

APPLYING LEARNING-STYLES THEORY IN THE WORKPLACE: HOW TO MAXIMIZE LEARNING-STYLES STRENGTHS TO IMPROVE WORK PERFORMANCE IN LAW PRACTICE

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INTRODUCTION

As a lawyer, you are part of a complex web of relationships when servicing clients, and you can maximize your potential by thinking in terms of interacting with others as part of the same team. Furthermore, as an employee, you can pay attention to your learning-style strengths so that you can work productively and efficiently. Alternatively, as a manager, you can communicate in ways that assist employees in terms of their diversity of learning styles.

Neither all employees nor all managers think or produce similarly. Business consultants and researchers inside and outside of the United States are applying learning-styles theory to the business setting and finding that employees and managers appreciate understanding how their workplace functions in this new light. An American company, Performance Concepts International (“PCI”), consults with businesses by assessing

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individual learning styles and then linking the knowledge gained to individual and team performance. The workshops conducted by PCI consultants actively engage participants by using interactive techniques designed to capitalize on individuals' learning strengths and productivity preferences.

The use of learning styles has been developing in Sweden within the last ten years.¹ The Swedish Learning Styles Center works with companies desiring individualized training, and learning-styles training provides that approach.² The Center conducts six-day courses for each company. Within this elongated week, the participants perform designated tasks within their own companies. The Center assesses and helps interpret the participants' learning styles. Then, the participants are trained how to use this knowledge, to do "homework" in their own companies, and to evaluate their own tasks. Tactual materials are adapted and used, as are kinesthetic methods.³

How can you, as a lawyer, make use of theories concerning team approaches, emotional intelligence, and learning styles? How can you, as a manager of a law practice, improve your firm's performance? By understanding two premises: (1) that lawyers, regardless of the size of their practice, work in tandem with others and would benefit from team approaches; and (2) that law firms are composed of individuals with unique learning styles who do not always work well in teams or pairs.

Part I of this Article explains how the individual benefits from effective use of a complex web of business relationships. In Part II, the Dunn and Dunn Learning Style Model is summarized. Part III applies the Dunn and Dunn Model to a law practice from the perspectives of both the associate and the manager.

¹ See LENA BOSTRÖM, *LEARNING STYLES IN SWEDEN—OR TEN YEARS IN A ROLLER COASTER 1* (2003).

² See E-mail from Lena Boström, co-founder of the Swedish Learning Styles Center, to Robin Boyle, Assistant Legal Writing Professor, St. John's University School of Law (July 21, 2003, 15:16 EST) (on file with author).

³ See *id.*

I. THE INDIVIDUAL IN A COMPLEX WORKING ENVIRONMENT: AS
A LAWYER, YOU ARE NOT ALONE AND WOULD BENEFIT FROM
UNDERSTANDING LEARNING STYLES

As a lawyer, you do not practice alone. Not even in a solo practice. Whether the legal work involves corporate matters, trusts and estates, litigation, bankruptcy, intellectual property, or real estate, you provide services to others. In doing so, you often collaborate with other lawyers to produce the written product, agreement, argument, or opinion. In addition, you are probably interacting with or assisted by a secretary, paralegal, law clerk, or court clerk. Lawyers, like employees in a corporation, are individuals but invariably are involved in a complex web of relationships with others to produce a service or a product for clients. So even if you are not team-oriented, it is necessary to learn how to work well with others who are likely to have different learning-style characteristics from your own.

Peter M. Senge, in his popular book *The Fifth Discipline*,⁴ points out the value of being cognizant of your colleagues, and of yourself, by describing “team learning.”⁵ With team learning, the “intelligence of the team exceeds the intelligence of the individuals in the team.”⁶ Senge explains the benefit of the team approach:

Individuals may work extraordinarily hard, but their efforts do not efficiently translate to team effort. By contrast, when a team becomes more aligned, a commonality of direction emerges, and individuals’ energies harmonize. There is less wasted energy. In fact, a resonance or synergy develops, like the “coherent” light of a laser rather than the incoherent and scattered light of a light bulb.⁷

According to Senge, understanding the team approach is essential for maximizing an organization’s potential. He emphasizes the importance of the team approach in this way: “Team learning is vital because teams, not individuals, are the fundamental learning unit in modern organizations. This [is]

⁴ PETER M. SENGE, *THE FIFTH DISCIPLINE: THE ART AND PRACTICE OF THE LEARNING ORGANIZATION* (1990).

⁵ *Id.* at 9–10.

⁶ *Id.* at 10.

⁷ *Id.* at 234.

where 'the rubber meets the road'; unless teams can learn, the organization cannot learn."⁸

Senge emphasizes the importance of dialogue in team learning. Individuals learn more in dialogue with the team than they can learn individually.⁹ The benefit of the team approach is that many angles of a complex topic can be explored because of the "full depth of people's experience and thought."¹⁰

The benefits of working as a team were explored further by Daniel Goleman in his book *Emotional Intelligence*.¹¹ Goleman's premise is that "[w]henver people come together to collaborate, whether it be in an executive planning meeting or as a team working toward a shared product, there is a very real sense in which they have a group IQ, the sum total of the talents and skills of all those involved."¹² Like Senge, Goleman believes that individuals working together can produce a product that is superior to one produced by an individual.¹³

Goleman, however, takes the concept a step further. In his view, there is a dimension to intelligence that has been ignored by our traditional standardized tests and concepts.¹⁴ As Goleman points out, "One of psychology's open secrets is the relative inability of grades, IQ, or SAT scores, despite their popular mystique, to predict unerringly who will succeed in life."¹⁵ There is "emotional intelligence," which Goleman describes as including "abilities such as being able to motivate oneself and persist in the face of frustrations; to control impulse and delay gratification; to regulate one's moods and keep distress from swamping the ability to think; to empathize and to hope."¹⁶

In putting together the two concepts of group intelligence and emotional intelligence, Goleman considers emotional

⁸ *Id.* at 10.

⁹ *See id.* at 241.

¹⁰ *Id.*

¹¹ DANIEL GOLEMAN, *EMOTIONAL INTELLIGENCE* 160 (1995).

¹² *Id.* *See generally* Alan M. Lerner, *Law & Lawyering in the Work Place: Building Better Lawyers By Teaching Students to Exercise Critical Judgment as Creative Problem Solver*, 32 AKRON L. REV. 107, 131-32 (1999) ("Lawyers collaborate with colleagues, clients, consultants, court personnel, and even with adversaries. 'Collaboration' is defined as 'The act of working together in a joint project'" (citation omitted)).

¹³ GOLEMAN, *supra* note 11, at 159.

¹⁴ *Id.* at 34.

¹⁵ *Id.*

¹⁶ *Id.*

intelligence as the “single most important element in group intelligence.”¹⁷ The “key” to high emotional intelligence is “social harmony.”¹⁸ Individual “eager beavers” becoming “too controlling or domineering”¹⁹ disrupts this social harmony. On the other hand, Goleman cautions against “deadweight” or “members who [do] not participate.”²⁰

To some extent, lawyers participate in teams by the nature of their work, regardless of the size of their law firm or practice. To be effective as a lawyer, you should proceed with the team approach in mind when serving clients. In this regard, you could benefit from consulting various points of view, even those of non-lawyers, since a collective perspective would bring forth other life experiences. Furthermore, you should keep in mind the workings of emotional intelligence. To achieve a high level of emotional intelligence, social harmony is needed. As a lawyer, you would not be wise to dominate discussions if what is needed is a collective view. In proper balance, a synergy of experience and ideas can result.

II. SUMMARY OF THE DUNN AND DUNN LEARNING-STYLES MODEL

We are as diverse in the workplace as we are in the classroom in terms of our learning styles. I have been assessing my first-year law students and have found that they are quite diverse in their learning styles.²¹ A researcher at New York Law

¹⁷ *Id.* at 160.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* See generally Lerner, *supra* note 12, at 132 (“Lawyers need to know that ‘collaboration’ and ‘negotiation’ are not only acceptable methods, but valuable regardless of whether they are trying to solve the problem of how to ‘defeat the enemy,’ solve the client’s problem in a creative and efficient manner, or identify ‘those factors which may lead to a decision that is morally just as well as legally permissible.’” (citation omitted)).

²¹ Listed in chronological order are the academic years of the incoming law students surveyed: Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213, 251 app.2 (1998) (academic year 1996–1997); Robin A. Boyle, *Bringing Learning-Style Instructional Strategies to Law Schools: You Be the Judge!*, in PRACTICAL APPROACHES TO USING LEARNING STYLES IN APPLICATION IN HIGHER EDUCATION 156, 160 tbl.17.4 (Rita Dunn & Shirley A. Griggs eds., Bergin & Garvey 2000) [hereinafter Boyle, *Bringing Learning-Style Instructional*] (academic year 1997–1998); Robin A. Boyle & Lynne Dolle, *Providing Structure to Law Students – Introducing the Programmed Learning Sequence as an Instructional Tool*, 8 LEGAL WRITING 59, 81 app.A (2002) (academic year 1998–1999); Robin A. Boyle et al., *Presenting a New Instructional Tool for Teaching Law-Related Courses*, 38 GONZ. L. REV. 1, 21–22 app.A, tbl.1–2 (2003)

School, using the same assessment tool, found similar diversity among her law students in terms of their learning styles.²² Similar results, using the same assessment tool, were also found at Albany Law School.²³ It is likely that law firms, composed of lawyers, secretaries, paralegals, and other staff, are also diverse in their learning styles.

The three law schools used the Dunn and Dunn Learning Style Model, developed over the course of thirty years by Drs. Rita and Kenneth Dunn. Researchers at more than 120 institutions of higher education have published reports on the Dunn & Dunn Learning Style Model.²⁴ In the Dunn and Dunn model, twenty-one elements of learning styles are evaluated for each individual learner.²⁵ The model categorizes the twenty-one elements that affect learning into five categories: (1) environmental factors such as sound, light, temperature, and furniture/seating designs; (2) emotional factors such as motivation, persistence, responsibility (conformity versus nonconformity), and the need for either externally imposed structure or the opportunity to do things in their own way; (3) sociological factors such as (a) learning best alone, in a pair, in a small group, as part of a team, or with either an authoritative or a collegial adult, and (b) preferring variety over patterns and routines or vice-versa; (4) physiological factors such as perceptual strengths (meaning whether auditory, visual, kinesthetic, or tactual), time-of-day energy levels, and need for

(academic year 2000–2001 and twenty percent in academic year 2001–2002); Robin A. Boyle, *Employing Active-Learning Techniques and Metacognition in Law School*, 81 U. DET. MERCY L. REV. 1, 29 app.A (2003) [hereinafter Boyle, *Employing Active-Learning*] (academic year 2002–2003).

²² See Joanne Ingham & Elaine Mills, Address at the New York Law School Faculty Scholarship Luncheon, *A Meeting of the Minds? Learning Styles of First-Year Law Students at New York Law School and St. John's University School of Law* (Dec. 3, 2002) (materials on file with presenters).

²³ See Joanne Ingham & Elaine Mills, Address at the Albany Law School Faculty Scholarship Luncheon, *Charting the Learning Styles of First-Year Law Students at Albany Law School, New York Law School, and St. John's University School of Law, and Comparing Faculty Profiles with those of Law Students* (Oct. 8, 2003) (materials on file with presenters).

²⁴ See Learning Styles Network, *Research: Current Research*, at <http://www.learningstyles.net> (last visited Jan. 18, 2005) (listing the numerous articles and highlighting recent dissertation studies).

²⁵ See RITA DUNN & KENNETH DUNN, *TEACHING SECONDARY STUDENTS THROUGH THEIR INDIVIDUAL LEARNING STYLES: PRACTICAL APPROACHES FOR GRADES 7-12*, at 3 (1993).

intake and/or mobility while learning; and (5) psychological factors such as (a) global versus analytic processing as determined through correlations among sound, light, design, persistence, sociological preference, and intake; (b) right/left brain hemisphericity; and (c) impulsive versus reflective processing.²⁶

Researchers used the Productivity Environmental Preference Survey (“PEPS”) at three law schools to assess learning styles. The PEPS consists of 100 statements and takes approximately twenty minutes to complete. The student provides answers about himself or herself on a five-point Likert scale. For adults, the test is self-diagnostic.²⁷

For businesses and institutions of higher education, an alternative assessment tool that has proven reliable is the “Building Excellence Survey” (“BE Survey”), which can be accessed at its web site.²⁸ Susan M. Rundle, co-author of the BE Survey, believes that the insights gained from obtaining one’s individual learning-style profile helps to “build on your self-awareness and discover your natural strengths.”²⁹ It takes approximately twenty minutes to determine one’s learning-style profile. The pages have brightly colored graphics to help the user, and feedback is immediately provided in a printed profile following the survey.³⁰

III. APPLYING LEARNING-STYLES THEORY IN LAW PRACTICE

According to PCI consultants who assist employees and their employers in the workplace by assessing their learning styles, understanding yourself is the first step toward building a

²⁶ See *id.* at 3, 5.

²⁷ The PEPS was developed by Drs. Rita Dunn, Kenneth Dunn, and Gary Price. See GARY E. PRICE, PRODUCTIVITY ENVIRONMENTAL PREFERENCE SURVEY: AN INVENTORY FOR THE IDENTIFICATION OF INDIVIDUAL ADULT LEARNING STYLE PREFERENCES IN A WORKING OR LEARNING ENVIRONMENT (PEPS MANUAL) (1996). For information about PEPS and to obtain PEPS, contact Price Systems, Inc., Box 1818, Lawrence, KS 66044-8818; telephone: (913) 843-7892.

²⁸ See SUSAN RUNDLE ET AL., AN EDUCATOR’S GUIDE TO THE LEARNING INDIVIDUAL 117 (2004) (employing the SPSS Reliability Analysis). For information about BE, contact Susan M. Rundle, by e-mail at susan_rundle@pcilearn.com or via www.pcilearn.com.

²⁹ Building Excellence: The Learning Individual/Learning and Productivity Style Profile, at <http://building-excellence.com> (last visited Oct. 16, 2004) (quote generated after entering a profile on the site).

³⁰ *Id.*

cohesive organization that can function productively.³¹ Susan Rundle, the CEO of PCI, states: “Building Excellence is the Cornerstone of Self-knowledge. Self-Knowledge leads to Insight. Insight leads to Understanding. Understanding leads to Learning Energy. Learning Energy leads to Self-Motivation. Self-Motivation leads to Self-Leadership. Self-leadership leads to Choice. Choice Leads to Change.”³² In working with businesses, these consultants emphasize that teamwork improves dramatically when their members recognize and value the diversity of learning styles of other members.³³

The BE Survey expands the Dunn and Dunn Learning-Styles model by pulling out the four perceptual elements (auditory, visual, tactile, kinesthetic) and creating six elements: auditory, visual picture, visual text, tactile and/or kinesthetic, and verbal (internal) kinesthetic.³⁴

A. *Perceptual Elements*

The perceptual elements “affect the way we learn and retain information.”³⁵ PCI consultants encourage participants to advocate for themselves because employers will not always accommodate employees’ learning-styles strengths automatically.³⁶ Thus, as a lawyer, you should advocate for yourself as well and ask for accommodations when feasible.

³¹ See RUNDLE ET AL., *supra* note 28, at 8.

³² *Id.*

³³ Interview with Susan Rundle, in New York, NY (Jan. 21, 2005).

³⁴ See RUNDLE ET AL., *supra* note 28, at 10.

³⁵ *Id.* at 17.

³⁶ Interview with Susan Rundle, CEO and President of Performance Concepts International, in New York, NY (Jan. 21, 2005). See Susan D. Kovac, *Part-Time Employment of Full-time Law Students: A Problem or an Opportunity*, 58 TENN. L. REV. 669, 692-93 (1991). Attorney Kovac explains how law students should be exposed to the concept of learning styles so that they can perform better in law practice. *Id.* The kind of assistance a student or law intern would seek in a law practice setting would depend upon his or her own learning style. For example, when tackling a new assignment, whether to ask for materials to read or to ask for a discussion with a supervisor, all depends upon learning style preferences of the novice lawyer. *Id.* See generally Michael Hunter Schwartz, *Teaching Law Students to be Self-Regulated Learners*, 2003 MICH. ST. DCL L. REV. 447, 472 (2003) (summarizing conversations with practicing attorneys who emphasize the importance of lawyers “who recognize when they have not learned something they need to know; such self-monitoring is . . . a crucial aspect of self-regulated learning”).

1. Auditory

Those with auditory strengths remember at least three quarters of what they learn by listening.³⁷ Do you have difficulty following discussions during meetings when there are no visuals presented? Do you understand what you are hearing while the speaker is presenting, but after the presentation find it difficult to recall much of what was said just twenty-four hours later? If so, then you may not have an auditory perceptual preference.³⁸ Most adults are not auditory learners. For example, in the teaching profession, where there is a high concentration of people with an auditory preference, only twenty-two percent of female teachers are auditory.³⁹ That twenty-two percent can absorb new and difficult information for only forty to fifty minutes at a time, and they retain only seventy-five percent of it on a short-term basis.⁴⁰ Imagine the difficulty the other seventy-eight percent would have retaining information that is presented only by auditory means.

If you are a lawyer with auditory strengths, you will remember more by listening to your client or another person in the office than by reading the same information. You should encourage others to call you on the phone or to speak with you in person, rather than to send email.⁴¹ If you can get permission, tape-record meetings and play back the tape later for better absorption. You might also read memos and briefs aloud to yourself, into a tape recorder for playback, or have someone else read them aloud to you.⁴²

Conversely, if you are a lawyer with less auditory strengths, you should not rely upon your ears as your sole means for absorbing new and difficult information.⁴³ You need to determine what your strengths are, such as tactual, and use a strategy for your primary strengths. Follow-up with use of your

³⁷ See RUNDLE ET AL., *supra* note 28, at 10.

³⁸ See DUNN & DUNN, *supra* note 25, at 44, 54–55 tbl.2-1 (showing that a student who has difficulty following a lecture receives a low auditory score while a student who remembers what he heard receives a high auditory score).

³⁹ See RITA DUNN & KENNETH DUNN, *THE COMPLETE GUIDE TO THE LEARNING STYLES INSERVICE SYSTEM* 22 (1999).

⁴⁰ *Id.*

⁴¹ See RUNDLE ET AL., *supra* note 28, at 19.

⁴² See *id.*

⁴³ See *id.* at 18.

secondary and tertiary strengths.⁴⁴ To advocate for your own needs, you should ask for information to be repeated in meetings if necessary. Take responsibility by reading material in advance to help prepare for meetings, such as relevant cases, memos, articles, and briefs. Take notes or draw pictures during or immediately after the meeting to reinforce the information.⁴⁵

For example, a law student, Phillip Cohn, had been diagnosed from a young age as having less auditory strengths. As a legal summer associate, he facilitated his work in this way to compensate for his lesser auditory strengths:

[W]hile working as a legal summer associate at a large managed care company, I developed strategies to capitalize on my individual learning strengths and compensate for my weaknesses. I capitalized on my visual learning skills and compensated for my weak auditory skills by requesting assignments in written format, preparing for meetings by reviewing any existing, related documents and/or visuals, and utilizing email as a means of communication vs. the phone whenever possible.⁴⁶

Thus, Mr. Cohn relied upon his other strengths to overcome his weaker auditory strengths.

2. Visual Picture

If you are a lawyer with visual-picture strengths, then you “understand and remember new information best by creating mental images—images in your mind’s eye—based on what [you] hear and/or see.”⁴⁷ You remember material best when it is first presented in pictures, flow charts, or graphs. You should create mental pictures and charts when speaking with someone about new and difficult information. If learning a new skill, you should watch another lawyer using the skill.⁴⁸

⁴⁴ *See id.*

⁴⁵ *See id.*

⁴⁶ Phillip Cohn, *Learning Disabilities in Law School: Coping with Traditional Legal Pedagogy from the Classroom to the Workplace*, *INSIGHTS ON LEARNING DISABILITIES* 14, 16–19 (2004).

⁴⁷ RUNDLE ET AL., *supra* note 28, at 21. *See generally* M.H. Sam Jacobson, *How Law Students Absorb Information: Determining Modality in Learning Style*, 8 *LEGAL WRITING* 175, 187 (2002) (suggesting that the following would help a strong visual learner—“time lines, tabulations, continua, Venn diagrams, dyads, flow charts, matrices, or other illustrations” and also suggesting software programs).

⁴⁸ *See* RUNDLE ET AL., *supra* note 28, at 21.

If you are a lawyer with lesser visual-picture strengths, you should be aware that you will not retain new information best by seeing lots of pictures, flow charts, or graphs.⁴⁹ Rather, to absorb the information, you will need to supply information in a form that is within your strongest perceptual preference first, such as auditory. If necessary, look away from the speaker if there is an abundance of visual imagery, and try to process in a calm manner, such as by writing out the concepts in longhand.⁵⁰

3. Visual Text

If you are a lawyer with visual-text strengths, then you “understand and remember best by reading the written word.”⁵¹ When recalling information, you tend to recreate the words from their notes or text in your mind. Be advised to take notes during meetings, although it is not necessary to actually re-read the notes later. You should read written words in preparation for meetings and should insist on memos and email messages for good absorption.⁵²

If you are a lawyer with lesser visual-text strengths, then you “do not retain much of what [you] read.”⁵³ Because lawyers need to read volumes of material for law practice, you should activate your other perceptual strengths, such as visual picture. You should ask colleagues and clients to use the telephone rather than email to contact you. You should ask associates to relay research findings verbally before committing the research findings and analysis to a memo. Nonetheless, lawyers need to read judicial opinions, statutes, memos, and briefs. Thus, when reading lengthy documents with lots of text on a page, you should read one section at a time and pay attention to headings and overall organization of the piece.⁵⁴

⁴⁹ *See id.* at 20.

⁵⁰ *See id.*

⁵¹ *Id.* at 23.

⁵² *See id.* Attorneys who have visual strengths may also find useful various Web-based tutorials and pathfinders. *See* Peter A. Hook, *Creating an Online Tutorial and Pathfinder*, 94 LAW LIBR. J. 243, 247, 255 (2002). Hook explains, “Fortunately for learners with a visual preference, online tutorials and pathfinders are inherently visual.” *Id.* at 247.

⁵³ RUNDLE ET AL., *supra* note 28, at 22.

⁵⁴ *See id.*

4. Tactile

If you have tactile and/or kinesthetic strengths, then you prefer to be physically involved in the activity about which you are learning.⁵⁵ If you have a tactile preference, you will remember more from a meeting if you are writing or twirling your pen. During meetings, you should be the note-taker for the group or, at least, keep your own set of notes.⁵⁶ If you have less tactile strengths, you will not be turned on as the note-taker for the group because your "motivation to learn decreases when there is too much hands-on or tactile (small motor skill) activity."⁵⁷

5. Kinesthetic

If you are a lawyer with kinesthetic strengths, you will learn better if you are actively employing your whole body in the experience,⁵⁸ such as by role-playing. Some adults remain kinesthetic beyond their younger years. If you have kinesthetic strengths, you will need activity while concentrating. Try standing or walking around your office while reading. You might consider writing a brief or contract while standing at a lectern in your office. You will likely need to experience information, so look for creative ways to do so. Perhaps you can visit the site that you are writing about, or handle the machinery or objects that are the subject of your work.⁵⁹

If you are a lawyer with less kinesthetic strengths, you will not be turned on as the note-taker for the group because, similar to an individual without tactile strengths, your "motivation to learn decreases when there is too much hands-on or tactile (small motor skill) activity."⁶⁰ You should try to listen to and observe a speaker rather than volunteer to take notes for the group or role-play.⁶¹

Phillip Cohn understood that he had kinesthetic strengths. While working in a legal office, he managed things in this way:

⁵⁵ *See id.* at 25.

⁵⁶ *See id.*

⁵⁷ *Id.* at 24.

⁵⁸ *See id.* at 25.

⁵⁹ *See* DUNN & DUNN, *supra* note 39, at 28.

⁶⁰ RUNDLE ET AL., *supra* note 28, at 24.

⁶¹ *Id.*

I... attempted to capitalize on my high bodily-kinesthetic intelligence and my interpersonal intelligence by requesting assignments that made the most of these strengths. I requested assignments that required negotiation and mediation. I also participated in legal department social and networking events, such as basketball games, local road races, and luncheons. These events enabled me to further interact with members of the legal department and learn through asking questions and discussing legal issues in extra-curricular, non-formal environments.⁶²

Mr. Cohn created ways to learn by doing. He was selective about the kinds of assignments he picked and he took initiatives to devise creative strategies to capitalize on his learning-style strengths.

6. Verbal (Internal) Kinesthetic

If you are a lawyer with verbal (internal) kinesthetic strengths, you will “understand and retain new material best when [you] can discuss the subject [you] are learning or the information presented during a meeting or a lecture.”⁶³ You probably prefer to formulate your thoughts while speaking aloud. While verbalizing, you are synthesizing information that to others may appear to be disconnected statements. In meetings, you should be mindful of not dominating the conversation and to curtail divergences from the topic that may be distracting to others.⁶⁴

If you are a lawyer with lesser verbal (internal) kinesthetic strengths, you will feel more comfortable remaining quiet in a group discussion and listening to others. You should be respectful of others who verbalize aloud. In meetings, try to rely on your other primary strengths.⁶⁵

Understanding your learning styles can give you more confidence. A participant in a learning-style training session conducted by PCI stated:

Overall, I felt free from personal torment regarding the way I think and learn. I am an internal kinesthetic with a strong tactile kinesthetic secondary strength. I always thought

⁶² Cohn, *supra* note 46, at 9.

⁶³ RUNDLE ET AL., *supra* note 28, at 27.

⁶⁴ *See id.*

⁶⁵ *See id.* at 26.

something was wrong with me because I would spend hours, quietly, at the library and I never could grasp the knowledge by reading only. Now it makes sense why I talk everything out and why I must ask for the concept before the details. I feel that, now I'm okay!!!!⁶⁶

Knowing that there are more people like you with your learning-style strengths, or just knowing that there are those with opposite strengths, will help you in determining how you can participate within an organizational framework.

7. How to Make a Presentation by Taking into Account All of the Perceptual Strengths of the Audience.

If you are preparing to make a presentation, anticipate that a minority of your audience will be auditory-preferenced. For the visual-preferenced participants, include visual depictions, such as PowerPoint slide presentations or transparencies with overhead projectors. For the tactual-preferenced, prepare tactual games, such as hands-on demonstrations of the material. For the kinesthetic participants, build into your presentation five-minute breaks after every fifty minutes. Also, kinesthetic participants will be engaged by volunteering to go to the front of the room and writing on an easel with paper.

When planning a presentation, anticipate shifting the mode of presentation every twenty minutes; this is called an "energy shift." While the energy shift will keep your participants stimulated, it can have an important secondary purpose—to incorporate the diverse perceptual preferences of your audience. To provide an energy shift, you could vary your presentation in any number of ways: after a twenty-minute lecture with visual aids, sincerely and actively solicit questions from the audience; call upon volunteers to come to the front of the room to engage them by writing on a blackboard; divide the audience into groups for a collaborative task; or ask participants to diagram or edit material in their seats. The modes of communication are endless.

⁶⁶ Performance Concepts International, *Comments and Feedback*, at <http://www.pcilearn.com> (Aug. 9, 2003).

B. Physiological Elements

Research has demonstrated that in addition to perceptual preferences, there are three other elements that affect us physiologically: time of day, intake, and mobility.⁶⁷ These elements may affect your productivity in the workplace.

1. Your Preferred Time(s) of Day

We all have time-of-day energy peaks in one or more time periods on a regular basis: early morning, late morning, afternoon, early evening, and late evening. Students perform better on tests when taken in their preferred time-of-day. In the workplace, your chronobiological highs and lows affect your productivity.⁶⁸

If you can take the written PEPS or the on-line BE Survey,⁶⁹ the results would inform you of your preferred time of day to learn new and difficult material. In the workplace, the preferred time of day is the best time to accomplish difficult tasks and there may be more than one preferred time. If you did not take the PEPS or BE, then write down, for approximately two weeks, every work task that you perform and the time that it is done. The result will resemble a lawyer's daily billing sheet:

8:00 a.m. — read email.

8:20 a.m. — went to mailbox, opened mail, filed mail.

8:40 a.m. — drafted security agreement for X corporation.

After two weeks, look at the times when you voluntarily, without extraneous demands, produced hard work. Notice also any patterns for performing the small tasks. Finally, take note of how time-efficient you felt your efforts were. For instance, you may be a "morning person" but not until late morning (around 11:00 a.m.), after the smaller, easier tasks got completed (such as opening mail). Also keep track of work that you brought home and the time at which you accomplished the tasks—was it 7:30 p.m. or 11:00 p.m.? You may come "alive" in the early evening or even the late evening. Understanding when you "click on" is key to anticipating when you can expect to be most productive on a difficult work task. Not only should you plan ahead for when

⁶⁷ See DUNN & DUNN, *supra* note 39, at 15.

⁶⁸ See *id.* at 17.

⁶⁹ See Performance Concepts International, *Building Excellence*, at <http://building-excellence.com> (last visited Jan. 28, 2005).

you will more likely perform that task efficiently, but you should avoid complicated and energy-draining tasks at a time when you are usually dead tired or unfocused. To do otherwise will cause you to spend too much time on a difficult task, and you may not be happy with the results.

To understand the importance of scheduling for your preference, first pretend that you are functioning at your least preferred time of day, the time when you are most tired or distracted. Then visualize that you are in a meeting listening to someone address a complicated topic, such as accounting principles. It would be very difficult for you to absorb the details of what your co-worker was communicating at that time. The same conflict occurs when you are trying to perform difficult tasks at the least optimal time of day for you, such as writing reports or working with your hands on a project.

You may have control over the timing of some of the tasks that you are assigned. Lawyers' hours have flexibility, generally speaking. Try to plan difficult work projects for your peak performance times. In your less optimal hours, you can accomplish the smaller tasks, the ones that require less physical, emotional, or mental energy. Above all, avoid procrastination that results in the necessity of performing difficult work at your least preferred time of day.

Be mindful of the workplace culture of a law firm or legal department. Some workplace cultures expect that all employees perform well at certain hours, and we know from testing thousands of adults with the PEPS and BE Survey that not everyone peaks at the same time.⁷⁰ If your workplace expects to see industrious worker bees at 9:00 a.m., and you do not prefer early morning, then plan to do smaller tasks at that time. You can still demonstrate to your co-workers and supervisor that you are functioning, and you will be satisfied that some of your to-do list was accomplished. The same would be true if your workplace expected employees to work into the evening hours, such as at law firms where lawyers collaborate on corporate transactions or write briefs, for example, into the late hours. If you do not perform at optimal strength in the evening, then plan to get the harder work done earlier in the day with the lighter work being done in the evening.

⁷⁰ See DUNN & DUNN, *supra* note 39, at 17–18.

When I worked as a leveraged leasing lawyer in a large firm, I noticed that law firms had their own culture, as did particular departments of firms. A law firm that I continually dealt with had a leveraged leasing group that would get “cooking” after hours. There were probably seven or so lawyers in that group, along with paralegals and secretaries, who had quiet time to think and to draft corporate documents from approximately 6:00 p.m. to 1:00 a.m. or 2:00 a.m. Then the lawyers would return to the firm at around 10:00 a.m. the next morning. During the day, this group often hosted lawyers who represented other parties to the deals. The daytime hours were consumed with negotiations and closings, and it was not until evening when this particular group would eat dinner together in a conference room and start working as a team.

Anticipate a conflict. If you are aware that you will be called upon to perform at a less than optimal time for you, such as to make an early morning presentation when you prefer to work late at night, then prepare for the event at your optimal time. During your optimal time, write your speech, prepare your agenda, lay out your clothes, and pack your briefcase. When the early morning alarm sounds, you will be fully prepared for the presentation.

Avoid expecting too much from yourself. Despite the workplace culture or the time preferences of your boss, you are who you are. We know from testing thousands of children, adolescents, and adults that while time-of-day preferences change over a lifetime they change more slowly as we age.⁷¹ You are not going to automatically switch your time of day preference because someone else requires you to do so, or because you have decided it would be a good idea to switch. Research reveals that time-of-day preferences are ingrained in our functioning.⁷²

Co-workers may be egocentric about their preferred time of day. Each of us prefers a certain time of day and is convinced that everyone else should function well at our preferred time. Thus, your boss may not understand that you perform better at

⁷¹ See generally Roger John Callan, *Research on Time-of-Day Energy Levels and Enhanced Performance: Take a Moment*, in SYNTHESIS OF THE DUNN AND DUNN LEARNING-STYLE MODEL RESEARCH: WHO, WHAT, WHEN, WHERE, AND SO WHAT? 35, 35–39 (Rita Dunn & Shirley A. Griggs eds., 2003) (summarizing research about time of day).

⁷² See DUNN & DUNN, *supra* note 39, at 17–18.

different times than she. Her attempts to require you to function at her peak time may be inescapable, but to the extent you can anticipate what will be required and prepare for it at *your* peak, your efforts during *her* peak will be that much less trying.

If you are scheduling work-training sessions, offer the same session at two different times, such as early morning and evening. Then, permit staff to choose their training session. Overall, the attendees will be more satisfied with the session when they select the one that best fits their chronobiological clock.⁷³

2. Intake

Some people find it very important to snack or sip coffee while concentrating on new and difficult material, and others will avoid snacking or even sipping a beverage while concentrating.⁷⁴ Once you observe whether “intake” is important to you, then plan for it. You may need to keep snacks and beverages handy while working. If you are “persistent” and dislike walking away from your project while engaged, then you want to be sure to have handy snacks if intake is also important to you.

If you are running the meeting or establishing the workplace environment, consider providing or permitting intake among employees. Vending machines could be installed, as could a snacking lounge.

3. Mobility

In the workplace, the need for mobility may affect your productivity. There are three types of people who need mobility, meaning they find it difficult to remain at their desk or workstation for as long as thirty minutes.⁷⁵ Kinesthetic people, described above, are those who learn by experience. A second category of people are those who need an informal seating design, described below, and will squirm and be uncomfortable while sitting in a hard chair. The third category is those who

⁷³ See *id.* at 27.

⁷⁴ See Christine Mangino, *Research on Intake: No Need to Eat Your Heart Out to Get An A!*, in SYNTHESIS OF THE DUNN AND DUNN LEARNING-STYLE MODEL RESEARCH: WHO, WHAT, WHEN, WHERE, AND SO WHAT? 31 (Rita Dunn & Shirley A. Griggs eds., 2003).

⁷⁵ See DUNN & DUNN, *supra* note 39, at 19.

need to move about. They can complete a task while sitting, but then need to change rooms or places at intervals, according to their own body clocks.

Phillip Cohn recognized his need for mobility and handled his legal work this way:

I... took advantage of my preferences for mobility and learning in small groups while simultaneously compensating for my difficulty sitting still for long periods of time. I took frequent breaks, worked from remote locations, and worked collaboratively on as many assignments as possible. Collaboration was particularly beneficial because it provided me with the means to attend numerous meetings and learn by doing, moving, and interacting.⁷⁶

Thus, Phillip Cohn used creative strategies to incorporate mobility into his workday.

Employers should build into the workday opportunities for employees to take frequent breaks and to walk around the workplace. They should also provide soft chairs or couches for global processors (described below). When conducting training sessions, anticipate that employees who need mobility will need to take periodic breaks.

C. Sociological Elements

How we interact with others can be crucial to our success in the workplace. Research reveals that some people prefer working alone, and some people work best with others.⁷⁷ Research also reveals that some prefer to work with an expert.⁷⁸ Sociological elements are developmental.

1. Working Well With Others—or Not!

Have you examined your sociological preference? There are several categories of possible working relationships. Some

⁷⁶ Cohn, *supra* note 46, at 9.

⁷⁷ See DUNN & DUNN, *supra* note 39, at 14–15. See generally Clifford S. Zimmerman, *Thinking Beyond My Own Interpretation: Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 ARIZ. ST. L.J. 957, 999–1001 (describing the benefits of cooperative learning in higher education); Carole J. Buckner, *Realizing Grutter v. Bollinger's "Compelling Educational Benefits of Diversity"—Transforming Aspirational Rhetoric Into Experience*, 72 UMKC L. Rev. 877, 923 (2004) (touting the benefits of cooperative learning strategies particularly for a multicultural classroom).

⁷⁸ See DUNN & DUNN, *supra* note 39, at 14.

adults prefer to work productively on projects alone, at least at first. Once they have thought things through, then they are willing to interact with others. Other adults like to work with another as a pair. Third, peer-oriented adults prefer to work in small groups or teams. Finally, some adults prefer to work under the guidance of a supervisor and are critical of the advice of their peers.⁷⁹

If you have yet to embark on a career or are contemplating a job change, consider the sociological environment of that prospective field or workplace. Whether you prefer to work alone or with others may influence how well suited you are for a particular job. First, assess this learning-style element for yourself. Then, try to determine whether the field or workplace you are pursuing matches your preference. If it does not match, then estimate how strongly you prefer to work alone or with others. The PEPS or BE Survey would also reveal the strength of your preference. If you have a very strong preference and the sought-after job is contrary to your individual style, perhaps you should reconsider the prospect.

Professional schools may reward individual achievement or they may encourage collaboration. For instance, business schools tend to encourage group projects for the reason that corporate environments depend upon teamwork. Law schools, on the other hand, require few collaborative projects even though many of the large law firms are structured around teams of lawyers in specialty practices.

2. Preference for Working with an Expert (Authority-Oriented)

Some people prefer to work with an expert, taking comfort in the guidance that an expert can provide. In this category of people who prefer to have an authority figure present when learning new material, there are those who prefer authoritarian experts and those who prefer experts who are more collegial.⁸⁰ Some offices may encourage mentor relationships, but no matter how many mentor lunches an employer schedules, such relationships really come about only when two people truly desire it. There is no guarantee that one will actually form a mentor relationship with someone. It is helpful if you are aware

⁷⁹ *See id.*

⁸⁰ *See id.*

of your sociological preference so that you can be available if a mentor reaches out to you, or if you are so inclined to provide assistance to someone else.

3. Varied Preferences

Some people's sociological preferences vary, preferring to work sometimes with others and sometimes alone. Some prefer to work with others only if they respect them.⁸¹ An example of how one's sociological preference can affect one's job is as follows: Upon graduation from law school, Jane applied to be, and was accepted as, a judicial law clerk for a prestigious federal judge. When the clerkship began, Jane was very excited about working in the judge's chambers and learning more about the law. As the weeks went by, however, Jane was having difficulty with the position. She was finding that it was taking too much time to draft decisions for the judge based upon the lawyers' case briefs in the court files. The judge spent most of her time presiding in the courtroom and had little time to give Jane direction, which Jane felt she needed. Years later, Jane took the PEPS and realized that she strongly preferred to work with the guidance of an authority figure. In the clerkship position, Jane felt she needed more of the judge's time in overseeing Jane's work. Although Jane ended her clerkship amicably with the judge, she nevertheless vowed to avoid a similar employment situation. The lesson learned is to understand, in advance of taking a position, who you are and what kind of supervision will be provided.

D. Psychological Elements

Your supervising partner and co-workers probably differ in how they absorb information because some may be global processors and some analytic. Anticipating that your supervisor or co-workers may prefer to absorb information in ways that are the same as or different from yours will help you to more effectively communicate in the workplace. Another category of elements that affect our psychological balance is whether we are reflective or impulsive.

⁸¹ *See id.*

1. Your Global or Analytic Colleagues

An analytic processor learns facts sequentially with one fact following another. In contrast, a global processor needs the big picture first with real life application. Some people are a combination and can process new information in both analytic and global ways.⁸² Analytic processors should be mindful of allowing a creative approach despite their need for details and categorization.⁸³ Global processors should attempt to find the facts and the details that will be necessary for the final product.⁸⁴

Anticipating how your work colleagues learn may help you in making presentations. If you are presenting before a large number of people, you could anticipate a mix of global and analytic processors.

a. Writing a Report

If you are writing a report for a global partner or client, introduce your writing with a broad picture first. Try to link your topic to a real-life example. Global processors also prefer humor, so incorporate a humorous title or anecdote if appropriate. In the body of the report, provide the details. Global processors also respond to diagrams, color, pictures, and general goals.⁸⁵

On the other hand, if you are writing for an analytic partner or client, show your step-by-step analysis first. Analytics prefer to see sequential information meeting specific objectives. Analytics also respond to facts, numbers, explanations, words, and details.⁸⁶

If you were to prepare a report for a varied audience on the advantages and disadvantages of upgrading computers for your office, for example, you could give the report both an analytic and a global title: "Pros and Cons of Computer Upgrade [analytic title—straightforward]: To upgrade or not to

⁸² See DUNN & DUNN, *supra* note 39, at 20.

⁸³ See RUNDLE ET AL., *supra* note 28, at 30.

⁸⁴ See *id.* at 31.

⁸⁵ See DUNN & DUNN, *supra* note 39, at 43.

⁸⁶ See *id.* See generally M.H. Sam Jacobson, *Learning Styles and Lawyering: Using Learning Theory to Organize Thinking and Writing*, 2 J ALWD 27, 51–52 (comparing "traditional, Roman-style outline" which is "associated with the thinking process that is left-hemisphere dominant with the "digest method of outline," which is helpful for the writer who is unsure of how to achieve the traditional outline).

upgrade—that is the question! [global title using humor].” To appeal to the global processors, introduce the report with a broad picture, such as, “Our office computer system was first installed in 1990. It was later upgraded in 1997. Since then, there have been sweeping technological changes in the computer industry.” For the analytics, list what those changes are: “First, office networking systems now allow for more efficient word processing of documents. Second, electronic mail has more capabilities than before, with speedy mechanisms for transporting documents.” Analytics prefer to see the detail, step-by-step.

In the next paragraph of your report, you could relate the topic to a real life situation to aid the globals: “Some of the problems we have encountered in our office have been a lack of speed. For example, the graphics department has been slow to produce brochures because its computer lacks adequate processors and memory.” The body of the report should aim to please both globals and analytics by incorporating both the fact-upon-fact detail that analytics crave as well as identifying a relationship to real life situations, showing the big picture, and incorporating humor where appropriate for globals.

When writing a document, such as a brief for a court, consider writing for a mixed audience. Both law clerks and the judge will be reading the document and you do not know their learning-style strengths.

b. Presentations

Here is an example of a step-by-step approach to making a presentation to a mixed audience of analytics and globals:⁸⁷

Step One: For the globals, open with a humorous statement or a workplace-appropriate joke. Introduce the topic of your presentation with a real-life anecdote. Show them an example of a finished product at the beginning of the presentation.

For the analytic processors, the objective of the presentation should be detailed. For example, “By the end of this session, the reasons for the difference between the profits of last year and this year will be demonstrated.”

Step Two: For the globals, offer a quest—globals enjoy solving mysteries with clues. Incorporate diagrams, color and pictures in the materials. Some of the pictures can be humorous.

⁸⁷ See DUNN & DUNN, *supra* note 39, at 41–42.

For the analytics, distribute prepared materials that include words, numbers, diagrams, charts, graphs, and/or pictures that are labeled in great detail. To aid those analytic processors who need repetitive review of the material, offer recorded tape cassettes or videotapes, prepared in advance of the session or during the session.

Step Three: For the globals, after a broad introduction, globals are ready to absorb the details.

For the analytics, briefly review every step of the presentation verbally while pointing to words and numbers of the prepared materials in step two. Highlight all key facts and ask your audience to do the same.

Step Four: For the globals, they may not wish to create their products immediately, but may prefer to use yours as a model. Some may prefer to work with others or alone. Some globals may not ask you for help. Expect that they may vary the approach that you modeled to produce a different strategy. If what they produced is successful, give them praise.

For the analytics, if you are presenting on a topic that can involve an example, such as a workshop on how to use a computer program, then produce a model at your session. Let your audience see and handle the product produced. In addition, have your audience produce their own models. Check their finished product. Ask thought-provoking questions of your participants such as how they intend to use these materials.

Step Five: For the globals, discuss with the audience the general goals that have been reached. Solicit answers from the audience and list them by categories.

For the analytics, solicit specific suggestions as to the usefulness of the materials. Ask the audience how the material specifically fits into the general objectives.

E. Impulsive versus Reflective

The psychological category includes the element of impulsive versus reflective processing. When asked a question at a meeting, do you shout out the answer before anyone else gets a chance? If so, you may be "impulsive." In contrast, "reflective" people need to think about their answer before providing one. Supervising attorneys should be aware that some employees may not feel comfortable answering questions immediately, and may need to process their thoughts first. It is not that they are less

intelligent, it is simply a difference in style. Lawyers who are reflective should give themselves time to weigh options carefully prior to giving a substantive commitment of money, time, and energy.⁸⁸ On the other hand, lawyers who are impulsive should create a checklist of questions before responding to substantive commitments, such as asking, “What is the desired outcome?”⁸⁹

F. Environmental Preferences

You will be uncomfortable at work if you ignore your environmental preferences. Environmental preferences that affect us are biological. We all have varying needs for: (1) quiet or sound, (2) bright or soft lighting, (3) warm or cool temperatures, and (4) formal or informal seating while concentrating.⁹⁰

Ask yourself how strongly you prefer any of these four elements. If it is not entirely clear, then maintain a log for approximately two weeks and pay attention to your reaction to these environmental elements. Do you close your office door when there is chatter in the hallway or wish you had a door to close? Do you bring a radio to work and enjoy playing music while concentrating? Do you find yourself turning on every light in a room—or turning them down low—while concentrating on something? How does temperature affect you? Are you putting on a sweater at work while others are sporting short sleeves? Jot down whether you feel productive when reading work material at home while sitting on your soft sofa. Try changing your seating by moving to the kitchen—is your absorption any better while seated on the hard kitchen chair with your materials on the table?

Once you have ascertained your environmental preferences, try to conform your workspace so that you are comfortable. You will be less productive in an uncomfortable environment. Do not assume that everyone around you has the same preferences or that their preferences are “right;” we are unique in many ways. Thus, you will need to be an advocate for your own comfort.

If office noise is problematic for your concentration, and you cannot close a door, consider plugging in a noise machine that

⁸⁸ See RUNDLE ET AL., *supra* note 28, at 34.

⁸⁹ *Id.* at 35.

⁹⁰ See DUNN & DUNN, *supra* note 39, at 13.

provides a soothing whirr. If your office mate is noisy at a time when you need to concentrate, you may need to work in a quiet communal space, such as the office lunchroom when it is empty or a vacant office of the library at the firm or bar association. If your workspace is too quiet for your liking, bring in a radio, and headphones if necessary so as not to disturb others. Your office computer might also provide news and music.

Ask your employer for an additional lamp for your work area if you need brighter light or one with a softer glow than the usual florescent bulbs in the ceiling. You could add a desk lamp or a floor lamp. If your employer is not forthcoming, then bring one from home. Move your desk closer to or farther from a window, depending upon whether you need more or less light.⁹¹ Possibly have blinds drawn or turn off your lights if you need dimmer lights.

If you find the temperatures are often too warm at work, consider wearing lighter weight clothing and short-sleeves where permissible. Drink lots of fluids so as not to get dehydrated. Ask for an office fan or purchase an inexpensive one if your employer is not forthcoming. If you find the temperatures are too cool at the office, dress in layers, keep a jacket or sweater on the back of your door, and ask for a portable heater.⁹²

Traditional office furniture usually includes a formal design: a desk with a hard or swivel chair. If what you need was not provided, ask for a desk and chair that makes you comfortable. Otherwise, you can seek it in the office lunchroom, library, or even mailroom, for those times when you need deep concentration. If you prefer informal design, your employer may not be forthcoming with a special order of a soft chair or sofa. However, you may be able to supply your own, or seek a comfortable chair in your employer's library or hallway for occasional must-concentrate moments. You could also bring pillows for your office chair or floor.

Whatever your preferences are, continue to be mindful of them when working from home. If you prefer a formal design and quiet, then sitting on your soft living-room sofa with the television turned on is not going to provide a helpful environment to absorb difficult office reading material. In fact,

⁹¹ See RUNDLE ET AL., *supra* note 28, at 40–41.

⁹² See *id.* at 43.

it could put you to sleep. Having the comforts of home does not mean taking advantage of them when concentration is needed.

G. *Emotional Elements*

Emotional elements that affect your productivity include: motivation, persistence, responsibility, and structure.⁹³ Being aware of your strengths in these areas will help you perform better.

1. Motivation

Some people need to be very interested in the subject matter in order to learn new and difficult material, and others are more self-motivated. Those in the former category often work best when recognized by others for having produced quality work.⁹⁴ Those in the latter category know when they produce good work and are less in need of praise from others.⁹⁵ Do you find that you are having difficulty concentrating on a new project at work? If so, perhaps you should find something about the project that makes it interesting enough for you to be motivated to tackle it. If you are scheduling work-training sessions, be aware that many participants will be more motivated to learn what you are teaching if the sessions are voluntary. If the training is mandatory, then perhaps you can construct some amount of choices, such as choice of topics, so that individual participants can select those sessions that are most appealing, and therefore motivating, for them.

2. Persistence

If you are single-task persistent,⁹⁶ you will stay on task for hours until an external force calls you away, such as an established lunch hour or a train schedule. Highly persistent people will resist starting a new project until the first one is

⁹³ See INSERVICE, *supra* note 39, at 13.

⁹⁴ See RUNDLE ET AL., *supra* note 28, at 55.

⁹⁵ See *id.* at 54. See generally Robin S. Wellford-Slocum, *The Law Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. TEX. L. REV. 255, 312 (2004) (suggesting that professors “explicitly” encourage “students to share in the responsibility of evaluating their work” into order to strengthen the students’ “intrinsic motivation to excel because students are thereby more inclined to internalize their role as the ultimate owner of the work product”).

⁹⁶ See RUNDLE ET AL., *supra* note 28, at 57.

completed.⁹⁷ People who are less persistent, or rather multiple-task persistent,⁹⁸ will be able to balance projects, starting new projects before the former ones are completed. Knowing where you fall along this continuum will help you to meet deadlines. If you are single-task persistent, then you might allow sufficient time to complete a substantial part of a project before moving onto the next one, this way you will feel more at ease with the start of a new project. On the other hand, if you are multiple-task persistent, you may need to guard against having too many unfinished projects on your plate at one time.

3. Responsibility

The responsibility element is divided between conforming and nonconforming. Conformists feel comfortable following rules established in the workplace; nonconformists do not follow workplace rules as easily. Conformists in the workplace will present fewer problems to their superiors, although they may not be completely candid all of the time. Nonconformists are more challenging to supervisors because they will ask why things need to be done in certain ways (they feel a need to know why). To effectively supervise nonconformists, give them choices and speak to them collegially, not authoritatively. In addition, before they ask "why," tell them why something needs to be done a certain way at the outset. As a nonconformist employee, recognize that your attitude and behavior may be perceived as rebellious and, to smooth over disagreements, treat colleagues respectfully.⁹⁹

4. Structure

Some people have a strong preference for structure. Research reveals that approximately sixty to seventy percent of adults in professional schools indicate a strong preference for structure.¹⁰⁰ If you feel you need structure when beginning a

⁹⁷ See DUNN & DUNN, *supra* note 39, at 24.

⁹⁸ See RUNDLE ET AL., *supra* note 28, at 55–56.

⁹⁹ See *id.* at 58.

¹⁰⁰ Listed in chronological order are the academic years and percentages of incoming law students surveyed indicating a strong preference for structure: Boyle & Dunn, *supra* note 21, 251 app.2 (revealing sixty-seven percent in academic year 1996–1997); Boyle, *Bringing Learning-Style Instructional*, *supra* note 21, 160 tbl.17.4 (revealing forty-eight percent in academic year 1997–1998); Boyle & Dolle, *supra* note 21, 81 app.A (revealing fifty-four percent in academic year 1998–1999);

new project, look for models of how the work has been done before and ask for guidance. Most law firms and legal departments have record rooms containing documents from prior transactions and litigation; make use of the samples available at your workplace. If you are supervising a project for employees who have a strong preference for structure, you should state the goals of the project very clearly. Also, provide detailed instructions as to your expectations and deadlines. An employee handbook may be useful for employees who function best with structure, one that contains samples of prior work.

CONCLUSION

In conclusion, observe your own preferences in the workplace to see what works for you and determine how you can more efficiently accomplish difficult tasks and communicate with others.¹⁰¹ At the very least, this article should help you in understanding that people with whom you work may have a different learning style from your own.

Boyle et al., *supra* note 21, 21–22 app.A, tbl.1–2 (revealing sixty-six percent in academic year 2000–2001 and sixty-six percent in academic year 2001–2002); Boyle, *Employing Active-Learning*, *supra* note 21, 29 app.A (revealing seventy-two percent in academic year 2002–2003).

¹⁰¹ See generally Paul S. Ferber, *Adult Learning Theory and Simulations—Designing Simulations to Educate Lawyers*, 9 CLINICAL L. REV. 417, 461 (2002) (“Law graduates are at the beginning of the learning process of becoming lawyers. Learning to learn from experience is a critical skill for lawyer development.”).