



Implementing Best Practices & Educating Lawyers: Teaching Skills and Professionalism Across the Curriculum

Workshop
3C

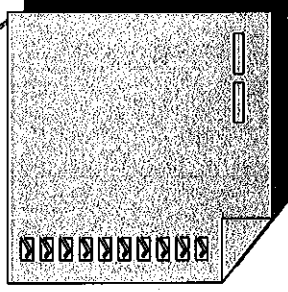
Feedback on Feedback – A Two for One in Fostering
Skill Development through
Exam Conferencing while Increasing
Student Outcomes

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Karol Schmidt is the assistant dean of Student Academic Outcomes at Phoenix School of Law. She graduated with distinction from John Marshall Law School, where she was an executive editor on law review. She joined Phoenix School of Law in July, 2006 originally as the director of Academic Success and was instrumental in designing and implementing a comprehensive academic support program. Subsequently, she developed and launched the bar preparation program with Phoenix School of Law's charter graduates, who posted a 97% bar pass rate.

Following graduation and prior to joining Phoenix School of Law, Karol enjoyed diverse professional experiences, from a clerkship with the Arizona Supreme Court to private practice, from operating a gallery to working on philanthropic start-ups. She also returned to school and attended a post-baccalaureate teacher education program and later received a Masters in Education with distinction from Northern Arizona University. She is currently engaged in doctorate studies at Argosy University in higher education leadership.

Feedback on Feedback – A Two for One in Fostering Skill Development through Exam Conferencing while Increasing Student Outcomes



PREASSESSMENT

Methods of Feedback

- 1.
- 2.
- 3.
- 4.
- 5.

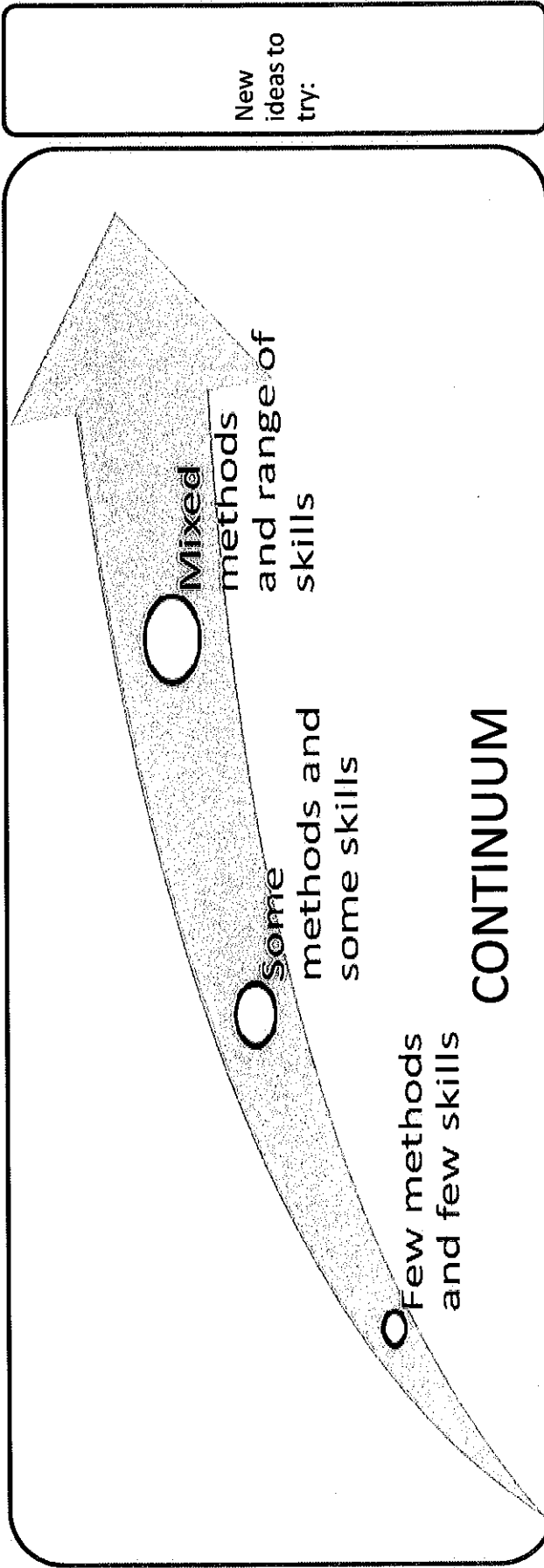
YOUR CURRENT
FEEDBACK PRACTICES

**YOUR CURRENT
FEEDBACK PRACTICES**

cont'd

Skill Feedback

- 1.
- 2.
- 3.
- 4.
- 5.



"[S]tudies of how expertise develops across a variety of domains are unanimous in emphasizing the importance of feedback as the key means by which teachers and learners can improve performance." WILLIAM M. SULLIVAN, ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW 171 (2007).

STUDENT

PROFESSOR

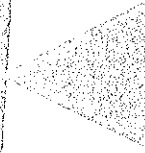
Checks score

Makes
comments

Utilizes rubric

Conferences

Sources or practices
leading to
imbalance:



Student

Self evaluate

checklist

other:

Compare answers

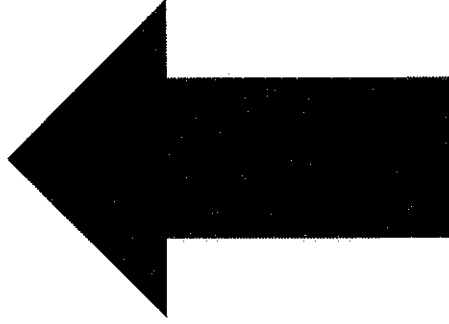
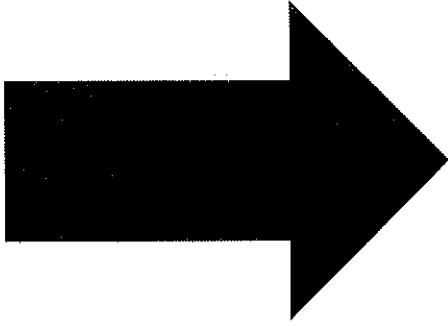
Exercises

"power" highlighting

deconstruct

rewrite

other:



Professor

Whats, whys and hows

analysis and skills

overinclusive vs.

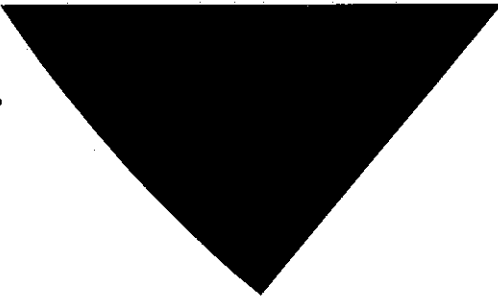
underinclusive answers

Conferences to the

classroom

Sources or practices
promoting balance:

TIMESAVERS



Annotated model response



TIP: Collaborate with your Academic Support professional regarding feedback strategies to reach a wide variety of learners and learning styles.

EXAM REVIEW EXERCISE

Instructions: Using the following colored highlighters, mark each sentence or portion of the sentence that contains:

- rules (yellow);
- facts alone (pink);
- facts that contain analysis (blue);
- conclusion (green).

On a second copy, highlight each sentence or portion that contains a discussion of:

- duty (yellow);
- breach (pink);
- causation (blue);
- harm (green).

Explain for each example what the writer could do to improve the answer.

SAMPLE STUDENT ANSWER

The issue is whether Smith has a claim of negligence against Hyde. The elements of negligence are duty, breach, cause, harm. In a case of misfeasance (an affirmative act), a person has a duty to act as a reasonable person and to not cause harm to another person with his conduct. In a case of nonfeasance (passive failure to act), a person may have a duty under certain circumstances such as special relationship, undertaking, landowner duty, and creation of peril. Here, Hyde left her car in the middle of the road which could be considered misfeasance. Based on this, Hyde had a duty to act as a reasonable person in like circumstances and also possibly a duty to warn of dangers that were created by her negligence. In addition, Hyde would have had a duty to assist Smith because her negligence created his harm. However, she left her car in the middle of the road, and she had road flares but she failed to use them. Although Hyde's act of negligently leaving her car in the middle of the road caused Smith's injuries, she chose to not assist him. A reasonable person in Hyde's situation would have probably at least attempted to move her car to the side of the road and then set up the flares to warn other drivers of the harm. A reasonable person would have also attempted to help Smith. Because she did not act as a reasonable person would in like circumstances, Hyde will likely be found to have breached her duty.

Cause is determined by the "but for" cause and the proximate cause. The "but for" cause is stated as "but for the negligent acts of the defendant, the plaintiff would not have been harmed." A plaintiff can prove proximate cause by showing that his injury is sufficiently closely related to the defendant's conduct. In addition, proximate cause is determined by whether the harm was foreseeable. Here, "but for" Hyde leaving her car in the middle of the road without flares, Smith would not have hit Hyde's car and would not have been injured. Further, "but for" him hitting her car, his injuries would not have been furthered by the police officer. Therefore, the "but for" cause is established. Further, it was foreseeable that if Hyde left her car in the middle of the road, a person coming around the corner would not have enough time to stop and would hit the car. Therefore, Hyde's act is the "but for" cause and the proximate cause of Smith's injuries. Therefore, it is likely that Smith would succeed in a claim of negligence against Hyde. It is likely that the court would hold Hyde liable for all of the harm that Smith incurred: the initial injury and the paralysis.

Courtesy of Professor Victoria Salzmann, Phoenix School of Law

Student Exam Self-Evaluation

Student Name: _____

Exam Reviewed (i.e. Torts I, Contracts II): _____

Professor: _____

Question	
1.	<p>Question: Did I misread the exam instructions (which may include a failure to follow page or word limits)?</p> <p>Answer:</p>
2.	<p>Question: Did I fail to follow the required format (i.e. IRAC, CRAC, CREAC, etc)?</p> <p>Answer:</p>
3.	<p>Question: Did I adequately address the call of the question? In other words, did I answer each question posed by the professor?</p> <p>Answer:</p>
4.	<p>Question: Did I spot all of the issues and sub-issues on each essay question? (If not, how many did I miss?)</p> <p>Answer:</p>
5.	<p>Question: Did I make up issues or sub-issues that were not present?</p> <p>Answer:</p>
6.	<p>Question: Did I organize my essay answer in a logical way that was easy to follow (i.e. grouping by claims, parties, etc)?</p> <p>Answer:</p>
7.	<p>Question: Did I clearly, thoroughly, and precisely state each rule or exception?</p> <p>Answer:</p>
8.	<p>Question: Did I thoroughly analyze each issue or sub-issue? Did I fully discuss arguments for both parties and did I include all facts needed to support my argument?</p> <p>Answer:</p>
9.	<p>Question: Should I have introduced more policy or critical analysis of the current law?</p> <p>Answer:</p>
10.	<p>Question: Did I understand the substantive material to the depth needed to do well?</p> <p>Answer:</p>
11.	<p>Changes I will make:</p>