
RICK'S TAXONOMY

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CONTENTS

INTRODUCTION	641
I. WHAT IS BLOOM'S TAXONOMY?.....	642
II. RICK'S TAXONOMY: A FRAMEWORK FOR THINKING ABOUT COMPLEX CHALLENGES IN EDUCATION.....	644
III. RICK'S TAXONOMY AND THE EDUCATOR'S MINDSET	645
CONCLUSION.....	648

INTRODUCTION

If you have attended workshops sponsored by a university's teaching center, no doubt you have been introduced to Bloom's Taxonomy.¹ Well known to educators, this taxonomy provides a framework for classifying learning objectives for students in wide-ranging fields. Teachers use Bloom's Taxonomy to help them plan their courses and lessons so that students completing the course will be able to demonstrate particular cognitive skills. By contrast, this Essay uses Bloom's Taxonomy as a jumping-off point for exploring how Rick Matasar's scholarship relating to leadership in and the goals of legal education, most particularly *Defining Our Responsibilities: On Being an Academic Fiduciary*,² provides a guide for identifying, prioritizing, and pursuing the core values and objectives of the legal education enterprise in a time of profound change.

This Essay will first briefly describe Bloom's Taxonomy and its status in the educational literature. Then it will highlight two ways that

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1. See generally TAXONOMY OF EDUCATIONAL OBJECTIVES HANDBOOK I: COGNITIVE DOMAIN (Benjamin S. Bloom et al. eds., 1956) [hereinafter Bloom's Taxonomy]. For example, I first learned about Bloom's Taxonomy at a teaching workshop for faculty sponsored by the Center for Instructional Design and Distance Education (CIDDE) at the University of Pittsburgh. A recent blog post on CIDDE's website suggests how teachers can use Web 2.0 tools to help students achieve different levels of cognitive mastery. See Meiyi Song, *Web 2.0 Tools in Teaching and Learning*, U. PITT. CTR. FOR INSTRUCTIONAL DEV. & DISTANCE EDUC. (Jan. 5, 2015), <http://www.cidde.pitt.edu/blog/web-2-0-tools-in-teaching-and-learning/>.

2. Richard A. Matasar, *Defining Our Responsibilities: Being an Academic Fiduciary*, 17 J. CONTEMP. LEGAL ISSUES 67 (2008) [hereinafter *Academic Fiduciary*].

Matasar's leadership scholarship displays kinship to Bloom's Taxonomy. Finally, invoking the spirit of Bloom's Taxonomy, this Essay will derive from Matasar's leadership scholarship two lessons about the desirable mindset for leaders in legal education. While it will touch on some of the pearls of wisdom that Matasar offers his readers, this Essay is more about the "how" and "why" of Matasar's scholarship than the "what."

I. WHAT IS BLOOM'S TAXONOMY?

In 1956, the educational psychologist Benjamin Bloom published his *Taxonomy of Educational Objectives*,³ culminating several years of work with colleagues in the American Psychological Association. This work's purpose was to offer educators a framework to use in classifying the kinds of student behaviors that demonstrate the achievement of particular educational goals (i.e., what must a student *do* in order to demonstrate that she has actually acquired a particular cognitive skill?), as well as to provide them a common language and a platform to use in exchanging ideas and methods relating to teaching, assessment, and curriculum.⁴ The framework presents six categories of cognitive skills that educators might seek to produce in learners, ranging "along a continuum from simple to complex and concrete to abstract."⁵ They progress from lower-order skills (knowledge, comprehension, and application) to higher-order skills (analysis, synthesis, and evaluation).⁶ The idea is that achieving the more complex skills depends on a student's mastery of lower-level skills.⁷

Bloom's Taxonomy has proven to be both influential and durable. In the decades following its publication, the education community embraced it and researchers sought to validate it.⁸ Its influence has been worldwide,⁹ and even its critics recognized its contribution.¹⁰ In 1994,

3. See Bloom's Taxonomy, *supra* note 1.

4. See Mark Seaman, *Bloom's Taxonomy: Its Evolution, Revision, and Use in the Field of Education*, 13 CURRICULUM & TEACHING DIALOGUE 29, 37 (2011).

5. Patricia Armstrong, *Bloom's Taxonomy*, VAND. U. CTR. FOR TEACHING, <http://cft.vanderbilt.edu/guides-sub-pages/blooms-taxonomy/> (last visited Mar. 14, 2016).

6. See Nancy Nentl & Ruth Zietlow, *Using Bloom's Taxonomy to Teach Critical Thinking Skills to Business Students*, 15 C. & UNDERGRADUATE LIBR. 159, 160 (2008).

7. See Susan Stuart & Ruth Vance, *Bringing a Knife to the Gunfight: The Academically Underprepared Law Student & Legal Education Reform*, 48 VAL. U. L. REV. 41, 51–53 (2013) (describing how the progression applies in legal education).

8. See generally Seaman, *supra* note 4, at 31–35.

9. See *id.* at 33 (noting an international journal's description of the taxonomy as "one of the major works in the field of Curriculum").

10. See Richard W. Paul, *Bloom's Taxonomy and Critical Thinking Instruction*, 42

the National Society for the Study of Education produced a major retrospective on Bloom's Taxonomy,¹¹ and in 2001 a revision of the work was published in order to incorporate evolving knowledge and values in education.¹²

As one pair of business professors sum it up: "The appeal of Bloom's learning model is its elegance, simplicity, and versatility."¹³ The taxonomy has been applied to educational levels from K–12 instruction to professional education and in diverse disciplines ranging from music to the applied sciences to business.¹⁴ As legal academics have responded to the critiques of legal education contained in the 2007 *Carnegie Foundation Report*¹⁵ and elsewhere, many have turned to Bloom's Taxonomy for inspiration or guidance in developing new law teaching techniques and curricula.¹⁶

In short, Bloom's Taxonomy suggests that we think about learning as a pathway. In developing progressively more complex thinking skills, the learner takes a first step, then another, and then another. It was Matasar's own characterization of his *Academic Fiduciary* article as a description of his "learning path"¹⁷ that prompted my reflection on how his scholarship—in a parallel to Bloom's Taxonomy—offers a framework for legal educators learning how to respond to significant challenges to traditional models of legal education.

EDUC. LEADERSHIP 36, 36 (1985) (critiquing Bloom's Taxonomy from the perspective of the critical thinking movement, but recognizing its usefulness and stating "It would be difficult to find a more influential work in education today").

11. See generally BLOOM'S TAXONOMY: A FORTY-YEAR RETROSPECTIVE (Lorin W. Anderson & Lauren A. Sosniak eds., 1994).

12. A TAXONOMY FOR LEARNING, TEACHING, AND ASSESSING: A REVISION OF BLOOM'S TAXONOMY OF EDUCATIONAL OBJECTIVES (Lorin W. Anderson & David R. Krathwohl eds., 2001).

13. See Nentl & Zietlow, *supra* note 6, at 160.

14. *Id.*

15. See generally WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS (2007).

16. See Paul D. Callister, *Time to Blossom: An Inquiry into Bloom's Taxonomy as a Hierarchy and Means for Teaching Legal Research Skills*, 102 L. LIBR. J. 191, 192 (2010); Michael T. Gibson, *A Critique of Best Practices in Legal Education: Five Things All Law Professors Should Know*, 42 U. BALT. L. REV. 1, 6–21 (2012); Susan D. Landrum, *Drawing Inspiration from the Flipped Classroom Model: An Integrated Approach to Academic Support for the Academically Underprepared Law Student*, 53 DUQ. L. REV. 245, 266 (2015) ("Legal educators have increasingly used *Bloom's Taxonomy* in course development and assessment."); MICHAEL H. SCHWARTZ ET AL., TEACHING LAW BY DESIGN 69–70 (2009); Stuart & Vance, *supra* note 7, at 50–55 (calling Bloom's Taxonomy "[o]ne of the most useful heuristic tools for examining the building blocks of increasingly sophisticated cognitive skills").

17. *Academic Fiduciary*, *supra* note 2, at 69.

II. RICK'S TAXONOMY: A FRAMEWORK FOR THINKING ABOUT COMPLEX CHALLENGES IN EDUCATION

The parallel this Essay draws between Bloom's Taxonomy and Matasar's writing is not exact. Bloom's Taxonomy provides a framework educators can use in supporting and assessing the growth of an individual learner in terms of cognitive skills development. By contrast, Matasar's scholarship on legal and higher education provides a framework of sorts for identifying and prioritizing educational objectives at the institutional level (what skills, practices, and commitments each law school should develop to thrive in a challenging environment)¹⁸ and the sector level (what legal education and higher education, as broader enterprises, must be able to do in order to survive and thrive).¹⁹ Whether one's introduction to Matasar's thinking on how educational leaders can respond effectively to today's legal education travails occurs by reading his scholarship or by listening to him present,²⁰ it quickly becomes evident that his scholarly *modus operandi* is to provide an accessible framework for grappling with complex problems. Much as Bloom's Taxonomy gives educators at all levels a common language for developing, discussing, and sharing teaching and assessment methods, Matasar's scholarship (a.k.a. "Rick's Taxonomy") helps those of us grappling with the challenges surrounding the future of legal education to think clearly and communicate effectively about our alternatives, values, and priorities.

One explanation of Bloom's Taxonomy states: "The goal of an educator using Bloom's taxonomy is to encourage higher-order thought in their students by building up from lower-level cognitive skills."²¹ We can apply this concept of a progression in cognitive prowess and sophistication to the development of legal education leadership. To be effective leaders, legal educators must first know and understand the

18. *See id.* at 81–91 (suggesting how law schools can conceive and pursue a trust model of legal education that focuses on providing value to stakeholders and preserving the institution).

19. *See generally* Richard A. Matasar, *The Canary in the Coal Mine: What the University Can Learn from Legal Education*, 45 MCGEORGE L. REV. 161 (2013) [hereinafter *Canary in the Coal Mine*].

20. Those readers who have not had the pleasure of hearing Rick Matasar present in person can get a taste of his approach and style by viewing his panel presentation at a 2014 New York University Conference on the Future of Higher Education in a Digital Age. *See* NYU Stern, *Rick Matasar—The Future of Higher Education in a Digital Age (Panel 2)*, YOUTUBE (Nov. 21, 2014), <http://www.youtube.com/watch?v=VUHRlwsLbZg>.

21. *Bloom's Taxonomy*, U. CENT. FLA. KAREN L. SMITH FAC. CTR. FOR TEACHING & LEARNING, <http://www.fctl.ucf.edu/TeachingAndLearningResources/CourseDesign/BloomsTaxonomy/> (last visited Mar. 14, 2016).

nature and source of the challenges facing legal education. Then they must use skills that Bloom labels analysis, synthesis, and evaluation to craft a new vision for legal education's future value proposition.

Through his writing on leadership in legal and higher education, Rick Matasar teaches and models for us how to approach those challenges. His scholarship typically begins with a clear and accessible description of aspects of a problematic situation that legal education faces. It then proceeds to consider the larger contexts in which the problem has emerged, to suggest possible ways that schools might respond to the problem, and finally to evaluate the potential benefits and drawbacks of those responses in terms of both efficacy and values concordance.

For example, in *Canary in the Coal Mine*, Matasar first describes the demographic, social, and academic factors that gave rise to the "golden era in legal education" that preceded the current "post-apocalyptic" era.²² He goes on to elucidate the perils facing law schools and how they foreshadow threats that loom on higher education's horizon. He examines in particular the implications of technology-driven educational alternatives, focusing especially on online education and carefully differentiating the harms associated with some versions of online education from the potential value that the modality might offer to universities seeking to maximize the value they offer students. He devotes the balance of the article to considering in greater depth what a residential university can do to embrace technology in ways that highlight the value added by faculty and face-to-face presence. Over the course of the article, Matasar the teacher first makes sure that his reader understands the nature and factual underpinnings of legal education's problems, before applying that knowledge to higher education more broadly, analyzing options available to schools, and ultimately generating at least an outline of how schools might succeed (or fail) going forward.²³ In short, a reader paying attention to the article is guided along a progressively complex path, like the one described in Bloom's Taxonomy.

III. RICK'S TAXONOMY AND THE EDUCATOR'S MINDSET

Benjamin Bloom himself likely would have approved of how deftly Rick's Taxonomy offers legal educators facing seemingly existential challenges with a progressive approach to understanding and responding to those challenges. But Rick Matasar does more than

22. *Canary in the Coal Mine*, *supra* note 19, at 163, 168.

23. *See id. passim*.

simply model, via his scholarship, a process approach to the tough issues today's educational leaders face. His writing also suggests two lessons about an appropriate mindset for leaders in these challenging times.

The first lesson is that, to succeed in the face of the daunting trials ahead of us in legal education, being a learner is more valuable than being an expert. In a world where the questions keep changing, schools are not best served by leaders unswervingly confident they have all the answers. Rather, schools need leaders who are attuned to the importance of understanding how questions are evolving and who are comfortable with refining their ideas and adapting their behavior accordingly. Matasar himself embraces a learner's mindset and is willing to retreat from a position taken earlier.²⁴ While an openness to learning and refining views is laudable in any type of leader, it is particularly critical for leaders of institutions driven by "the academic impulse: to create schools, to create knowledge, [and] to promote individual intellectual growth."²⁵

This commitment to foundational values of higher education is also part of a second lesson that Matasar's scholarship offers. This lesson is about how we, as educators, should approach a period that so many have labeled a crisis.²⁶ Deans and other educational leaders often nod their heads appreciatively as they repeat the exhortation attributed to Rahm Emanuel, former Chief of Staff for President Barack Obama: "You never want a serious crisis to go to waste."²⁷

24. The *Academic Fiduciary* article begins as follows:

We age. We grow. We learn.

This essay traces my learning path—about law school culture, the purpose of our institutions, and the future of our schools. . . . This is ground I have trod before, extolling the virtues of market sensitivity and urging schools to act as businesses

Over the last few years, however, I have been increasingly uncomfortable with a market model as a sole governing driver. It simply fails to embrace the spirit and nature of the higher education enterprise.

Academic Fiduciary, *supra* note 2, at 69. He cites two articles as the ones in which he extolled the market model: Richard A. Matasar, *Private Publics, Public Privates: An Essay on Convergence in Higher Education*, 10 U. FLA. J.L. & PUB. POL'Y 5 (1998), and Richard A. Matasar, *A Commercialist Manifesto: Entrepreneurs, Academics, and Purity of the Heart and Soul*, 48 FLA. L. REV. 781 (1996).

25. *Academic Fiduciary*, *supra* note 2, at 69.

26. See, e.g., Kyle P. McEntee et al., *The Crisis in Legal Education: Dabbling in Disaster Planning*, 46 U. MICH. J.L. REFORM 225 (2012); James B. Stewart, *A Bold Bid to Combat a Crisis in Legal Education*, N.Y. TIMES (Apr. 4, 2014), http://www.nytimes.com/2014/04/05/business/bold-bid-to-combat-a-crisis-in-legal-education.html?_r=0.

27. Gerald F. Seib, *In Crisis, Opportunity for Obama*, WALL ST. J. (Nov. 21, 2008), <http://www.wsj.com/articles/SB122721278056345271>.

But Matasar's approach to the crisis in legal education, while clear-eyed and pragmatically grounded, is not Machiavellian. (Apparently, Niccolo Machiavelli also spoke about not wasting crises.)²⁸ Instead, it exhibits strong commitments to the values underlying the educational enterprise, including advocating that those of us who teach at and administer law schools should think primarily about how our work benefits our students and other stakeholders of our institutions, rather than ourselves.²⁹

Matasar's scholarship urges us not simply to consider how we might (first) survive and (then) avoid wasting this crisis. Instead, we should also ponder how the situation of legal and higher education presents us with a teachable moment. Reframing our situation in this way suggests that the way forward is not simply a matter of mastering and exploiting changed circumstances, but also of changing how we and our colleagues think and approach our work. This stance appears most clearly in *Academic Fiduciary*. There, Matasar acknowledges that his reconceived vision of a trust model of higher education will require a new mindset on the part of faculty and administrators³⁰ and that instilling that new mindset will be hard work.³¹ Nonetheless, he offers specific suggestions for practical steps—relating, for example, to aligning faculty self-interest with student welfare and measuring academic performance and prestige—that could help change schools' cultures.³² Again, implicit in his work is the message that only through continued learning, growth, and adaptation will schools prosper in a changing environment.

28. See Katharine Q. Seelye, *A Different Emanuel for One Church*, N.Y. TIMES: THE CAUCUS (Mar. 17, 2009, 12:05 PM), <http://thecaucus.blogs.nytimes.com/2009/03/17/a-different-emanuel-for-one-church/> ("It was the 15th-century philosopher who apparently first said, 'Never waste the opportunities offered by a good crisis.'").

29. See *Academic Fiduciary*, *supra* note 2, at 81 ("A trust model . . . means thinking of the school as primarily about others, not us. It redefines success not purely on individual achievements, but on the benefit to our students and to their outcomes.").

30. *Id.* at 81 ("Moving to a trust model entails a new mind set in higher education. It recognizes that self-interest cannot be abolished . . . but imagines that we can motivate individuals to reduce their unproductive activities and engage in effective behavior. . . . Finally, it sees the preservation of the enterprise and enhancement of value for the stakeholders as the primary justifications for all decisions.").

31. *Id.* at 106–07 ("Writing about a fiduciary culture is easy; creating one is difficult.").

32. *Id.* at 107–14.

CONCLUSION

At a substantive level, Rick Matasar's scholarship on leadership in the changing worlds of legal and higher education provides readers with rich food for thought. Beyond that accomplishment, however, his scholarship's approach to describing a problem, analyzing its nature, and synthesizing and evaluating possible responses to the problem is evocative of the pedagogical approach to the development of cognitive skills laid out so famously in Bloom's Taxonomy. Finally, Matasar's work models an unfailing commitment to core values regarding the academy's role in serving individuals and society.