

Workshop 6A

Getting a Grip: Frameworks for Assessing Instructional Mastery

Nelson P. Miller

Thomas M. Cooley School of Law

Heather Garretson

Thomas M. Cooley School of Law

Tonya Krause-Phelan

Thomas M. Cooley School of Law



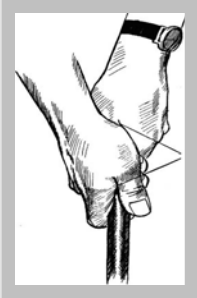
Summer 2010 Institute for Law Teaching and Learning Conference
SESSION 6, Workshop A: "Getting A Grip"

EXERCISE #1: Identify Teaching Standards

INSTRUCTIONS:

In groups, identify standards guiding instruction at your institution. What is their source?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____



Summer 2010 Institute for Law Teaching and Learning Conference
SESSION 6, Workshop A: "Getting A Grip"

EXERCISE #2: Link Evaluations to Mission

SAMPLE MISSION STATEMENT:

The Mission of the Law School is to prepare its graduates for entry into the legal profession through an integrated program with practical legal education as its guiding principle and focus. The mission includes providing high-quality legal education and public service to the law school, state, nation, international community, and legal profession, in those fields in which the law school has special expertise.

INSTRUCTIONS

Write on the lines below the words you can identify from the mission statement above (or your school's mission statement) that might comprise teaching standards, goals, or attributes. Then write the letter of the student comments below that match the words you identified.

1. _____ / _____

5. _____ / _____

2. _____ / _____

6. _____ / _____

3. _____ / _____

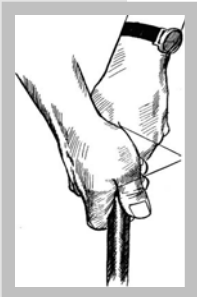
7. _____ / _____

4. _____ / _____

8. _____ / _____

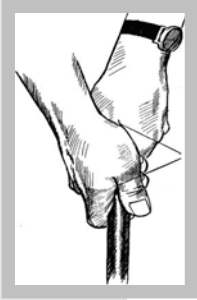
STUDENT COMMENTS ON TEACHING EVALUATIONS:

- A. "The professor showed us how law practice worked, not just teaching the rules."
- B. "When I lost faith in my capability, the professor did not allow me to give up!"
- C. "I have never met a more caring person than this professor. Inspiring."
- D. "I was extremely happy with the professor's level of support and overall positive attitude."
- E. "The professor's teaching methods catered perfectly to my needs."
- F. "The class really helped me see the other side of things like I had never imagined."
- G. "Brilliant. The professor knew so much about the subject that it was scary."
- H. "We had fun but were still able to stay focused and ask questions that were important to us."
- I. "The professor had a ton of resources for us. I really liked that I could find what I needed."
- J. "The professor wasn't easy on us but challenged us to do better."
- K. "I like the objectives and rubrics. It was always clear what was most important."



EXERCISE #3: Measure Subsidiary Learning

1. Select a course you teach.	2. Identify a subsidiary skill students miss.	3. Describe evidence of its performance.	4. Identify the scoring rubric you would use to assess.
EXAMPLE: Torts	Noticing gaps in facts, hypothesizing what might be missing, and reserving evaluation accordingly.	A student writes an essay answer, "We have not been told.... If, for instance, it was..., then the claim would [evaluation.]"	A final-exam score-sheet awarding points for "abductive reasoning."



EXERCISE #4: Depict Graduate Mission Success

Mission Words

Career challenge *community*
competence discipline diverse
 enjoy explore family flexible,
 identity **master** mission opportunity
 prepared professional *quality* ready
 responsible rigorous *second career*
 SENSIBLE service skill *social justice*
success support tailored **vision**



INSTRUCTIONS:

Circle words above, cross off other words, and write other words until you have captured your school's mission. Then, using each of the words you chose, describe a graduate whom you helped to succeed in law school. Include the graduate's ambitions and challenges when entering law school, the school programs and resources the graduate enjoyed, the skills the graduate developed, and the career opportunity the graduate achieved. Write your description as if it were for a prospective student or employer.

TEACHING SELF-ASSESSMENT

(Nelson Miller, Cooley Law School, 2010)

Enter the appropriate scaled number in the blank before each activity using the following scale:

- 0 no evidence having any appreciable positive effect on any student learning
- 1 some evidence having nominal appreciable positive effect on some student learning
- 2 substantial evidence having obvious appreciable positive effect on many student learning
- 3 indisputable evidence having a transformative positive effect on student learning

KNOWLEDGE AND PEDAGOGY

- 1 ___ Define course objectives, 2.1, 3.1, 3.3, 4.1, 6.3, 7.1, 7.10, 9.3, 10.16
- 2 ___ Align objectives to standard, 2.1, 3.1, 3.3, 4.1, 6.3, 6.8, 7.1, 7.3, 7.4, 7.6, 7.8, 7.10, 7.18
- 3 ___ Assess learning to objectives, 1.4, 1.5, 2.1, 3.1, 3.3, 4.1, 6.3, 7.1, 7.6, 7.13, 7.18
- 4 ___ Align final exam, 3.3, 4.1, 6.3, 6.5, 7.1, 7.6, 7.13
- 5 ___ Offer interim, practice essays, 3.3, 4.1, 7.11, 7.12, 9.1
- 6 ___ Offer interim, practice multiple choice, 3.3, 4.1, 7.11, 7.12
- 7 ___ Encourage collaborative assessment, 3.3, 4.1, 7.10, 9.1
- 8 ___ Require attendance, 1.2, 7.16, 7.17, 8.1
- 9 ___ Require and facilitate classroom attention, 1.2, 2.1, 3.1, 5.1, 7.4, 7.17, 8.1, 9.1, 9.2
- 10___ Maintain appropriate pace, 7.11, 8.1, 9.1, 9.4
- 11___ Maintain appropriate voice, 8.1, 9.2
- 12___ Maintain expressiveness (movement, eye contact), 7.11, 8.1
- 13___ Maintain appropriate tone (enthusiasm, rapport, humor), 7.11, 9.2
- 14___ Require preparation, 1.2, 2.1, 3.1, 5.1, 7.4, 7.17, 8.1, 9.1, 9.2, 9.3
- 15___ Encourage student research, 10.26
- 16___ Actively engage all students in learning, 3.1
- 17___ Activate anchoring knowledge, 6.3
- 18___ Engage student analysis (Socratic), 3.1, 6.4, 7.4, 7.6, 8.1, 9.1, 9.2, 10.2, 10.20
- 19___ Listen to student responses, 9.3
- 20___ Encourage student oral analysis, 9.2
- 21___ Encourage student written analysis, 9.2, 10.28
- 22___ Encourage student reflection, 10.20
- 23___ Create climate of trust, openness, and patience 10.20
- 24___ Promote student synthesis of material, 11.5
- 25___ Promote student evaluation of material, 11.6
- 26___ Organize subject, 2.1, 3.1, 6.8, 9.1
- 27___ Demonstrate concept mapping, schematizing
- 28___ Demonstrate substantive knowledge, 10.3
- 29___ Support diversity in learning styles, 3.2, 3.4, 6.7, 7.2, 9.1, 9.2, 9.3
- 30___ Use hypotheticals and examples, 9.1, 9.3
- 31___ Use graphic and visual aids, 3.2, 3.4, 7.2, 9.3
- 32___ Use storytelling aids, 3.2, 3.4, 9.3
- 33___ Use role play exercises, 3.2, 3.4, 9.1
- 34___ Encourage peer learning (small group work), 3.2, 3.4, 7.2, 9.1
- 35___ Encourage student mutual support, 3.2, 3.4, 7.2, 9.1
- 36___ Encourage student respect for others, 3.2, 3.4, 7.2, 9.1
- 37___ Encourage student-centered discussion, 3.2
- 38___ Assist with memory tools (mnemonics), 9.1

SKILLS AND PRACTICE

- 39___ Demonstrate practical knowledge, 2.1, 6.8, 7.1, 7.3, 7.18, 10.3, 10.17
- 40___ Use practice examples, 2.1, 7.7, 7.18, 9.1, 9.3
- 41___ Reflect practice management, 2.1, 7.7, 10.9, 10.29
- 42___ Explore practical aspects, 2.1, 7.7, 9.3
- 43___ Engage students in problem solving, 10.1, 10.27 11.4
- 44___ Engage students in factual investigation, 10.4, 10.27

- 45___ Develop students' oral communication, 10.5, 10.27
- 46___ Develop students' written communication, 10.5, 10.27
- 47___ Explore counseling relationship, 10.6
- 48___ Develop negotiation skills, 10.7, 10.27

PROFESSIONALISM AND ETHICS

- 49___ Model professionalism in class, 2.1, 3.3, 5.1, 6.1, 6.2, 10.10
- 50___ Start timely, 1.1, 3.3, 5.1
- 51___ Record attendance, 1.2, 3.3, 5.1, 7.4
- 52___ Structure agenda, 1.2, 3.3, 5.1, 9.2
- 53___ Conduct with dignity, 1.2, 3.3, 5.1, 6.4, 6.7, 9.4
- 54___ Conduct with decorum, 1.2, 3.3, 5.1, 6.4, 6.7, 9.4
- 55___ Control class, 1.2, 3.3, 5.1, 8.1, 9.2, 9.4
- 56___ Use audible voice, 8.1, 9.2
- 57___ Show good energy, 8.1, 9.2, 9.4
- 58___ Demonstrate respect for student diversity, 3.3, 5.1, 6.4, 10.13
- 59___ Exhibit authority, 1.2, 3.3
- 60___ Interact with humility, 1.3, 3.3, 5.1, 6.4
- 61___ Infuse ethics into curriculum, 2.1, 3.3, 5.1, 6.1, 6.2, 6.7, 10.10, 10.12
- 62___ Use ethics examples, 2.1, 3.3, 5.1
- 63___ Conduct ethics inquiries, 2.1, 3.3, 5.1, 10.30
- 64___ Use moral language, 2.1, 3.3, 5.1, 6.2, 6.7, 10.33
- 65___ Instruct in ethical rules, 2.1, 3.3, 5.1, 6.2, 10.10
- 66___ Include historical material, 7.6, 7.9
- 67___ Include values instruction, 7.6, 7.9, 10.11, 10.12, 10.13, 10.14, 10.31, 10.33
- 68___ Sponsor volunteer projects, 2.1, 3.3, 5.1, 7.7
- 69___ Model professionalism outside of class, 2.1, 3.3, 5.1, 6.1, 6.2, 7.19
- 70___ Participate in pro bono service, 2.1, 3.3, 5.1, 6.9, 7.7, 7.19
- 71___ Participate in public interest legal work, 6.10, 7.19
- 72___ Participate in efforts to improve the profession, 2.1, 3.3, 5.1, 6.9, 6.10, 7.19

STUDENT SUPPORT AND RETENTION

- 73___ Develop syllabus, 3.1, 3.2, 7.15, 9.1, 9.2
- 74___ Identify course logistics, 3.1, 3.2, 7.15
- 75___ State general objectives, 3.1, 3.2, 3.3, 4.1, 7.1, 9.1
- 76___ State unit objectives, 3.1, 3.2, 3.3, 4.1, 7.1, 9.1
- 77___ Define student responsibilities, 3.1, 3.2, 3.3, 7.15
- 78___ Disclose attendance requirements, 3.1, 3.2, 3.3, 7.16
- 79___ Disclose preparation requirements, 3.1, 3.2, 3.3
- 80___ Identify assignments, 3.1, 3.2, 3.3
- 81___ Guide in efficient studying, 3.1, 3.2, 7.15
- 82___ Direct to supportive materials, 3.1, 3.2, 7.15
- 83___ Describe assessment, 3.2, 3.3, 4.1, 6.5, 7.1, 7.13, 9.1
- 84___ Disclose exam format, 3.2, 3.3, 6.5, 9.1
- 85___ Disclose exam objective, 3.2, 3.3, 6.5, 9.1
- 86___ Disclose grading method, 3.2, 3.3, 6.5
- 87___ Remain accessible, 1.3, 3.1, 3.2, 5.1, 6.1, 6.6, 7.2, 7.5, 7.14, 7.15, 9.5
- 88___ Disclose contact information, 1.3, 3.1, 3.2, 6.6, 7.15, 9.5
- 89___ Hold office hours, 1.3, 3.1, 3.2, 6.6, 7.15, 9.5
- 90___ Return student e-mails, 1.3, 3.1, 3.2, 6.6, 9.5
- 91___ Attend student social events, 1.3, 3.2, 5.1, 6.6
- 92___ Engage in meaningful faculty advising, 1.3, 2.1, 6.6
- 93___ Know and promote advising mission, 1.3, 6.6
- 94___ Incorporate advising concepts, 1.3, 6.6
- 95___ Share advising information, 1.3, 6.6

- 96__ Exercise advising interpersonal skills, 1.3, 6.6
- 97__ Conduct review sessions, 3.1, 3.2, 7.15, 9.1
- 98__ Employ teaching assistants, 3.1, 3.2, 7.15
- 99__ Teach learning strategies, 3.2, 6.3
- 100__ Demonstrate cognitive (learning, encoding) strategies, 3.2, 6.3
- 101__ Encourage metacognitive (planning, monitoring) strategies, 3.2, 6.3
- 102__ Facilitate resource (time, effort, social support) management, 3.2, 6.3

TECHNOLOGY AND INNOVATION

- 103__ Maintain TWEN page, 3.1, 3.3, 3.4, 7.15, 9.1, 9.3, 10.38
- 104__ Include syllabus, 3.1, 3.3, 3.4
- 105__ Select CALI lessons, 3.1, 3.3, 3.4, 7.12, 7.15
- 106__ Offer discussion forum, 3.1, 3.3, 3.4
- 107__ Use live discussion sessions, 3.1, 3.3, 3.4
- 108__ Offer quizzes, 3.1, 3.3, 3.4, 7.12
- 109__ Use PowerPoint or equivalent, 3.1, 3.3, 3.4, 8.1, 10.38
- 110__ Use video clips, 3.1, 3.3, 3.4, 9.3
- 111__ Develop computer skills, 3.1, 3.3, 3.4
- 112__ Attend technology training, 3.1, 3.3, 3.4
- 113__ Communicate technology needs, 3.1, 3.3, 3.4
- 114__ Resource with Center for Instructional Support, 3.3, 10.38
- 115__ Mentor other professors, 3.3
- 116__ Seek mentoring of other professors, 3.3, 10.38
- 117__ Support faculty teaching roundtables, 3.3, 10.38
- 118__ Support Center for Instructional Support conferences, 3.3, 10.38
- 119__ Assess teaching, 3.3, 4.1, 6.3, 7.8, 7.19, 10.11, 10.14, 10.38, 11.6
- 120__ Encourage peer review, 3.3
- 121__ Classroom observation by peers, 3.3
- 122__ Facilitate supervisory review, 3.3
- 123__ Classroom observation by supervisor, 3.3
- 124__ Videotape teaching, 3.3
- 125__ Invite Center for Instructional Support review, 3.3
- 126__ Maintain professional development goals, 3.1
- 127__ Familiarize with professional standards, 3.1

APPENDIX: ASSESSMENT STANDARDS

1 THOMAS M. COOLEY LAW SCHOOL EMPLOYMENT CONTRACT

1.1 VIII.A. "The Professor agrees to give instruction in accordance with the established policies of the School, in courses designated by the School."

1.2 VIII.B. "The Professor agrees to appear promptly at the place and time designated for the conduct of such classes; to conduct each class for 50 minutes per assigned credit hour as appointed; to preside over such classes with dignity and decorum, requiring the attendance, attention, and preparation of the students; to observe all regulations of the School respecting conduct in and about the classrooms; and to require the observance of such rules by all students in attendance."

1.3 VIII.C. "In keeping with the Professor's responsibility as an advisor and teacher, the Professor further agrees to meet with his or her assigned advisees to discuss academic questions and other law school related matters, and to meet with students enrolled in his or her classes to discuss the subject matter of those classes, if a meeting is requested by those students. The Professor agrees to have regular and reasonable office hours throughout the term for these purposes."

1.4 VIII.D. "The Professor agrees to present to the Dean, or his designate, no later than noon on Wednesday of the thirteenth week of each term an examination in the subject matter of the course, which examination shall constitute a fair test of the achievement of the students."

1.5 VIII.D. "The Professor agrees to grade such bluebooks or examinations in a fair and impartial manner according to the grading system in use by the School, and to present such grades to the Dean as required in Paragraph E."

1.6 VIII.F. "In addition to the foregoing instructional duties, the Professor agrees to perform all other usual and customary academic assignments as requested by the Dean, to participate in the work of the Faculty Conference as a member thereof, and

to attend such meetings, convocations, and gatherings as shall from time to time be called by the President and the Dean."

1.7 IX.A. "The current provisions of the American Bar Association standards governing approval of law schools as they relate to maximum teachings loads and other rights, duties, and prerogatives of faculty members shall be and become part of this contract by reference thereto."

2 SCHOOL MISSION

2.1 "The Mission of the Thomas M. Cooley Law School is to prepare its graduates for entry into the legal profession through an integrated program with practical legal scholarship as its guiding principle and focus. The preparation for practice mission means that Cooley graduates must: (1) master the basic fundamentals and skills required for the competent practice of law and representation of clients; (2) master the substantive knowledge and skills required for passage of the bar examination and admission to the bar; and (3) understand and embrace the legal, moral, ethical, and professional responsibilities of lawyers."

3 VISION STATEMENT AND STRATEGIES

3.1 "The Thomas M. Cooley Law School's vision for the coming decade is to be: 1. America's largest law school; 2. The best law school in the country at preparing its graduates for the practice of law; 3. The most affordable unsubsidized private law school in the nation; 4. A leader in the innovative and flexible delivery of legal education; and 5. Financially strong."

3.2 "In order to become the largest law school in America, the School intends to: 1. Reduce its current academic and non-academic attrition rates; 2. Increase its enrollment of students whose LSAT scores are at or above the median; 3. Expand

through strategic partnerships and alliances; and 4. Open new markets, perhaps with additional degree programs, branch campuses, and distance education.”

3.3 “In order to become the best at practice preparation, the School intends to: 1. Create a comprehensive assessment system that measures the success of our students and graduates in mastering practice and analytical skills, passing bar examinations, and embracing professional responsibility; 2. Effectively deliver legal education with superior results, including high bar passage rates and high employment rates among graduates; 3. Enhance programs and courses to help graduates prepare to practice law with professionalism and good character; and 4. Introduce state-of-the-art facilities for teaching practice skills.”

3.4 “In order to be a leader in innovation, the School intends to: 1. Adopt an aggressive approach to change; 2. Increase the School’s use of technology to enhance the education of Cooley students in the use of technology; 3. Create new programs and classes to prepare students for practice; and 4. Introduce new modes of delivery of legal education.”

4 THE BAR RESULTS IMPROVEMENT PLAN

4.1 “a. Upgrade the Quality of Incoming Classes. b. Conduct a Law School Qualification Program. c. Hasten Evaluation of First Semester Students. d. Restrict Academic Probation. e. Make Course Examinations Reflect Bar Examination Format and Content. f. Encourage Every Student to Take a Practice Multi-State Bar Examination.”

5 THE PROFESSIONALISM PLAN

5.1 “4. Consider further refinements to the curriculum to infuse professionalism themes. 5. Expand the role of lawyer/mentors in each student’s development. 6. Monitor professionalism of students. ... 9. Create a student ethical oath and standards of professionalism. 10. Bring legal professionals’ influence into the school and the lives of each and every student. ... 13. Continue to emphasize professionalism among faculty, staff, and administrators, and ensure that there are systems in place to review and address unprofessional conduct. ... 16. Create a place for student social interaction with staff and faculty. 17. Formally adopt the AALS recommendations on commitment to public service. 18. Create an institute for principled administration in higher learning.”

6 AALS LAW PROFESSOR’S GOOD PRACTICES

6.1 “I. RESPONSIBILITIES TO STUDENTS. As teachers, scholars, counselors, mentors, and friends, law professors can profoundly influence students’ attitudes concerning professional competence and responsibility. Professors should assist students to recognize the responsibility of lawyers to advance individual and social justice.

6.2 “Because of their inevitable function as role models, professors should be guided by the most sensitive ethical and professional standards.

6.3 “Law professors should aspire to excellence in teaching and to mastery of the doctrines and theories of their subjects. They should prepare conscientiously for class and employ teaching methods appropriate for the subject matters and objectives of their courses. The objectives and requirements of their courses, including applicable attendance and grading rules, should be clearly stated. Classes should be met as scheduled or, when this is impracticable, classes should be rescheduled at a time reasonably convenient for students, or alternative means of instruction should be provided.

6.4 “Law professors have an obligation to treat students with civility and respect and to foster a stimulating and productive learning environment in which the pros and cons of debatable issues are fairly acknowledged. Teachers should nurture and protect intellectual freedom for their students and colleagues. If a professor expresses views in class that were espoused in representing a client or in consulting, the professor should make appropriate disclosure.

6.5 “Evaluation of student work is one of the fundamental obligations of law professors. Examinations and assignments should be conscientiously designed and all student work should be evaluated with impartiality. Grading should be done in a timely fashion and should be consistent with standards recognized as legitimate within the university and the profession. A student who so requests should be given an explanation of the grade assigned.

6.6 “Law professors should be reasonably available to counsel students about academic matters, career choices, and professional interests. In performing this function, professors should make every reasonable effort to ensure that the information they transmit is timely and accurate. When in the course of counseling a law professor receives information that the student may reasonably expect to be confidential, the professor should not disclose that information unless required to do so by university rule or applicable law. Professors should inform students concerning the possibility of such disclosure. ...

6.7 “Discriminatory conduct based on such factors as race, color, religion, national origin, sex, sexual orientation, disability or handicap, age, or political beliefs is unacceptable in the law school community. Law professors should seek to make the law school a hospitable community for all students and should be sensitive to the harmful consequences of professorial or student conduct or comments in classroom

discussions or elsewhere that perpetuate stereotypes or prejudices involving such factors. Law professors should not sexually harass students and should not use their role or position to induce a student to enter into a sexual relationship, or to subject a student to a hostile academic environment based on any form of sexual harassment. ...”

6.8 “II. RESPONSIBILITIES AS SCHOLARS. ... In teaching, as well as in research, writing, and publication, the scholarship of others is indispensable to one’s own. A law professor thus has a responsibility to be informed concerning the relevant scholarship of others in the fields in which the professor writes and teaches. To keep current in any field of law requires continuing study. To this extent the professor, as a scholar, must remain a student. As a corollary, law professors have a responsibility to engage in their own research and publish their conclusions. In this way, law professors participate in an intellectual exchange that tests and improves their knowledge of the field, to the ultimate benefit of their students, the profession, and society.”

6.9 “V. RESPONSIBILITIES TO THE BAR AND GENERAL PUBLIC. ... One of the traditional obligations of members of the bar is to engage in uncompensated public service or pro bono legal activities. As role models for students and as members of the legal profession, law professors share this responsibility. This responsibility can be met in a variety of ways, including direct client contact through legal aid or public defender offices (whether or not through the law school), participating in the legal work of public interest organizations, lecturing in continuing legal education programs, educating public school pupils or other groups concerning the legal system, advising local, state and national government officials on legal issues, engaging in legislative drafting, or other law reform activities.

6.10 “The fact that a law professor’s income does not depend on serving the interests of private clients permits a law professor to take positions on issues as to which practicing lawyers may be more inhibited. With that freedom from economic pressure goes an enhanced obligation to pursue individual and social justice.”

7 ABA TEACHING STANDARDS

7.1 “Standard 301. Objectives. (a) A law school shall maintain an educational program that prepares its students for admission to the bar and effective and responsible participation in the legal profession.

7.2 “(b) A law school shall ensure that all students have reasonably comparable opportunities to take advantage of the school’s educational program, co-curricular programs, and other educational benefits.

7.3 “Interpretation 301-1: A law school shall maintain an educational program that prepares its students to address current and anticipated legal problems. ...

7.4 “Interpretation 301-3: Among the factors to be considered in assessing the extent to which a law school complies with this Standard are the rigor of its academic program, including its assessment of student performance, and the bar passage rates of its graduates.

7.5 “Interpretation 301-4: Among the factors to consider in assessing compliance with Standard 301(b) are whether students have reasonably comparable opportunities to benefit from regular interaction with full-time faculty and other students, from such co-curricular programs as journals and competition teams, and from special events such as lecture series and short-time visitors. ...

7.6 “Standard 302. Curriculum. (a) A law school shall require that each student receive substantial instruction in: (1) the substantive law generally regarded as necessary to effective and responsible participation in the legal profession; (2) legal analysis and reasoning, legal research, problem solving, and oral communication; (3) writing in a legal context, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year; (4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and (5) the history, goals, structure, values, rules, and responsibilities of the legal profession and its members.

7.7 “(b) A law school shall offer substantial opportunities for: (1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence; (2) student participation in pro bono activities; and (3) small group work through seminars, directed research, small classes, or collaborative work. ...

7.8 “Interpretation 302-8: A law school shall engage in periodic review of its curriculum to ensure that it prepares the school’s graduates to participate effectively and responsibly in the legal profession.

7.9 “Interpretation 302-9: The substantial instruction in the history, structure, values, rules, and responsibilities of the legal profession and its members required by Standard 302(a)(5) includes instruction in matters such as the law of lawyering and the Model Rules of Professional Conduct of the American Bar Association.

7.10 “Standard 303. ACADEMIC STANDARDS AND ACHIEVEMENT. (a) A law school shall have and adhere to sound academic standards, including clearly defined standards for good standing and graduation.

7.11 “(b) A law school shall monitor students’ academic progress and achievement from the beginning of and periodically throughout their studies.

7.12 “(c) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

7.13 “Interpretation 303-1: Scholastic achievement of students shall be evaluated by examinations of suitable length and complexity, papers, projects, or by assessment of performances of students in the role of lawyers.

7.14 “Interpretation 303-2: A law school shall provide academic advising to students to communicate effectively to them the school's academic standards and graduation requirements and guidance regarding course selection and sequencing. Academic advising should include assisting each student with planning a program of study consistent with that student's goals.

7.15 “Interpretation 303-3: A law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate, and become a member of the legal profession. This obligation may require a school to create and maintain a formal academic support program.

7.16 “Standard 304. Course of Study and Academic Calendar. ... (d) A law school shall require regular and punctual class attendance. ...

7.17 “Interpretation 304-6: A law school shall demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling, attendance, and limitation on employment. ...

7.18 “Standard 401. Qualifications. A law school shall have a faculty whose qualifications and experience are appropriate to the stated mission of the law school and to maintaining a program of legal education consistent with the requirements of Standards 301 and 302. The faculty shall possess a high degree of competence, as demonstrated by its education, experience in teaching or practice, teaching effectiveness, and scholarly research and writing.

7.19 “Standard 404. Responsibilities of Full-Time Faculty. (a) A law school shall establish policies with respect to a full-time faculty member's responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The policies need not seek uniformity among faculty members, but should address: (1) Faculty teaching responsibilities, including carrying a fair share of the law school's course offerings, preparing for classes, being available for student consultation, participating in academic advising, and creating an atmosphere in which students and faculty may voice opinions and exchange ideas; (2) Research and scholarship, and integrity in the conduct of scholarship, including appropriate use of student research assistants, acknowledgment of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties; (3) Obligations to the law school and university community, including participation in the governance of the law school; (4) Obligations to the profession, including working with the practicing bar and judiciary to improve the profession; and (5) Obligations to the public, including participation in pro bono activities. ...”

8 ABA ACCREDITATION ASSESSMENT TOOL

8.1 “CLASSROOM VISITATION. 1. Course Name: 2. Instructor: 3. Evaluator: 4. Date of Visit: Arrived: Departed: 5. Approximate number of students attending: b. Number registered: 6.a. Room number: b. Was the room adequate (seating, sightlines, acoustics, lighting, technology)? 7. If you were present at the start of class, was attendance taken and, if so, by what method? 8. If you were present at the start of class, did it begin on time? Did students arrive on time? 9. The general subject matter considered in the class: 10. The method or methods of instruction: 11. Was the class intellectually stimulating and rigorous? 12. Did the instructor appear prepared? 13. Did the students appear prepared and interested? 14. Did the instructor interact with the students and did the class actively participate in discussion? 15. Did the instructor follow up weak answers by students and press students for more complete answers? 16. To what degree did the class go beyond superficial considerations? 17. Additional strong or weak points concerning the class: 18. Other comments on the class or the classroom: 19. Overall impression of the class on a scale of 1-10 (10 being highest):”

9 STUDENT EVALUATIONS OF FACULTY

9.1 “Techniques. This section not reproduced.”

9.2 “Process. This section not reproduced.”

9.3 “Approach. This section not reproduced.”

9.4 “Behavior. This section not reproduced.”

9.5 “Support. This section not reproduced.”

10 ABA MacCRATE REPORT

Fundamental Lawyering Skills

10.1 Skill § 1: In order to develop and evaluate strategies for solving a problem or accomplishing an objective, a lawyer should be familiar with the skills and concepts involved in: 1.1 Identifying and Diagnosing the Problem; 1.2 Generating Alternative Solutions and Strategies; 1.3 Developing a Plan of Action; 1.4 Implementing the Plan; 1.5 Keeping the Planning Process Open to New Information and New Ideas.

10.2 Skill § 2: In order to analyze and apply legal rules and principles, a lawyer should be familiar with the skills and concepts involved in: 2.1 Identifying and Formulating Legal Issues; 2.2 Formulating Relevant Legal Theories; 2.3 Elaborating Legal Theory; 2.4 Evaluating Legal Theory; 2.5 Criticizing and Synthesizing Legal Argumentation.

10.3 Skill § 3: In order to identify legal issues and to research them thoroughly and efficiently, a lawyer should have: 3.1 Knowledge of the Nature of Legal Rules and Institutions; 3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research; 3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design.

10.4 Skill § 4: In order to plan, direct, and (where applicable) participate in factual investigation, a lawyer should be familiar with the skills and concepts involved in: 4.1 Determining the Need for Factual Investigation; 4.2 Planning a Factual Investigation; 4.3 Implementing the Investigative Strategy; 4.4 Memorializing and Organizing Information in an Accessible Form; 4.5 Deciding Whether to Conclude the Process of Fact-Gathering; 4.6 Evaluating the Information That Has Been Gathered.

10.5 Skill § 5: In order to communicate effectively, whether orally or in writing, a lawyer should be familiar with the skills and concepts involved in: 5.1 Assessing the Perspective of the Recipient of the Communication; 5.2 Using Effective Methods of Communication.

10.6 Skill § 6: In order to counsel clients about decisions or courses of action, a lawyer should be familiar with the skills and concepts involved in: 6.1 Establishing a Counseling Relationship That Respects the Nature and Bounds of a Lawyer's Role; 6.2 Gathering Information Relevant to the Decision to Be Made; 6.3 Analyzing the Decision to Be Made; 6.4 Counseling the Client About the Decision to Be Made; 6.5 Ascertaining and Implementing the Client's Decision.

10.7 Skill § 7: In order to negotiate in either a dispute-resolution or transactional context, a lawyer should be familiar with the skills and concepts involved in: 7.1 Preparing for Negotiation; 7.2 Conducting a Negotiation Session; 7.3 Counseling the Client About the Terms Obtained From the Other Side in the Negotiation and Implementing the Client's Decision.

10.8 Skill § 8: In order to employ-or to advise a client about-the options of litigation and alternative dispute resolution, a lawyer should understand the potential functions and consequences of these processes and should have a working knowledge of the fundamentals of: 8.1 Litigation at the Trial-Court Level; 8.2 Litigation at the Appellate Level; 8.3 Advocacy in Administrative and Executive Forums; 8.4 Proceedings in Other Dispute-Resolution Forums.

10.9 Skill § 9: In order to practice effectively, a lawyer should be familiar with the skills and concepts required for efficient management, including: 9.1 Formulating Goals and Principles for Effective Practice Management; 9.2 Developing Systems and Procedures to Ensure that Time, Effort, and Resources Are Allocated Efficiently; 9.3 Developing Systems and Procedures to Ensure that Work is Performed and Completed at the Appropriate Time; 9.4 Developing Systems and Procedures for Effectively Working with Other People; 9.5 Developing Systems and Procedures for Efficiently Administering a Law Office.

10.10 Skill § 10: In order to represent a client consistently with applicable ethical standards, a lawyer should be familiar with: 10.1 The Nature and Sources of Ethical Standards; 10.2 The Means by Which Ethical Standards are Enforced; 10.3 The Processes for Recognizing and Resolving Ethical Dilemmas.

Fundamental Values of the Profession

10.11 Value § 1: As a member of a profession dedicated to the service of clients, a lawyer should be committed to the values of: 1.1 Attaining a Level of Competence in One's Own Field of Practice; 1.2 Maintaining a Level of Competence in One's Own Field of Practice; 1.3 Representing Clients in a Competent Manner.

10.12 Value § 2: As a member of a profession that bears special responsibilities for the quality of justice, a lawyer should be committed to the values of: 2.1 Promoting Justice, Fairness, and Morality in One's Own Daily Practice; 2.2 Contributing to the Profession's Fulfillment of its Responsibility to Ensure that Adequate Legal Services Are Provided to Those Who Cannot Afford to Pay for Them; 2.3 Contributing to the Profession's Fulfillment of its Responsibility to Enhance the Capacity of Law and Legal Institutions to Do Justice.

10.13 Value § 3: As a member of a self-governing profession, a lawyer should be committed to the values of: 3.1 Participating in Activities Designed to Improve the Profession; 3.2 Assisting in the Training and Preparation of New Lawyers; 3.3 Striving to Rid the Profession of Bias Based on Race, Religion, Ethnic Origin, Gender, Sexual Orientation, or Disability, and to Rectify the Effects of These Biases.

10.14 Value § 4: As a member of a learned profession, a lawyer should be committed to the values of: 4.1 Seeking Out and Taking Advantage of Opportunities to Increase His or Her Knowledge and Improve His or Her Skills; 4.2 Selecting and Maintaining Employment That Will Allow the Lawyer to Develop As a Professional and to Pursue His or Her Professional and Personal Goals.

Enhancing Professional Development During the Law School Years

10.15 1. Law schools and the practicing bar should look upon the development of lawyers as a common enterprise, recognizing that legal educators and practicing lawyers have different capacities and opportunities to impart to future lawyers the

skills and values required for the competent and responsible practice of law. (Introduction, Chapter 4.D, Chapter 5.C, Chapter 7.A, Chapter 7.B, Chapter 7.D, Chapter 8.E and Chapter 9)

10.16 2. Standard 301(a) regarding a law school's educational program should be amended to clarify its reference to qualifying "graduates for admission to the bar" by adding: ". . . and to prepare them to participate effectively in the legal profession." This would affirm that education in lawyering skills and professional values is central to the mission of law schools and recognize the current stature of skills and values instruction. (Chapter 7.C and Chapter 7.B)

10.17 3. It is time for the Section of Legal Education and Admissions to the Bar to revisit generally the treatment of skills and values instruction in the accreditation process in recognition of the skills and values identified in the Statement of Fundamental Lawyering Skills and Professional Values as those with which a lawyer should be familiar before assuming ultimate responsibility for a client. (Chapter 7.C, Chapter 4.D, Chapter 5.C, Chapter 7.A and Chapter 7.B)

10.18 4. In light of developments in skills instruction and the Task Force's Statement of Skills and Values, the interaction between core subjects, treated in Standard 302(a)(I), and professional skills, treated in Standard 302(a)(iii), should be revisited and clarified. The interpretation of Standard 302(a)(iii) should expressly recognize that students who expect to enter practice in a relatively unsupervised practice setting have a special need for opportunities to obtain skills instruction. (Chapter 7.C, Chapter 7.A, Chapter 7.B, Chapter 4.D and Chapter 5.C)

10.19 5. Each law school faculty should determine how its school can best help its students to begin the process of acquiring the skills and values that are important in the practice of law, keeping in mind not only the resources Recommendations presently available at the school, but the characteristics of effective skills instruction. (Chapter 7.B, Chapter 4.D and Chapter 5.C)

10.20 6. To be effective, the teaching of lawyering skills and professional values should ordinarily have the following characteristics: development of concepts and theories underlying the skills and values being taught; opportunity for students to perform lawyering tasks with appropriate feedback and self-evaluation; reflective evaluation of the students' performance by a qualified assessor. (Chapter 7.B)

10.21 7. The Interpretation to Standard 201(a) relating to the self-study process should require law schools to evaluate their programs in the light of Standard 301(a) and (c) and should refer to the Task Force's Statement of Skills and Values and the literature analyzing the roles and competencies of lawyers. (Chapter 7.C, Chapter 7.B)

10.22 8. Each law school should undertake a study to determine which of the skills and values described in the Task Force's Statement of Skills and Values are presently being taught in its curriculum and develop a coherent agenda of skills instruction not limited to the skills of "legal analysis and reasoning," "legal research," "writing" and "litigation." (Chapter 7.B, Chapter 7.C and Chapter 4.D)

10.23 9. Law schools should identify and describe in their course catalogs the skills and values content of their courses and make this information available to students for use in selecting courses. (Chapter 7.B, Chapter 6.B and Chapter 4.D)

10.24 10. The Task Force's Statement of Skills and Values should be made available to all entering law students to inform them about the skills and values they will be expected to possess as lawyers and to help them seek appropriate educational opportunities in law school, in work experience and in continuing legal education. (Chapter 4.D, Chapter 5 and Chapter 6.B)

10.25 11. Law students should be advised with respect to course selection to consider what opportunities may or may not be available to them after law school to develop the skills and competencies they will need in practice. (Chapter 2, Chapter 6 and Chapter 7.B)

10.26 12. Law schools should continue to emphasize the teaching of the skills of "legal analysis and reasoning" and "legal research," as described in the Statement of Skills and Values, through a wide variety of instructional modes, including well-structured clinical programs. (Chapter 7.B and Chapter 4.D)

10.27 13. Law schools should be encouraged to develop or expand instruction in such areas as "problem solving," "factual investigation," "communication," "counseling," "negotiation" and "litigation," recognizing that methods have been developed for teaching law students skills previously considered learnable only through post-graduation experience in practice. (Chapter 7.A and Chapter 7.B)

10.28 14. In view of the widely held perception that new lawyers today are deficient in writing skills, further concerted effort should be made in law schools and in programs of transition education after law school to teach writing at a better level than is now generally done. (Chapter 7.B, Chapter 7.C, Chapter 8.E and Appendix B)

10.29 15. Law schools through well-structured clinical programs should help students understand the importance of the skill of "organization and management of legal work," although it will remain for the first employer or mentor to translate that awareness into a functioning reality through providing supervised practice experience. (Chapter 7.B, Chapter 7.D, Chapter 8.E and Chapter 5.C)

10.30 16. Law schools should play an important role in developing the skill of "recognizing and resolving ethical dilemmas" and in placing these issues in an organized conceptual framework, although the exposure in law school clinical programs or classrooms is necessarily very limited compared to the variety and

complexity of the dilemmas presented in practice. (Chapter 7.B, Chapter 7.D, Chapter 8.E and Chapter 5.C)

10.31 17. Law schools should stress in their teaching that examination of the "fundamental values of the profession" is as important in preparing for professional practice as acquisition of substantive knowledge. (Chapter 7.A and Chapter 5.C)

10.32 18. The practicing bar should be assiduous in discharging its responsibilities for inculcating professional values through contact with students in part-time work and summer jobs and as colleagues or mentors in the early years of practice. (Chapter 7.A, Chapter 7.D and Chapter 5.C) Recommendations 333

10.33 19. Law school deans, professors, administrators and staff should be concerned to convey to students that the professional value of the need to "promote justice, fairness and morality" is an essential ingredient of the legal profession; the practicing bar should be concerned to impress on students that success in the practice of law is not measured by financial rewards alone, but by a lawyer's commitment to a just, fair and moral society. (Chapter 7.A, Chapter 7.D and Chapter 5.C)

10.34 20. Law schools and the organized bar should work together to make law students aware of the full range of opportunity for professional development in the rich variety of private practice settings, in panels for prepaid and group legal services, in positions in the public sector, in staff counsel's offices in corporations and other organizations, and in the practice of public interest law in all its dimensions, as well as of the profession's expectation that all lawyers will fulfill their responsibilities to the public and support pro bono legal services for those who cannot afford a lawyer. (Chapter 2, Chapter 5 and Chapter 6.B)

10.35 21. Law schools and employers of law students should work together to inject educational value into any work experience during the law school years, developing models for strengthening the educational content of part-time employment and developing workshops offered at the beginning of the summer clerkship season to support the educational aspects of summer employment. (Chapter 7.D)

10.36 22. Since the employment marketplace is a crucial forum in which the practicing bar transmits its values to law students, members of the bar who recruit, interview, and hire should convey to students, both by words and by their decisions, the importance they place on a student's having had exposure to a broad range of skills and values instruction, including clinical courses. (Chapter 7.A, Chapter 7.D and Appendix B)

10.37 23. The National Association of Law Placement (NALP) should be asked by the Section of Legal Education and Admissions to the Bar to add to NALP's annual employer questionnaire questions designed to elicit information pertaining to the educational quality of law office summer programs. (Chapter 7.D)

10.38 24. Law schools should assign primary responsibility for instruction in professional skills and values to permanent full-time faculty who can devote the time and expertise to teaching and developing new methods of teaching skills to law students. In addition, law schools should continue to make appropriate use of skilled and experienced practicing lawyers and judges in professional skills and values instruction with guidance, structure, supervision and evaluation of these adjunct faculty by full-time teachers. (Chapter 7.B)

10.39 25. There should be faculty involvement in the design, supervision and evaluation of every program of extern experience, and accreditation standards should emphasize the critical importance of faculty responsibility for overseeing extern programs. (Chapter 7.B and Chapter 8)

11 BLOOM'S TAXONOMY OF EDUCATIONAL OBJECTIVES

11.1 Knowledge observation and recall of information; knowledge of dates, events, places; knowledge of major ideas; mastery of subject matter; *question cues:* list, define, tell, describe, identify, show, label, collect, examine, tabulate, quote, name, who, when, where, etc.

11.2 Comprehension understanding information; grasp meaning; translate knowledge into new context; interpret facts; compare, contrast; order, group, infer causes; predict consequences, *question cues:* summarize, describe interpret, contrast, predict, associate, distinguish, estimate, differentiate, discuss, extend.

11.3 Application use information; use methods, concepts, theories in new situations; solve problems using required skills or knowledge; *question cues:* apply demonstrate, calculate, complete, illustrate, show, solve, examine, modify, relate, change, classify, experiment, discover.

11.4 Analysis seeing patterns; organization of parts; recognition of hidden meanings; identification of components; *question cues:* analyze, separate, order, explain, connect, classify, arrange, divide, compare, select, explain, infer.

11.5 Synthesis use old ideas to create new ones; generalize from given facts; relate knowledge from several areas; predict, draw conclusions; *question cues:* combine, integrate, modify, rearrange, substitute, plan, create, design, invent, what if?, compose, formulate, prepare, generalize, rewrite.

11.6 Evaluation compare and discriminate between ideas; assess values of theories, presentations; make choices based on reasoned argument; verify value of evidence; recognize subjectivity; *question cues:* assess, decide, rank, grade, test, measure, recommend, convince, select, judge, explain, discriminate, support, conclude, compare, summarize.