

LAW SCHOOL

A Multicultural Curriculum Design
for Living in the 21st Century

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Introduction

In the landmark case of *Grutter v. Bollinger*, the United States Supreme Court held that it was not unlawful for the University of Michigan Law School to use race in its admissions policy on the grounds that student body diversity is a “compelling state interest” that can justify using race in university admissions (*Grutter*, 2003, p. 321). Jeffrey S. Lehman, the dean of the law school at the time, commented in 2004 that, “the majority opinion in *Grutter* re-situates our understanding of why a preference for integration is appropriate in the context of higher education” (p. 17).

Grutter was not the first case to address the use of race in the professional school admissions process. In the earlier *Bakke* case (1978) related to medical school admissions in, Justice Powell reasoned that a university has a right to select those students that will contribute the most to “the robust exchange of ideas” (p. 786).

Neither *Bakke* nor *Grutter* specifically referenced the goal of multicultural education; however, both cases are a necessary stepping-stone towards the implementation of multicultural education at the professional-school level. There is, however, more to multicultural education

in law school than merely the facilitation of a diverse student body, as an integrated student body does not necessarily result in the “robust exchange of ideas” as predicted by Justice Powell.

Buckner (2004), a law professor, found that class participation in law school affects academic performance independent of gender, ethnicity, and race, and that “participation of minority students in law school classes is disproportionately low, and many minority students choose silence” (pp. 886-887). Thus, while efforts have been made to seek diversity in the demographics of the law school class itself, little has been done to change the traditional law school curriculum, which is locked into the paradigm of “categorization” teaching and substantive “compartments” of Western canon law (Gross, 2004, pp. 441-445). Add to that mix the large size of most first year law school classrooms, the ability to entertain an effective multicultural curriculum appears all but futile.

Most of the literature on multicultural education deals with students in grade and high school, or at the college or university level. The literature is sparse as to how one could implement multicultural education at the professional level, and most of the articles that address “multicultural education” and “law school” merely analyze the *Bakke* and *Grutter* cases. Certainly the concepts espoused in any of the literature on multicultural education, however, could be adapted to the professional school level.

This article will formulate a multicultural curriculum for law schools, focusing on the issues of first year curriculum and class size. It will also draw heavily on the

work of James A. Banks, who has been cited frequently in the articles that address multicultural education in law schools. Banks’ (2003) book, *Teaching Strategies for Ethnic Studies*, discusses the factors that should be integrated into a multicultural curriculum—ethnicity, racial, cultural and language diversity (p. 8).

The book is essentially a handbook on implementing a multicultural curriculum, with an emphasis on ethnic identity. While this article addresses multicultural education with a focus on curriculum, it must be stated that curriculum change is only a part of the change needed to effect multicultural education: “Multicultural education involves changes in the total school or educational environment; it is not limited to curricular changes” (Banks & Banks, 2004, p. 4).

Banks (2003) defines “ethnic groups,” using Max Weber’s definition: “a group whose members ‘entertain a subjective belief in their common descent because of similarities of physical type or of customs or both, or because of colonization or migration....It does not matter whether or not an objective biological relationship exists” (p. 15).

Lehman (2004) contends that integration at the professional school level has implications for the grade and high school levels as well:

Universities, especially public universities, may consider their missions as entailing more than simply the nourishment of student brains and character. They may understand themselves as important institutional actors in the sustenance of an American society that is open to all, in

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which any young child may find reason to hope that he or she might have access to the opportunities that this nation offers, regardless of his or her parents' race, religion or wealth. (p. 7)

While it is not the purpose of this article to evaluate any one law school program in particular, it will refer to current statistics and curriculum at the two Wisconsin law schools—the University of Wisconsin Law School (Wisconsin) and Marquette University Law School (MULS)—as well as the University of Michigan Law School (Michigan) for the purpose of discussion in various sections of this article.

The Student Body

The curriculum proposed in this article will focus on law school “students,” defined as those individuals who hold an undergraduate degree, have taken the LSAT (Law School Admissions Test), and have been admitted to an accredited law school program in which they will graduate with a *juris doctor* degree. This article will follow the Court’s lead in *Grutter* as to the “nature” of the students; in other words, this article will stand for the proposition that in order for a law school to effectively implement a multicultural curriculum, it must first enroll a diverse student body.

The law school in *Grutter* justified its use of race in the admissions process in order to obtain the educational benefits that flow from a diverse student body” (p. 380). Furthermore, the school contended that a “critical mass” of underrepresented minorities was necessary to further that interest:

Critical mass means a sufficient number of underrepresented minority students to achieve several objectives: To ensure that these minority students do not feel isolated or like spokespersons for their race; to provide adequate opportunities for the type of interaction upon which the educational benefits of diversity depend; and to challenge all students to think critically and reexamine stereotypes. (pp. 380-381)

Wisconsin describes the law school student demographics for its entering class of 2007 as follows: In that year, Wisconsin enrolled 264 students, which included 30% students of color, 47% women, and 37% from outside of Wisconsin. The students represented 112 undergraduate schools (Wisconsin, 2008, website). The numbers at MULS varied only as to students of color. In 2007, MULS enrolled 224 students, which included 15% students of color, 46% women, and 35% from outside of Wisconsin. These students represented

29 states and 92 undergraduate schools (MULS, 2008, website). For purposes of a multicultural curriculum, Wisconsin’s numbers would be more conducive in fostering a “robust exchange of ideas.” As to Michigan, admission statistics for the class of 2008 included 25% students of color, 45% women, and 605 from outside of Michigan (Michigan, 2008, website).

Curriculum Goals

Banks (2003) offers numerous goals for multicultural education, stating that the major goals are: “Helping students to deepen their cultural understandings and to interact effectively with people from diverse cultures and groups,” and “to help students acquire the knowledge and skills needed to become effective citizens in pluralistic societies that are striving for ways to balance unity and diversity” (p. xxi).

Other goals are suggested throughout his writings: “A major goal of multicultural education is to transform the challenges of ethnic, cultural and racial diversity into educational and societal opportunities” (Banks, 2003, p. 4). Banks also states that, “a goal of the multicultural education curriculum is to foster *unity within diversity* by helping students to develop a thoughtful commitment to the overarching American identity that we all share while, at the same time, respecting as well as incorporating aspects of their cultural and community identities into the school culture and the curriculum” (p. 9). He adds that, “The key goal of the multicultural curriculum should be to help students develop decision-making and citizen-action skills” (p. 32).

Banks’ goals of multicultural education are consistent throughout his work. He (2001) has stated that “Students must...develop knowledge, attitudes, and skills needed to interact positively with people from diverse groups and to participate in the civic life of the nation” (p. 202). Banks and Banks (2004) view multicultural education as at least three things: “an idea or concept, an educational reform movement, and a process” (p. 3). Banks and Banks’ preferred definition is that multicultural education mean “a total school reform effort designed to increase educational equity for a range of cultural, ethnic, and economic groups” (p. 7).

Banks, et. al. (2001) assigns the responsibility of establishing a multicultural curriculum to “education policy makers and practitioners” (p. 196). Thus, it is up to these individuals to focus on the goals to be achieved, as well as the structure of the curriculum. Perhaps the most significant goal would be that of reform.

The above-mentioned educational goals also apply to law school. In advocating for a culturally and personally relevant legal writing curriculum (p. 69), legal writing instructors Stephenson and Fowler (2006) cite John Dewey for his “organic” explanation of the connection between education and personal experience (p. 67). They then go on to explain the importance of personal relevance: “Teaching is more effective and students are more motivated if the learning is anchored in the student’s cultures, experiences, and perspectives, and if the curriculum is grounded in the social reality of the local situation” in order to provide equal learning opportunities for a diverse student body (p. 71).

The goals of a culturally and personally relevant curriculum are set forth by Stephenson and Fowler as follows: (1) To improve the students’ academic success; (2) To enhancing the relationship between the educator and student; (3) To empower the learner; (4) To provide equal learning opportunities; and (5) To help prepare students for practice in a multiethnic and pluralistic society (p. 73). Stephenson and Fowler have drafted a Sample Student Questionnaire that they suggest be distributed to all of the students in the legal writing classes in an effort to obtain (anonymously) personal and culturally relevant information to be used in devising assignments.

Calleros (1995), a law professor, suggests a multicultural curriculum when he purports three advantages of raising issues “in culturally diverse contexts” of the law school classroom that “cut to the heart of gender, race, or other fundamental perceived differences.” These issues can be excellent vehicles for developing critical thinking skills, a diverse group of students who address these type of issues can educate one another about cultural differences, and discussion of these issues from a variety of perspectives can reduce the feel of alienation by students who feel like “outsiders” to a profession that “retains many vestiges of White, heterosexual male traditions” (p. 141).

A multicultural curriculum can also look at the bigger picture—the practice of law in a diverse society: “The legal profession faces the challenges of meeting the needs of a changing American demographic and adapting to serving clients with different cultural norms” (Mah, 2005, p. 1721). A multicultural curriculum in the law school would address these different norms to prepare future lawyers to work with diverse clients.

Targeted Content Goals

Banks (2003) describes four approaches to the integration of ethnic content into a school curriculum, which move from lower to higher levels of ethnic content integration: The “Contributions Approach,” with the focus on discrete cultural elements; The “Additive Approach,” where content is added to the curriculum without a change in structure; The “Transformation Approach,” where the structure of the curriculum is changed to allow students to view concepts from the perspective of diverse ethnic groups; and the “Social Action Approach,” where students take action on social issues (pp. 17-21).

Banks further discusses how setting up lesson plans could be done by the instructor or by a curriculum committee through the process of identifying key concepts and generalizations (p. 91). He advocates for an interdisciplinary approach in viewing concepts and issues related to ethnic groups: “Concepts such as *discrimination* and *ethnic diversity* are not merely sociological; they also have multiple dimensions” (pp. 32-33).

Banks also sets forth a three-step approach to establishing a multicultural curriculum: identifying key concepts and generalizations, formulating intermediate-level generalizations, and identifying lower-level generalizations relating to ethnic groups selected for study (pp. 91-97). Key concepts include culture, ethnicity, socialization, intercultural communication, power, and the movement of ethnic groups. Intermediate-level generalizations apply to a nation, to regions within a nation, or to groups comprising a particular culture; this is a universal type of statement capable of being scientifically tested. Lower-level generalizations are those that relate to a specific ethnic group. Lesson plans can then be devised after this analysis is made.

Principles suggested by Banks could be applied to the law school setting, and could be implemented by a law school professor, or by a curriculum committee of professors that would likely also include the dean of the law school. As stated above, this article will focus on implementing the multicultural curriculum for first year law students. The reason the first year law school curriculum was chosen is that it is the year of study which appears to be the most entrenched in the traditional law school paradigm and thus is the curriculum that is in most need of change.

In discussing the need to reengineer legal education, Gross (2004), a law profes-

sor, notes past hesitation in deviating from the norm in educating the adult learner:

(W)e have tended to think about legal education within the existing paradigm. Stated differently we have been largely satisfied with tweaking at the margins. To date, with very limited exceptions, we have been unwilling to break the mold, particularly with respect to the first year of legal education—the training of ‘One L’s.’ It is not hard to appreciate the reticence. There are many concerns—cost, feasibility, admissions, job placement, and overall marketplace acceptance, together with the perfectly normal skepticism about doing things differently, particularly since those doing the teaching were, obviously, trained in the very methods that would be altered. (pp. 436-437)

Gross observes that most law schools teach in “compartments,” and define substantive courses by subject. She notes that the “usual” first year curriculum consists of Contracts, Torts, Civil Procedure, Criminal Law, Property, and sometimes Constitutional Law (p. 441-442). Wisconsin, MULS, and Michigan are not exceptions to the rule.

Gross contends that there are three problems with the “categorization” method used in the first year curriculum: In the real world, problems do not fit within the prescribed course contours; teaching in categories reifies those categories for the students; and categorization curtails the opportunity to co-teach (pp. 442-445). Gross cites Banks in support of the second concern, and it is this concern that would be “remedied” by a multicultural curriculum.

Further, Gross observes that, “Students come to see, learn, and then practice law based on how it is taught to them. Law learning is not unique in this regard.” Gross gives an example that if a math student is taught that there is only one way to get an answer, the student is denied the opportunity to learn other ways to approach the answer. In the law school setting, if a student is taught legal history using only the Western Canon law, that student is denied the opportunity to explore other cultures and approaches (p. 444).

Ansley (2004), a law professor, agrees with Gross that the core curriculum in legal education remains isolated from trends and immune from change, “its feet firmly planted in the first-year curriculum” (pp. 1515-1516), and further observes that the rest of the academy is mired in a heated and far-reaching controversy over the value and meaning of a canon of traditional western culture (p. 1513). Ansley contends:

(L)egal education stands in a peculiar posture relative to this debate and the cluster

of issues surrounding it, a posture that puts us in some ways behind but in other ways ahead of our colleagues in other disciplines. On the one hand, law schools are behind the times in confronting the issues posed by the debate over the canon. Our basic core curriculum stands astoundingly unchanged and unexamined compared to that of the rest of the academy. On the other hand, because of certain salient features of American legal history we should find ourselves paradoxically advanced in our ability to reach provisional agreement on a crucial matter still deeply divisive for our nonlegal colleagues: the centrality of racial texts, racial issues, and racial disputes to an educated understanding of our discipline and its heritage. (pp. 1514-1515)

Ansley has come up with ways to infuse issues of race into her law school courses: In a first-year property class, students examined slavery and society’s tolerance of the treatment of human beings as property. She notes that those opposed to multicultural education in the law school argue that “emphasizing difference leads to despair and cynicism about ‘different’ individuals ever communicating with each other.” Ansley states that while these concerns are powerful and real, “to speak as though advocates of multiculturalism are indifferent to the difficulties of simultaneously affirming difference and finding commonalities is just plain wrong” (p. 1595). She suggests that while the “dangers of recognizing and exploring difference, though real and thorny enough, are not in themselves any justification for continuing to suppress the differences and to silence voices from the margin” (p. 1596).

Finkelman (2000), a law professor, also integrates the issue of slavery into his Constitutional Law classes:

My goal is to suggest ways of integrating cases involving slavery into the mainstream of Constitutional Law. In doing so, we can see—and teach our students—that slavery was not an aberration in American constitutional development; that slavery should not be seen as a separate topic that is outside of traditional constitutional categories. Rather, I would argue, slavery was a driving engine of American constitutional law—just as it was a key factor in the writing of the Constitution itself—and that much of our modern constitutional law directly evolved out of these slavery cases. (p. 274)

The example of slavery can be used to illustrate Banks’ “three-step approach” to establishing a multicultural curriculum in a law school Constitutional Law class: Using the concept of race, the intermediate-level generalization would be that because of race, some groups of people in the United

States were viewed as property. The lower-level generalization would be that African Americans were used as slaves, property of White men. An activity would be to read *Dred Scott v. Sanford* (1857), where a slave was considered to be property, and Justice Taney's opinion that a ban on slavery amounted to "taking" of one's property.

The Transformation Approach of integration would most likely be the highest level obtained in the classroom, where the structure of the curriculum is changed to allow students to view concepts from the perspective of diverse ethnic groups. The examples, above, describe the Transformation Approach. The addition of "Out of school activities," however, could have the effect of moving the curriculum to the "Social Action" level.

Curricular Organization

Law students are grouped according to their year in law school: First year, second year, and third year. The achievement level of incoming law students is high: At Wisconsin, the median GPA is 3.58 and the median LSAT is 161 for the 2007 entering class. At MULS, the median GPA is 3.44 and the median LSAT is 157. At Michigan, the median GPA is 3.62 and the median LSAT is 167 (for 2008).

This is not to say that each law student comes to law school "perfect." Boyle (2006), a law school writing instructor, addresses the special needs of law students diagnosed with Attention Deficit Disorder (ADD): "Learning disabilities are life-long conditions. They do not vanish when the students enter law school. If anything, given the volumes of reading material and pressure felt by first year students when asked difficult questions in front of a large number of classmates in a lecture hall, the law school environment can exacerbate learning disabilities" (p. 378).

Boyle encourages law professors to identify the individual learning style of the ADD student, assist the student with structuring class material, provide sufficient feedback, and have one-on-one conferences. Boyle adds that this teaching approach should not be limited to students with ADD; others, including students of color, or women, can benefit from some personal attention—especially in light of the very impersonal teaching methods typical of law school classes. There is no suggestion that students with special learning needs should be separated from their classmates.

Historically, the entering law school class was divided into two sections consisting of 80 to 100 students, and the students in each section would stay together for the entire year as they moved through the core

curriculum presented to them by means of the "case method" or the "Socratic Method" in a large lecture hall. MULS still divides its first year students into two sections, but does not keep the same students in each section together for the entire year. Legal writing classes are often much smaller in size (approximately 15 to 25 students) and deviate from the "case method" or "Socratic Method." From a multicultural perspective, students in each section should be divided in such a way that there is a similar percentage of students of color and women to facilitate the "robust exchange of ideas."

The method most commonly used to teach first year law students is the "case method." This method involves the use of selected cases as the primary material through which students gain an understanding of the law. It has been argued that the benefits of using the case method with first year students are two-fold: "First, as the case method is at its best when the subject is common law... its employment is particularly helpful in first year courses ... Second, focusing on developing the analytical skills of 'thinking like a lawyer' is entirely appropriate during the students' introductory year since the earlier students develop such analytical thinking skills, the better" (Garner, 2000, p. 342).

Another popular method for first year students is the Socratic Method, which uses a series of questions designed to channel the student's thought processes along predetermined paths (Overholser, 1992, Systematic questioning, par. 1). Much criticism has been made of both teaching methods (see, i.e., Garner, 2000; Thomas, 2002).

Out of School Activities

The core curriculum offered first year law students typically offers no out of school activities. The second and third year clinical programs offered at MULS, like the Prosecutor Clinic and *Guardian ad Litem* Workshop, give students the opportunity to go into the courtroom and community to learn "real life" experience. An excerpt from the syllabus of the *Guardian ad Litem* Workshop reads:

Beyond the Classroom Exercise

Each student will be required to complete either a "shadow" exercise, OR write a three-five (3-5) page article on a current topic involving children and the law (children or family court). The student needs to identify which project he or she prefers to complete by January 22, 2008. This assignment constitutes twenty (20) percent of the grade.

Shadow Assignment: The student will accompany (i.e., shadow) a social worker

or an attorney from the Legal Aid Society of Milwaukee, Inc., on an actual home visit, anytime after January 29, 2008. The student will be assigned a social worker/attorney and should contact that social worker/attorney to set up a time to shadow a home visit. A one-page written summary will be due on or before April 22, 2008 by hard copy or e-mail.

There is nothing set in stone, of course, as to why students taking core curriculum courses could not be afforded the same or similar opportunities. An outside activity for a first year Criminal Law or Constitutional Law class could be observing cases in a courtroom handling criminal cases. Through these observations, students could analyze the demographics of the prosecutors, judges, and defendants in each case, and then write a summary of their observations. The cost to the students and law school would be minimal. Accompanying a social worker on a home visit to see a child in foster care, or sitting a courtroom, carries no monetary cost.

Student Groups

Both Wisconsin and MULS offer students the opportunity to become involved in campus student groups as well. Listed under "multicultural" organizations at MULS are the Asian and Pacific American Law Students Association, Association for Women in Law, Black Law Students Association, *Halando del Derecho*, and the Hispanic Law Student Association. Students at MULS may also gain experience in addressing issues of diversity by participating in service organizations such as LifeWork, Marquette University Volunteer Legal Clinic, National Lawyer's Guild, Pro Bono Society, and the Student Animal Legal Defense Fund. Similar opportunities are offered at Wisconsin.

By allowing students to participate in student groups, particularly those specifically geared towards students from diverse ethnic and cultural backgrounds, the law schools are allowing these students to maintain their identities as a member of a subgroup or subculture. Haberman (1988) contends that, "The purpose of multicultural education is to prepare all Americans for functioning on three levels: as individuals, as member of some subgroup or subculture, and as effective participants in the general American society" (p. 101). He argues against the idea that "subcultural differences should be melted away" or "merely tolerated" (p. 101).

Thus, for a multicultural curriculum in law school to address each of these three levels, multicultural and service organizations are a must. A White student may not

feel the need to join the Hispanic Law Student Association; however, he or she may bond with other individuals meeting the needs of indigent clients in the Pro Bono Society. Membership in these groups may come at a small fee or no fee at all; often times the monies to support these groups comes from the law school.

Specialized Programs

Slotkin (1995) discussed an innovative support program for minority students initiated by the California Western School of Law (CWSL). The goal of this program was “to train ethical, competent and compassionate lawyers, representatives of our diverse society ...” (p. 563). The program was geared toward supporting minority students through their first year of law school—the year deemed to be the hardest year for most law students, and for minority students in particular, “and the year when the most students leave law school due to poor performance, lack of motivation, and/or lack of interest” (p. 564).

The support program consisted of four main components: (1) Fast Start, a pre-session enhanced orientation; (2) The mentor program, which linked individual students with lawyers in the community; (3) Counseling, which was provided on a one-on-one basis by law school volunteer law professors; and (4) Academic Support Program, which included a legal analysis course integrated with tutorial support. While somewhat costly to implement, CWSL concluded that, “Our academic support program participants’ retention rates, though lower than all first-year students, have shown significant improvement when the program included the legal analysis component (p. 591).

Enriching the Environment

First year law students spend most of their time confined to the sterile environment of the lecture hall. Most lecture halls and classrooms of a law school are often equipped as “Smart Classrooms,” meaning that they are set up with computers, movie screens, VHS/DVD players, and overhead projectors. These technological advances are often not utilized in the large lecture hall, however, where the focus is on teaching by the case or Socratic methods using the textbooks.

Because first year students rely predominantly on the textbook, it is crucial that these textbooks reflect a multicultural perspective on any given topic. Unfortunately, this is easier said than done. Finkelman (2002) laments the lack

of textbooks that adequately address the issue of slavery:

Thus, many cases and other materials involving slavery might be profitably integrated into American legal education, and not segregated into a special section or the course or casebook. Unfortunately, however sensible it would be to teach slavery as part of the development of the Commerce Clause or state police powers, the existing casebooks make this difficult. (p. 274).

Some ways of getting around deficient textbooks would be for the professor to bring to class his or her own relevant articles or movies. Perhaps the professor could even consider writing his or her own textbook, and use the students to assist gathering and assembling the material.

Utilizing Parents (Caregivers) and Community in the Curriculum

The average age of a law student is 25 years old at Wisconsin and MULS. Thus, most are independent of their parents, or are even parents themselves. That is not to say, however, that a student’s family should not be involved in the law school program. Ideally, the law school should include parents in activities, such as the orientation described in the CWSL support program above. If a parent has an understanding of a son or daughter’s first year trauma, they can be in a better position to offer their child support.

The academic support program offered by CWSL also gives the professionals in the community the opportunity to assist “at-risk” law students by volunteering their time as mentors. These individuals should be recruited and screened by the law school so that a successful match between student and mentor can be made. In devising the program, CWSL established a Minority Affairs Committee to develop the academic support program; the school also created the full-time position of Director of Minority Affairs at the law school (Slotkin, 1995, pp. 562-563).

The participation of community members is not limited to a program such as the one at CWSL. Community professionals can also get involved in the multicultural and service organizations as well, volunteering their time and expertise to advance the interests of the law students involved in the organizations.

Teachers and Instructional Competencies

Banks, et. al. (2001) discuss essential design principles to assist education policy makers and practitioners in realizing the goal of a democratic and pluralistic society.

One principle addresses teacher learning: “Professional development programs should help teachers understand the complex characteristics of ethnic groups within U.S. society and the way in which race, ethnicity, language, and social class interact to influence behavior” (p. 197). Continuing education about diversity would help educators to address their personal attitudes toward different ethnic groups, acquire knowledge about the histories and cultures of these groups, become familiar with diverse perspectives within different ethnic groups, and understand how institutions perpetuate stereotypes.

Banks, et. al. (2001) contend that, “(T)eachers should become knowledgeable about the cultural backgrounds of their students. They should also acquire the skills needed to translate that knowledge into effective instruction and an enriched curriculum. Teaching should be culturally responsive to students from diverse racial, ethnic, cultural, and language groups” (p. 197).

Multicultural education in law school is as important, if not more so, than multicultural education in grade and high school. Unfortunately, there is no “in service” for law professors or any type of program available to offer a multicultural law school pedagogy to law professors. Stephenson and Folwer (2006) observe:

By the late 1970s, the Standards for the Accreditation of Teacher Education, issued by the National Council for the Accreditation of Teacher Education, required teacher education programs to have multicultural components. But most law professors have no formal pedagogical background before teaching at the law school level. (p. 82)

Stephenson and Fowler thus recommend that for themselves and others who lack formal training in the area of multicultural education, “We must work, read, and study on our own to gain the broad knowledge we need and then make that knowledge part of our pedagogy” (p. 82). They urge law professors to express their heuristic urge to “discover what makes our students different from us and from each other and then use those differences when we develop our curricula” (p. 82).

Stephenson and Fowler further suggest that professors look to other faculty members for information about the school’s culture, as well as sources on the internet and professors at other law schools with similar student populations. They add that, “Collaborative planning, gaining feedback from fellow law professors with different personal characteristics and experiences, and sharing academic re-

sources and research materials can prove invaluable" (p. 83). And regardless of the lack of multicultural education in-service and seminar opportunities available in the legal world, law professors should keep their eyes open to such relevant seminars offered in any forum.

Faculty Selection and Development

Obviously, law schools need more professors like Stephenson, Fowler, Ansley, and Finkelman. Their innovative approaches to integrating multicultural education into the first year law curriculum indicate a commitment to diversity. When hiring law professors, a key question could simply be, "How would you integrate multicultural education into your course?" Other important questions would include, "Who is James A. Banks?" "What text would best integrate (a multicultural issue, such as slavery) issues of diversity into the course?"

A law professor who has a sincere interest in addressing the needs of a diverse classroom would benefit from graduate level classes in multicultural education. Even without such courses, a candidate's commitment to pro bono work would speak volumes about his or her ability to work with diverse individuals.

As stated above, little is offered in the way of professional education on multicultural education for law professors. That does not mean, however, that none is available. Weng (2005), a law professor, addresses the importance of "multicultural lawyer training" for students in law school, and offers a framework for "learning cultural self-awareness, starting with the teaching of cognitive and social psychology" (p. 369). The article only approaches the question of who would be qualified to teach this multicultural lawyering.

The premise of Weng's article is that while she, as a legal services attorney, has attended numerous diversity training programs, most were as superficial as the Court's opinion in *Grutter*. She suggests some improvements to these programs, indicating that the focus of such training should be about "learning multicultural competence with the explicit goal of empowering culturally different clients (and colleagues) as part of a larger effort to end discrimination" (p. 402). Weng's solution is, in part, "to teach law students cognitive and social psychology relevant to being a multicultural lawyer. With such an understanding, law students and we clinicians might learn how people absorb information from the cultures we inhabit and encounter to form social constructions" (p. 372).

But what if we change the word

"students" to "professors?" While Weng's article is essentially a "how to" on teaching students to work with clients from different cultures, it could also be used as a "how to" for law professors on teaching students from different cultures. The framework presented by Weng is a useful one for addressing the issues involved in multicultural lawyering, and has many implications in the area of multicultural teaching of those law students.

Weng states that multicultural counseling trainers recommend a three-fold approach to teaching multicultural lawyering: developing awareness of one's own culture, developing awareness of the client's culture, and learning skills to minimize the impact on one's biases toward multicultural interaction (p. 383). By changing the word "client" to "student," Weng's multicultural lawyering approach applies in the educating of law professors and the teaching of law students as well. Thus, seminars and literature on multicultural lawyering would also have relevance to law professors and the teaching of a diverse student body. After all, how can a law professor teach multicultural lawyering without the ability to teach first teach multicultural students?

Faculty Evaluation

Professors in law school are evaluated in the same or similar manner as are professors at the college/university level in general: by student evaluations, articles published, and outside speaking engagements. These methods can still be utilized to determine the effectiveness of the professor's ability to successfully implement a multicultural curriculum, but should be supplemented with other assessments. For example, an increase in the retention rate of minority students in a particular professor's class would be a clear indicator of success. Success in retaining minority students would clearly go to the heart of the goals of multicultural education as set forth above.

And while it is a mandate for a professor to publish, the nature of his or her published work would also be important to determine the commitment to multicultural education. For example, an article on the practical ramifications of *Grutter*, or on incorporating multicultural teaching methods in the law school classroom, should score more points than an article on a topic that is merely within that professor's realm of scholarship.

Assessment should also include volunteer work—or lack thereof—in multicultural or service organizations. A professor that spends time mentoring students, or

administering to indigent clients though the Pro Bono Society, should also be given credit for helping carry out the goals of a multicultural curriculum.

Student Assessment

There are two levels of assessment in a multicultural curriculum: (1) How well a student has acquired the knowledge and skills needed to become an effective citizen in a pluralistic society; and (2) How well the school itself has reformed so that students from both genders and from diverse cultural, language, and ethnic groups have an equal chance to experience school success.

In assessing the student, Banks, et. al. (2001) state, "Assessment should go beyond traditional measures of subject-matter knowledge and include consideration of complex cognitive and social skills. Effective citizenship in a multicultural society requires that students have the values and abilities to promote equality and justice among culturally diverse groups" (p. 202). Recommended assessment strategies include observations, oral examinations, performances, and teacher-made as well as standardized assessments. No one method is best, but the use of only one method is discouraged, as "the use of a single method of assessment will probably further disadvantage students from particular social classes and ethnic groups" (p. 202). Assessments should evaluate a student's ability to acknowledge and foster diversity.

Research indicates that, "(C)hildren come to school with misconceptions about outside ethnic groups and with a White bias. However, it also indicates that students' racial attitudes can be modified and made more democratic and that the racial attitudes of young children are much more easily modified than the attitudes of older students and adults" (Banks, 1993, p. 37). Thus, early exposure to a multicultural curriculum has the most likelihood of success.

Noted earlier, the average age of a law school student is 25; thus, law students are adults who already have preconceived notions about minorities and the value of diversity. Furthermore, the standard assessment of a first year student's knowledge of legal concepts comes down to what he or she conveys on the one exam offered at the end of the course (Slotkin, 1995, p. 566). It is the proverbial "blue book" examination. A blue book exam is merely an indicator of how well a law student has grasped a legal concept; it is from this score that a law student is propelled into infamy (i.e., *summa cum laude* and a job at Foley & Lardner) or not.

A professor teaching a first year law

class usually has the onerous task of teaching and grading a large number of students; as was stated above, the incoming class is usually divided in half. Thus, a first year Constitutional Law section will consist of approximately 100 students. The ability of a law professor to observe any unique characteristics outside of the score of the blue book is quite difficult indeed. That is not to say, however, that it is impossible. If the exam is the only means to assess the student, then the exam should contain not only traditional Constitutional Law concepts, but also concepts related to multicultural education.

The better way to approach the large class size would, of course, be to have smaller classes. This would be costly as more professors would need to be hired; nevertheless, it would give each professor the ability to better observe the students and their interaction with one another. It would also allow the professor to grade in ways other than the blue book exam; for example, each student could also be graded on a short paper that addressed issues of diversity as related to the topical material of the class.

If a multicultural curriculum is to be successful, then those concepts related to multicultural education must be as important as the traditional law school concepts. For example, rather than testing a student's knowledge of *Dred Scott*, students might be asked to delve further into the impact of slavery on the development of the constitutional recognition of police powers of states. If the class included an outing to a criminal courtroom, the exam could question the student as to his or her observation of the overrepresentation of minorities in criminal matters and what historical events may have led to such overrepresentation.

A grade could also include "extra credit" for participating in service activities such as the Pro Bono Society. If participation makes up a portion of the grade, the professor should keep track of how students' activities and responses implement the goals of multicultural education. For example, if a student makes comments that demean minorities in class, he or she could lose points in the final grade. A student that interacts with students outside of his or her culture (e.g., study groups) should also be given consideration when it comes to the final grade. Since retention of minority students is an important overall goal of multicultural education, an atmosphere of camaraderie would do wonders to further that goal.

Organizational Issues

In order to "humanize" another in-

dividual one needs to get to know that individual one-on-one. Thus, to effectively implement a multicultural curriculum for first year students, it must be done in the classroom. Classroom lectures can certainly be supplemented with on-line discussion; if that were the only means of interaction, however, there would be no opportunity for students to interact face-to-face with one another.

While such cases as *Bakke* and *Grutter* may have been "superficial" in their outcomes, it is also important to note that neither anticipated the "robust exchange of ideas" via the internet or the increasing attention to multicultural goals in society and education. The classroom does not have to be defined merely as the law school building. Outside activities also have a place alongside the classroom lecture.

It is not the law school building, or the class schedule (five days a week, four class hours a day) that is an impediment to a multicultural curriculum; it is the traditional content of the courses and the teaching methods of the law professors. Changes need to be made in both of these areas.

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