³

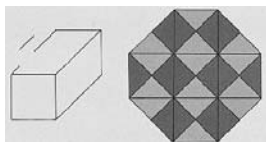
Herman Witkin was an influential researcher in the 1960s and 70s. He generated strong results with two rather simple tests: the rod and frame³⁴ and the embedded figure.³⁵ In the rod and frame protocol, subjects are asked to align a rod set in a frame that is not square

³² See FLEMING & MILLS, *supra* note 13.

³³ Most would agree that cognitive style is an aspect of personality but some, like Witkin, would argue that style is a deeper category that cuts across personality, aptitude and affect. See Herman A. Witkin, Carol Ann Moore, Donald R. Goodenough & Patricia W. Cox, *Field-Dependent and Field-Independent Cognitive Styles and Their Educational Implications*, 47 REV. OF EDUC. RES. 1, 10 (1977) (Cognitive style includes "a broad dimension of individual differences that extends across both perceptual and intellectual activities. Because what is at issue is the characteristic approach the person brings with him to a wide range of situations - we called it his 'style'- and because the approach encompasses both his perceptual and intellectual activities - we spoke of it as his 'cognitive style'.").



³⁴ The rod and frame tests orientation. This is a static version. Steven J. Gilbert, *Field Dependence and Autokinetic Suggestibility Research Project*, ST. U. OF N.Y. ONEONTA, <http://employees.oneonta.edu/gilbersj/autokinetic.htm> (last updated Jan. 31, 2003). Subjects may also be placed in a dark room and view an illuminated, tilted frame while sitting in a chair angled to match the frame. In that posture, they are asked to manipulate a rod and align it to vertical.



³⁵ The embedded figure test presents simple forms in a complex figure. The goal is to identify the simple forms. <http://eweb.furman.edu/~einstein/general/pers/253.jpg>. See HERMAN A. WITKIN & DONALD R. GOODENOUGH, *COGNITIVE STYLES: ESSENCE AND ORIGINS* (1981) for an explanation of the Group Embedded Figures test.

with the natural horizon. Some will orient the frame and rod to the horizon, while others will orient the rod to the frame and ignore the horizon. In the embedded figures test, subjects either see the whole and parts, or only the parts. As Witkin described it, some lose the figure in the field and orient themselves by the immediate environment, while others see the figure but not the field and orient themselves by the natural horizon or other external referent.

A substantial, if now dated and contested, body of research found connections among the ways those in each category learn. Those who orient themselves by the natural horizon and see the embedded figures display “field independence,” a “cognitive style” that predicts that one will attend less to the social environment and be more comfortable with loosely-structured material and abstractions.³⁶ Those who lose the figure in the background are field dependent; they will attend more to social relationships and tend to learn better in groups and by example than by individualized hypothesis generation and testing. Field dependence is a simple, binary classification which defines two types. While this kind of opposition invites essentialism, like unitary intelligence, it also illuminates an important axis for classroom teachers. Field dependence/independence arrays learners by their relative preference for more abstract or more concrete analysis and reasoning.

While Witkin’s work was influential for a time, it came to be criticized on two grounds. First, field dependence varies predictably with performance on standard intelligence tests, suggesting that it is not measuring the independent factor of learning or cognitive style.³⁷

³⁶ Witkin, Moore, Goodenough & Cox, *supra* note 33, at 12-13 (“[i]n contrast to the ‘with-people’ orientation of field-dependent persons, field-independent persons tend to have a more impersonal orientation . . . [and] are more likely to be interested in the abstract and theoretical.”).

³⁷ Frank McKenna’s findings, for example, conflict with Witkin’s view that field dependence is a cognitive style. McKenna asked, “[a]re measures of field dependence measures of personality, cognitive style, or ability? The substantial and consistent correlations with standard ability measures, in comparison to the inconsistent and low correlations with personality measures makes the ability explanation more plausible.” See Frank P. McKenna, *Field Dependence and Personality: A Re-examination*, 11 SOC. BEHAV. & PERSONALITY: INT’L J. 51, 53 (1983). Additionally, “in reviewing the relationship between the Embedded Figures Test and standard measures of ability, [McKenna] found significant correlations with general intelligence tests.” *Id.* at 52. Richard Riding and Indra Cheema also criticized that “[t]he cognitive style construct has been elusive; this is partly due to the fact that many researchers working within the learning/cognitive style research, fail to mention the existence of other types of styles. As a result, like the blind man and the elephant, different theorists have been working with different concepts and have referred to them as a ‘cognitive/learning style.’ Indeed, attempts to unite these scattered schools of thought have been extremely rare.” Richard Riding & Indra Cheema, *Cognitive Styles – An Overview and Integration*, 11 EDUC. PSYCHOL. 193(1991). But see Robert J. Sternberg & Elena L. Grigorenko, *Are Cognitive Styles Still in Style?*, 52 AM. PSYCHOL. 700, 710 (1997) (conclud-

Many came to believe that Witkin's instrument was identifying those with higher intelligence as tested by Wechsler-style tests and who, as a function of that higher intelligence, could better understand and manipulate abstract concepts. Second, the model came to be viewed as too simplistic, and more complex models of cognitive styles came into fashion. While others have continued to mine the vein Witkin identified,³⁸ other models enjoy greater contemporary influence.

But Witkin's model captures the important role that the axis of abstraction and concreteness plays in teaching and learning, particularly in university classrooms. But type theory only addresses the learner's side of the equation. As the pioneering work of Newell and Simon showed, domains of knowledge each have their own characteristic structures,³⁹ and the development of expertise is context sensitive.

Even as the learner has his or her own preference, the optimal level of abstraction at which any concept should be presented in the traditional classroom or seminar setting is also context or substance sensitive. Particular bodies of knowledge and practices are best presented at greater or lesser levels of abstraction or concreteness, depending on both the learner and the structure or nature of the area of knowledge.⁴⁰ Most American graduate schools approach literature more abstractly than they approach social work, although there are very theoretical social work schools and less abstract literature departments.

So field dependence, to the extent it is not just another name for intelligence, is also only the learner's side of the idea that different concepts are optimally presented to learners at higher or lower levels

ing that learning style models have a rich history and have a promising place in the future "at the border between personality and cognition.").

³⁸ See Linda M. Bastone & Heather A. Wood, *Individual Differences in the Ability to Decode Emotional Facial Expressions*, 34 *PSYCHOL.: J. HUM. BEHAV.* 32 (1997). Bastone and Wood used tests of introversion/extraversion and field-dependence-independence to measure differences in individuals' abilities to decode emotional facial expressions. They found that there was little difference in the ability of extroverts and introverts in decoding facial expressions. However, the results indicated that, when faced with more difficult decoding tests, field-independent participants were better able to interpret facial expressions than those who were field-dependent.

³⁹ ALLEN NEWELL & HERBERT A. SIMON, *HUMAN PROBLEM SOLVING* (1972) (discussing human thinking, information processing and human performance in problem solving, and outlining a "problem space theory" of problem solving).

⁴⁰ See *id.* See also Harold Pashler et al., *Learning Styles: Concepts and Evidence*, 9 *PSYCHOL. SCI. IN THE PUB. INT.* 105 (2009), available at <http://psi.sagepub.com/content/9/3/105.full.pdf+html> (criticizing the increasing popularity of learning-style approaches in education, arguing that there is a lack of evidence that these approaches provide any greater benefit for students yet concluding that many learning-style approaches have not yet been tested and that additional research may be warranted).

of abstraction. To take an example from criminal law, the central reason for the fundamental requirement of mens rea can be understood as protecting or vindicating the role of the free choice to do wrong in assigning moral culpability. While I think that the free choice to do wrong maxim captures a powerful and fundamental construct, it is also quite an abstract formulation, both from the perspective of what most learners would find useful in studying criminal law and also from the perspective of how the idea of mens rea is used by most lawyers.

If more field independent learners will tend to be comfortable entering into this area of knowledge with that abstract formulation, they will still need to delve into the doctrinal details of strict liability elements and offenses to understand the concept with sufficient depth to use it professionally. Whether or not we start with the abstract framing, another concrete way to understand the role of the idea of free choice to do wrong in criminal law is to study particular criminal law doctrines limiting and specifying the application of strict liability. That level of analysis is both more accessible to many learners and better able to capture the idea as understood within the relevant professional community. The lesson of Witkin's work is not that some learners are ninjas and some are pirates⁴¹ when it comes to abstract versus concrete presentation of material. Rather, the central lesson is that abstraction/concreteness is an important axis. Optimal teaching will involve intentional choices about the level of abstraction at which to present the material.

Good classroom teachers will need to account for the ideas they are teaching, their own taste for abstraction versus concrete presentation (which can be tricky to determine), as well as for the learners they encounter. Only repeated cycles of evaluation and focus groups have helped me appreciate my own taste for or tendency toward abstract, decontextualized presentations. Successful teaching will also account for the structure of the material being presented. My own efforts to teach legal interviewing in a large class setting were also instructive failures; I taught quite abstractly, and the class was not successful. General interviewing theory still seems to me too weak to carry that burden, but many learn this material quite deeply through the study of more concrete texts, along with simulation work and discussion of related theories from other fields.⁴²

Witkin's work and the embedded figures test was an early empirical effort to identify learning styles. A more sophisticated and influential example is Neil Fleming's VARK model, which identifies four

⁴¹ See *Pirates Versus Ninjas*, *supra* note 11.

⁴² See, e.g., DAVID A. BINDER, PAUL BERGMAN, PAUL R. TREMBLAY & IAN S. WEINSTEIN, *LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH* (3d ed. 2012).

learning preferences: visual, aural, reading, and kinesthetic.⁴³ In Fleming's view, each learner has a preference for taking in information in a particular way. He encourages students and teachers to discover student preferences and adapt teaching and learning to favor each student's preferred mode.⁴⁴ VARK is one of the best known examples of the current cognitive style literature at the heart of the contemporary teaching idea that learning is individualized and different people learn in different ways. It builds helpfully upon the basic insight that individuals can usefully be grouped by how they prefer to learn or know the world, but what is the teacher to do with this insight?

One standard payoff of the personality/cognitive/thinking/learning styles literature is that students learn best through their preferred mode and teachers should match their presentation to the preferences of the learners. This advice seems of limited value in the law school classroom. First, these are styles, not exclusive categories. Learners may prefer one or the other but the impact of style differences is not likely to be that great to begin with, particularly among graduate students with enough academic success to get to law school. Most law school learners have proven their ability to learn in a variety of modes. Second, as we saw above, style is also context sensitive and the preferred style should also account for the structure of the material, as well as the learner's preference. Third, law school classrooms are heterogeneous. Although we can predict that graduate students will likely be more comfortable with learning by reading, writing, and oral presentation than the general population, matching preferences only works by exploiting differences among a given group of learners. Unless we test and separate our students by preference, we cannot begin to exploit learning style preferences by matching.⁴⁵ Yet some payoff for law faculty may still be gleaned from this aspect of the styles literature, which it must be noted in fairness, was developed with primary and secondary education in mind and focuses largely on concerns quite different from those of law school faculty.

So, if style theorists have not yet unlocked the key to learning, they have adduced much evidence for the variation in learners and powerfully shown that there are many different ways to present a given concept. This literature provides a rich vocabulary for identify-

⁴³ See FLEMING & MILLS, *supra* note 13.

⁴⁴ See *id.* at 138-39.

⁴⁵ See Harold Pashler et al., *supra* note 40; see also Aida M. Alaka, *Learning Styles: What Difference Do the Differences Make?*, 5 CHARLESTON L. REV. 133 (2010-2011) (describing controversy surrounding learning styles and its impact on legal education, particularly whether learning styles can help professors improve their teaching).

ing alternative teaching modes. Many law teachers may never have considered the role of bodily movement, or kinesthetics, in law teaching. A little bit of kinesthetic teaching, in which one repeats combinations of phrases and gestures during the class,⁴⁶ can go a very long way in sparking a moment of interest and energy. Once I discovered that I am a very read/write oriented learner, I began to look for opportunities to introduce visual elements into my teaching through my use of class slides, graphics and pictures. So another easy payoff is becoming a more interesting, engaging teacher by expanding one's repertoire of presentation techniques. The categories of read/write, kinesthetic, oral, and visual do not exhaust the possibilities for presentation modes, but they offer a good starting checklist.

There are also two deeper payoffs in these ideas about learning styles and modes of presentation. First, as noted above, we can also think about the structure of the material, not only the preference of the learner, as we consider how to present a given idea. When I make a linguistic point in class, I want to have the language in view for everyone, whether by slide or by handout. Taxonomic points are often well conveyed visually, more abstract ideas are usually conveyed by lecture and reading, and process oriented ideas will often benefit from an active approach – small group discussion or other activity. We can think about matching the mode of presentation to the structure of the material we are trying to convey.

The second deeper application of the insight that varying modes of presentation are an important ingredient in successful teaching comes from David Kolb's Experiential Learning model⁴⁷ and suggests that the differing modalities can be understood as building one upon another, rather than providing alternatives for each other. Kolb is often thought of as among the style theorists and is known for his Learning Style Inventory,⁴⁸ but his idea of the cycle of experiential

⁴⁶ For a particularly energetic example, see Chris Biffle, *Whole Brain Teaching: the Basics*, YOUTUBE (Mar. 4, 2008), <http://www.youtube.com/watch?v=ebeWEgvGm2Y>.

⁴⁷ See DAVID A. KOLB & RONALD E. FRY, *TOWARD AN APPLIED THEORY OF EXPERIENTIAL LEARNING* (1974).

⁴⁸ See DAVID A. KOLB, *THE LEARNING STYLE INVENTORY: TECHNICAL MANUAL* (1976). Kolb developed the Learning Style Inventory (LSI), which measures learning styles along two dimensions: abstract-concrete and active-reflective. Through the two axes, Kolb identified four significant patterns of learning styles: the Converger, the Diverger, the Assimilator, and the Accommodator. A Converger prefers to learn by Abstract Conceptualization and Active Experimentation and is strong in practical application of ideas. By using hypothetical-deductive reasoning, a Converger focuses best on specific problems. With narrow interests and a preference for dealing with things rather than people, a Converger is typically unemotional. A Diverger, on the other hand, learns best through Concrete Experience and Reflective Observation and has stronger imaginative abilities. A Diverger prefers to view situations from many perspectives and performs best when generating ideas through "brainstorming sessions." Unlike a Converger, a Diverger tends to be

learning is also a distinctive and important contribution. The basic idea, which resonates with the work of Donald Schön⁴⁹ and the cognitive science expertise model, is that optimal learning proceeds in cycles of abstraction and concrete application and reflective observation and active experimentation.⁵⁰ In Kolb's model, the learner cycles through different modes of information intake and processing, building knowledge in that activity. Kolb suggests, and it accords with my experience, that no one way of learning and no single moment of learning is complete by itself.

Kolb is a powerful theorist, and a teacher may be tempted to make sure that each class session cycles from the concrete to the abstract and from the reflective to the experimental. But the problem of finding the right level on which to apply the idea reemerges. Experience suggests that focusing on the individual class as the unit would promote confusion, not deep learning. If learning is a cycle, how big are the cycles, and what is a whole? A three-year program of legal education offers ample opportunities to present complete cycles of education of various magnitudes. Individual classes sometimes offer opportunities for complete learning in Kolb's sense, some courses offer those opportunities, and the whole program can be understood as a complete cycle.

In gross outline, the typical American law school emphasizes abstraction and reflection in the large first-year classes and then moves to opportunities for concrete application and active experimentation. Whether students find their concrete, active opportunities with seminars, journals or clinics, Kolb's idea of learning as a cycle of activities should spur us to think about the variety, sequencing, and pacing of the teaching and learning opportunities we offer in law school. The emergence of new modes of teaching and learning has been a signal development of the last thirty years of legal education. While no single class can offer every student the range of learning he or she needs

interested in people, has broad cultural interests, and is more imaginative and emotional than his diametric opposite. An Assimilator, whose learning strengths are Abstract Conceptualization and Reflective Observation, thrives in developing theoretical models and succeeds through inductive reasoning. An Assimilator usually prefers abstract concepts to practical use of theories. An Assimilator's opposite, an Accommodator, learns best through Concrete Experience and Active Experimentation. An Accommodator is best at doing, performing, and carrying out plans and experiments. Out of the four categories, Accommodators tend to take the most risks and can best adapt to immediate circumstances. David A. Kolb, *Learning Styles and Disciplinary Differences*, in *THE MODERN AMERICAN COLLEGE: RESPONDING TO THE NEW REALITIES OF DIVERSE STUDENTS AND A CHANGING SOCIETY* 232, 238 (Arthur W. Chickering et al. eds., 1981).

⁴⁹ See SCHÖN, *supra* note 4.

⁵⁰ These theories build on the seminal insights of Jean Piaget, whose constructivist educational theory posits that each learner builds individualized cognitive structures. See JEAN PIAGET, *THE CHILD'S CONCEPTION OF THE WORLD* (1928).

to become a reflective practitioner, we should strive to give every law student a complex, complete educational experience by the end of their three years with us.

If we accept that people can usefully be divided into personality types for purposes of theorizing about teaching and learning, I have argued that in the large classroom, personality theory encourages us to understand the type of knowledge we are trying to teach and to know ourselves before we struggle to figure out the learning styles of a heterogeneous class of twenty or more students.

IV. TYPE THEORY IN PROFESSIONAL PRACTICE AND SMALL GROUP WORK

In smaller classes and particularly in the experiential curriculum, teachers often have more opportunity to address individual differences⁵¹ among students. Clinical and simulation courses can showcase a wide range of differences in cognitive style, manner, and presentation among our students. Those differences shape how they interact with others and function in groups. Type theory provides one useful framework for teaching law students the skills they need to work with clients and other lawyers.

My own skills-oriented and live-client clinic teaching has been influenced by the Myers-Briggs Type Indicator (MBTI), a contemporary framing of Jung's insights.⁵² I have discussed the MBTI and related instruments with many colleagues and acquaintances. It turns out that there are two kinds of people in the world – those who are intrigued by these instruments and those who find them odious efforts to pigeonhole individuals and push unique pegs into a few simple holes. And if this approach seems silly to some, I know it resonates for others.

The Myers-Briggs Type Indicator is a proprietary instrument, developed by the mother-daughter team of Katharine Cook Briggs and Isabel Briggs Myers during World War II. It measures type along four axes – the three that Jung set out – *extroversion/introversion*,⁵³ *sensing/intuition*,⁵⁴ *thinking/feeling*⁵⁵ – and adds *judgment/perception*, or the tendency to resolve or keep questions open.

As noted above, Jung identified one attitudinal axis, introversion

⁵¹ In the sense of varying aptitudes, interests, and styles, not in the sense of students having disagreements with one another.

⁵² *MBTI@Basics*, THE MYERS & BRIGGS FOUNDATION (last visited June 12, 2013), <http://www.myersbriggs.org/my-mbti-personality-type/mbti-basics/>.

⁵³ See *supra* pp. 6-10.

⁵⁴ *Id.*

⁵⁵ *Id.*

and extraversion, and two axes of function, thinking/feeling and sensation/intuition. Jung categorized thinking and sensation as rational and feeling and intuition as irrational. The rational is subject to change upon reflection, while the irrational presents as not subject to analysis and does not change with reflection. In our mental lives, we may be open to additional reflection – this is a preference for the rational functions of thinking and sensing. In this mode, our conclusions are subject to change, as we think more or take in more sensation from the outside world. If we have a preference for the irrational functions, feeling and intuition, we will tend to be closed to additional reflection. In this mode, our conclusions are not as subject to change and, when change occurs, it will more likely seem abrupt and inexplicable. The idea is that intuitions and feelings do not change predictably with reflection.

Jung's three pairs capture internal psychic experience viewed from the perspective of the subject. The MBTI scale adds an outward-looking dimension, focusing more upon our behaviors and expressed preferences for decision-making than upon our internal experience. Drawing on suggestive language in *Personality Types*,⁵⁶ as well as Jung's later recognition of additional types beyond the original eight, Myers identified perceiving/judging as the fourth dimension of personality type, marked by one's preferences around decision making and planning. The perceiver keeps options open and is slow to reach a conclusion. The judging type reaches conclusions quickly and tends to maintain them. We have all been in groups that need to choose a restaurant. There are those who decide quickly and will not be dissuaded by even persuasive evidence for a better choice, while there are others who are still open to change even as the appetizers are served.

The perceiving/judging pair focuses upon an important, recurring set of challenges for small groups seeking to collaborate. For me, the restaurant conversation, and its many variants, was a real challenge and used to make me very anxious. Early in my teaching career, I taught and supervised with three other people. I have since come to understand two of those colleagues as strong perceivers, but at the time they just seemed to me continually to change their minds and to have no regard for schedules or deadlines. I experienced our work as chaotic and ill-planned, and, although I liked them very well, I also felt that my views had little traction with them. One day they would seem convinced by me and the next day they were revisiting the question, citing some (to me) irrelevant detail that suddenly loomed large

⁵⁶ See JUNG, *supra* note 2.

for them. Soon, I reorganized my work life, teaming with other colleagues and working more on my own. While that change posed challenges of other sorts, I found those arrangements preferable.

Even as I found a more pleasing way to organize my work life, the challenges I had faced with my two colleagues continued to puzzle me. Over time and with insights gleaned from the MBTI, I came to understand myself as a strong judger. Reflection upon my tendency to decisiveness helped me better understand both the cognitive and affective roots of this aspect of my personality. From the cognitive perspective, I saw that I was strongly favoring one kind of knowing and, as Jung puts it, submerging my auxiliary function into my unconscious. While there is much to say for the cognitive process of recognition, automaticity, and rapid decision-making based on intuition, there is also much to say for the accumulation of and structured reflection upon sensation.⁵⁷ But I have to work to remain open to sensation. That is one thing I have learned from Jung and the development of his theories in the MBTI.

V. THE MYERS BRIGGS TYPE INDICATOR

The MBTI identifies sixteen types on a four by four matrix, known as the type table:⁵⁸

MBTI TYPE TABLE WITH SAMPLE PREFERENCE CAREERS⁵⁹

ISTJ Introverted Sensing Thinking Judging	ISFJ Introverted Sensing Feeling Judging	INFJ Introverted Intuitive Feeling Judging	INTJ Introverted Intuitive Thinking Judging
Accounting Engineer Police officer	Counselor Nurse Artist	Psychologist	Scientist

⁵⁷ See DANIEL KAHNEMAN, THINKING, FAST AND SLOW (2011).

⁵⁸ Where I/E is introversion/extroversion, S/N is sensing/intuition, T/F is thinking/feeling and J/P is judging/perceiving.

⁵⁹ This arrangement of the Myers Briggs Types in a four by four matrix is standard. See Robert I. Winer, *Type and Career* (2000), <http://www.winerfoundation.org/Myers-Briggs/Types%20and%20Career.htm>. The sample preference careers are illustrative and not empirically based. They will offer useful examples for some.

ISTP Introverted Sensing Thinking Perceiving Fire fighter Pilot Police officer	ISFP Introverted Sensing Feeling Perceiving Bookkeeper Mechanic Chef	INFP Introverted Intuitive Feeling Perceiving College professor	INTP Introverted Intuitive Thinking Perceiving Lawyer
ESTP Extroverted Sensing Thinking Perceiving Chef News reporter Fire fighter	ESFP Extroverted Sensing Thinking Perceiving Veterinarian Social worker Musician	ENFP Extroverted Intuitive Feeling Perceiving Clergy	ENTP Extroverted Intuitive Thinking Perceiving Actor
ESTJ Extroverted Sensing Thinking Judging Auditor Office manager Electrical engineer	ESFJ Extroverted Sensing Feeling Judging Nurse Social worker Bookkeeper	ENFJ Extroverted Intuitive Feeling Judging Artist	ENTJ Extroverted Intuitive Thinking Judging Lawyer

The grid reflects Jung's first order division of the types into one of the two attitudes, introversion or extraversion. Not surprisingly introversion, the characteristic mode of the theorizer, apt to build grids like this, is arrayed across the top of the grid. So, those for whom libido or psychic energy flows inward are across the top. Extroverts, whose energy flows outward, from the subject to the object, are in the bottom rows. So, scientists and police officers are across the top, and chefs and actors are on the bottom half, not that there are not introverted police officers and extroverted scientists. I have put lawyers in both the top and bottom to emphasize the plasticity of these categories. They describe tendencies and preferences.

Next, the chart groups according to the two functions, perception and thinking. In perception, sensing or intuition may dominate. On the grid, sensing is arrayed on the left half and intuition is on the right. The careers on the left side may better suit those oriented toward the outside world while those on the right often suit toward abstraction and the inner life. In thinking, feeling or thought may be preferred. On the grid, thinking occupies the outside columns while feeling is in the middle pair. The accountants, scientists, auditors, and lawyers sur-

round or contain the artists, psychologists, and professors.

The last pair, perception/judging, is arrayed by row. The judgers are at the top and bottom while the perceivers occupy the middle. Overall, extroverts are at the bottom and sensors are on the left, reflecting Jung's view that the primary organization is according to attitude and irrational function.

There are endless descriptions of the types. Some see real insight, while others find them as compelling as horoscopes or fortune cookies; academics have raised more fundamental questions.⁶⁰ The typology poses a grave risk of the Forer⁶¹ or Barnum effect, in which we exhibit the tendency to find ourselves in any set of positive descriptors.⁶² It is important to rely upon the test instruments that have been developed, not to simply see oneself in a list of attributes. And as the slogan goes, the types are a tool, not a box, useful in some settings and enjoying a modest reputation in the legal academy.⁶³

⁶⁰ See, e.g., David J. Pittenger, *Cautionary Comments Regarding the Myers-Briggs Type Indicator*, 57 CONSULTING PSYCHOL. J.: PRAC. & RES. 210 (2005) (evaluating problems associated with use of the MBTI and concluding that the sixteen types present too narrow a classification scheme); cf. David J. Pittenger, *Measuring the MBTI . . . And Coming Up Short*, 54 J. CAREER PLAN. & EMP. 48 (1993). See also Lawrence J. Stricker & John Ross, *An Assessment of Some Structural Properties of the Jungian Personality Typology*, 68 J. OF ABNORMAL & SOC. PSYCHOL. 62, 70 (1964) (concluding that results obtained using the Myers-Briggs Type Indicator signified "either that Jung's typology is not consistent with the real world, or the Indicator does not correspond to the theoretical formulation of the typology, i.e., the Indicator does not operationally define the typology.").

⁶¹ See Betram R. Forer, *The fallacy of personal validation: A classroom demonstration of gullibility*, 44 J. OF ABNORMAL AND SOC. PSYCHOL. 118-123 (1949).

⁶² Donald G. Paterson called this phenomenon "personality description after the manner of P.T. Barnum," with whom we associate the phrase "there's a sucker born every minute." Paul E. Meehl, *Wanted - A Good Cookbook*, 11 AM. PSYCHOLOGIST 262, 266 (1956) (proposing the adoption of "the phrase *Barnum effect* to stigmatize those pseudo-successful clinical procedures in which personality descriptions from tests are made to fit the patient largely or wholly by virtue of their triviality . . . in a context of assertions of denials which carry high confidence simply because of the population base rates, regardless of the test's validity") (emphasis original); see also C.R. Snyder, Randee J. Shenkel & Carol R. Lowery, *Acceptance of Personality Interpretations: The "Barnum Effect" and Beyond*, 45 J. OF CONSULTING AND CLINICAL PSYCHOL. 104 (1977) (expanding upon the variables that contribute to the acceptance of personality interpretation).

⁶³ See, e.g., R. Lisle Baker, *Using Insights About Perception and Judgment from the Myers-Briggs Type Indicator Instrument As an Aid to Mediation*, 9 HARV. NEGOT. L. REV. 115 (2004) (exploring the application of the MBTI and Jungian psychology to mediation, particularly in understanding variations of human behavior, and concluding that despite some skepticism and limitations, the MBTI can offer substantial insight for mediators); FRANK COFFIELD ET AL., SHOULD WE BE USING LEARNING STYLES? WHAT RESEARCH HAS TO SAY TO PRACTICE, LEARNING & SKILLS RES. CENTRE (2004), available at http://itslifejimbutnotasweknowit.org.uk/files/LSRC_LearningStyles.pdf (examining thirteen major learning style models and how they might be put into practice, concluding that a teacher's choice of learning style model is fundamental); M.H. Sam Jacobson, *Using the Myers-Briggs Type Indicator to Assess Learning Style: Type or Stereotype?*, 33 WILLAMETTE L. REV. 261 (1997) (describing the MBTI, evaluating its limitations, particularly its

While there has been some academic analysis of the MBTI, it is not a generally accepted, peer-reviewed instrument. It remains more in the province of human resource and business consultants than psychologists. But for all the qualifiers – and with regard for its Jungian roots – the MBTI types have proven valuable in three dimensions of the work I have done with individual students and small groups. First, I think I have gained insight into my own strengths and challenges as a member of a team, although others are likely better positioned than I to judge if I have improved my ability to work on a team. Second, the types have given a frame and language for helping others better understand their own preferences and how those preferences may shape their characteristic contributions and roles in group work. Third, type theory often comes to mind as I supervise student teams in my clinical teaching, and as I facilitate group work across the range of committees that an active faculty member and senior academic administrator encounters.

The most significant thing I believe I have learned about myself from the MBTI is that I am a judger rather than a perceiver. Perhaps I am just slow to recognize simple truths, but once I could understand my tendency to decide quickly and move on as my style or type, rather than as a universal experience, I stopped seeing those who were slow to make decisions as flawed or trying to thwart my will, or both. As I came to understand my own personality, I could better appreciate its (my) characteristic strengths and weaknesses. That appreciation, in turn, made me better able to see my colleagues' strengths. And on very good days, I appreciate the ways those with preferences for sensation and perceiving can help me try to remain open to the possibility that I am wrong about something that seems obviously so to me.

Insights about my own preferences have led me to attend to those who display unusually strong tendencies in one of the personality type dimensions in my work with individual students. For example, when critiquing a student who has interviewed a client or witness, I have encountered students who ask many very detailed questions and conclude the session by saying he or she needs to learn more before form-

stereotyping, lack of validity and lack of reliability, and proposing an alternative tool that, recognizing the ongoing nature of learning, does not merely provide a static assessment of learning style); Vernelia R. Randall, *The Myers-Briggs Type Indicator, First Year Law Students and Performance*, 26 CUMB. L. REV. 63, 103 (1996) (“While understanding learning styles is not a cure-all for the ills of legal education, it is a start toward helping the student become a better self-learner.”); Paul Van R. Miller, Don Peters & Martha Peters, *Maybe That's Why I Do That: Psychological Type Theory, the Myers-Briggs Type Indicator & Learning Legal Interviewing*, 35 N.Y.L. SCH. L. REV. 169 (1990) (discussing the application of type theory to the development of legal interviewing skills and concluding that use of the MBTI allows students to gain self-awareness and appreciate personality differences in building relationships with clients).

ing an opinion. While I used to reduce this to an affective issue – my take was often that the student lacked the confidence to say what he or she thought – now I am more likely to first see the person as a sensing perceiving type or someone who prefers to build knowledge up from details and remains open to new information. With this student, I am likely to raise questions about efficiency, the problem of decision-making under conditions of uncertainty, and the need to consciously balance the good of more complete information against the need to take timely action in the world.

Of course, I also encounter the converse, students who ask just a few questions and jump to diagnosis, advice, or conclusions. These folks almost always elicit a little story of recognition which I finish with the tag line, *if I did not jump to conclusions, I would not get any exercise at all*. While once I would have judged these students as egotists, now I explore questions I think helpful to the intuitionist judge. For these students, conversation about the cognitive tendencies that may make the gap between what some of us think and what we actually say, can be useful. Often, it is also helpful to analyze the benefits and costs of rapid decision-making with these students.

In addition to applying these ideas in teaching lawyering skills, they are useful when working with individual students when they develop research plans. Here too, awareness of the tendency of sensing feeling types to work up from facts and for intuitive thinking types to work down from larger concepts, can be useful. Often, I ask students whether they prefer to start a legal research project with cases or treatises as a way of sparking reflection and discussion of the impact of the sensing/intuition and feeling/thinking axes on research. I often suggest that students identify their style as a matter of preference and also think about the context of the problem at hand.

For example, in my appellate clinic, students must research standards of review. Sometimes we need to better understand the law of standards of review to make strategic decisions about what issues to brief, and sometimes we must better understand the law in the area to sharpen particular arguments. For those with strong tendencies one way or the other, both kinds of research might well begin with either specific cases (sensing feeling) or with treatises, law review articles, and other overview material (intuitive thinking). But here again, as I discussed above in relation to large classroom teaching, it is also useful to consider the context or structure of the issues at hand. Research aimed at strategic decision making may more usefully be pursued from the top down (from treatise or law review article to cases) than from the bottom up (from cases to more general material).

Type can also be useful when I work with individual students who

must choose a position or make a decision. Too often, students examine all sides of the issue but do not reach a firm conclusion. While the tendency of a novice to remain uncommitted and explore all sides is understandable, a law student should develop the skill of forming and expressing relevant and cogent opinions. For some, discussion of the judging/perceiving axis can provide a useful alternative framing to a more judgmental conversation about indecision and jumping to conclusion. Of course personality is not the only ingredient in forming a legal opinion. Most of the conversation is usually about the law, the legal materials and the arguments. But often enough, reference to type is a very useful leavening and plays a distinctive role in the learning process.

In all three situations, interviewing, researching, and forming an opinion, it can be useful for those of us strongly inclined to use a particular mode to consciously access the opposing attitude or function. We have that ability, but we tend to leave it submerged in our unconscious. One lens for the problem of the law student who asks very few questions and jumps to a conclusion is to see her as an intuitive judge. The student who does not express an opinion on the heart of the matter may be indulging her sensing perceiving tendencies. When their attention is focused using this framework, many understand how to (consciously) pay more attention to data or go with their intuition, as the case may be. This has proven a useful way to help students expand their range and add to the ways he or she can respond to situations.

Tending to style when fostering teamwork can also pay dividends. Small group work, (teams of two to five) is fertile ground to learn about and apply these insights. First, small group work puts us in a setting in which type is often brought from the background to the foreground. While it can be quite hard for us to see personality type in ourselves, after all, it is just how we are, many of us can readily see personality in those with whom we work closely.⁶⁴

While I have not yet read Jung with my own clinic or simulation class students, two or three reflective conversations about collaborative processes can present ample opportunity to introduce the themes. When a team presents deadline- or decision-making conflicts, in addi-

⁶⁴ See, e.g., Susan Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession*, 17 VT. L. REV. 459 (1992-1993) (advocating teaching lawyers new skills to improve collaboration among lawyers and proposing exposing law students to collaboration to develop these skills early in their professional development); Michael Meltsner, James V. Rowan & Daniel J. Givelber, *The Bike Tour Leader's Dilemma: Talking About Supervision*, 13 VT. L. REV. 399 (1989) (exploring issues arising in relationships between lawyers and their supervisors and proposing a plan for functional supervision to further professional development).

tion to moving toward a useful and just resolution in the practical dimension, there is the opportunity to go *meta* or turn toward the process. Often, individuals can progress from awareness of their teammates' tendencies to some insight into their own preferences and welcome the opportunity to explore the integration of these insights into their professional identity.

When teams thrive, as they often do, type theory can provide a frame to describe successful group functioning. Sometimes patterns of cooperation through division of labor are evident – folks divide up the work in ways that play to their strengths. In other cases, particular contrasting viewpoints emerge as having shaped the discussion or approach, and these can be understood from the perspective of type. But happy teams are alike, and it is easy enough to find ways to discuss good results.

Each unhappy team, of course, needs individualized attention. It may be that no ready opportunity to apply type theory emerges in the course of a bad collaboration. But when team members fall into conflict over scheduling and deadlines, type theory can be useful. Often enough, the student who is comfortable with an aggressive, front-loaded schedule is a judger, ready to plunge into the substance of the work and accustomed to meeting deadlines with time to spare. But a supervisor is fortunate if conflicts over the schedule emerge at the planning phase; it takes a good degree of self-awareness for many to realize that a proposed schedule is not plausible for their work style and some self-possession to raise the issue early. More typically, setting the schedule is a consensus moment, and it is only when the deadline looms or has passed that conflict arises. Most of us imagine we will meet the deadline when it is set.

But once a deadline is near or has come, teams often break down. Perhaps one member has completed his or her share of the work and another is still raising questions, exploring new approaches, and wants to extend the deadline. The early finisher too often sees the teammate who is still working as indolent. The person still working may, in turn, see the other person as rushing and not taking care to get the task done correctly. In this very typical teamwork conflict, personality type theory offers a way to think beyond the loaded and divisive categories of “rush job” and “last minute.” Talking with the team about the judging and perceiving types can depersonalize the conflict and create room for each to see the strengths and weaknesses of his or her approach. The judger is great with meeting deadlines but may ignore important information or ideas that come to the fore late in the work. The perceiver is great with new information but may not meet a deadline. Neither is right, and each must consider how his or her style fits

the context. It is one thing to seek extension of a self-imposed deadline and quite another to flirt with missing a deadline set by a binding rule.

But deadlines are one of the obvious places where type theory can illuminate group process. When a group works to define and analyze a problem, the effects of type can be more subtle but still significant. The extrovert and sensor will typically begin the conversation and offer an initial framing. The introverted intuitive may need a bit more time to gather energy and figure out what is going on inside his or her head. Sometimes the extrovert is seen as quick and sometimes he or she is seen as fatuous. The introvert may be perceived as critical of others or slow; he or she may appear to lay in wait or to have fewer fresh ideas.

Group leaders can use type theory to monitor and regulate group process. I have found it useful to observe how long it takes each team member to voice his or her view, the degree of abstraction or concreteness in the views expressed, and how open each person is to new information. Sometimes I use that information to nudge the process a bit, asking direct questions of those who lurk and probing the unusually decisive or indecisive. While it is not unusual for a team leader to make sure everyone is participating and probe to develop some points, type theory gives me a process oriented framework through which I can sort my impressions and helps me overcome my intuitive, judging tendency to cutoff conversation with an arbitrary decision. I think it would work in a similar way if I had the perceiver's tendency to extend conversations in the hope of gaining new information that would prove decisive.

When I work with small groups over a semester, I am also likely to surface and name differences as matters of type or style, with the aim of giving my students explicit examples of how and why collaborating with teammates on problem definition and analysis adds value. I am always anxious to show my students that individual differences are real, significant, and are not all captured by grades. If I can show them consistent, readily identifiable dimensions in which they, and their teammates, differ from one another, they will be better equipped to function well in teams. No matter how persuaded I am that my style tends toward fast analysis and terse explication, I still find that working with others is often better corrective for my stylistic excesses than all the careful self-monitoring and self-editing I can do.

While it is neither the only influence nor the only important thing to watch when people work together, some attention to type can be helpful to both individuals and groups. For individuals, particularly law students who want to strengthen their ability to work well in

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groups, type theory provides a way to understand conflict with others that avoids the language of blame and judgment. Teammates who push deadlines may not be lazy or indecisive. They may be working to incorporate additional information. Those who are quiet may actually have quite a lot to say but need more time to speak. Simply providing an alternative vocabulary helps us see others in a different light.

CONCLUSION

Sometimes, solving a legal problem requires little more than knowing the governing rule or legal principle. Often enough, however, knowing the law is only the first step in a problem solving process that must also account for imperfect information, ill-structured problems, interpersonal dynamics, moral concerns, power, and the challenges of navigating complex institutions. In my own teaching, I aim to make sure every student knows the relevant law and is working to develop the tools to use that knowledge effectively. Jungian personality type theory is among the frameworks I have deployed to help my students, and myself, make sense of this very complicated process. It does not tell us everything we need to know, but it does offer a useful, non-judgmental framework for accounting for the challenges and opportunities that arise in the dimension of personality as we learn and as we work with the infinite variety of individuals we meet as students, clients, and in the myriad roles in which lawyers work with others.

