



CHARLOTTE SCHOOL *of* LAW

Formative Madlibs Assessment Tools: Creating Opportunities for Students to Gain Mastery with More Feedback and Less Grading

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Will this session interest me?

- If you have ever picked up an exam or paper and said, “wow, there’s so many things wrong, I don’t even know where to begin!” ...
- If you are frustrated by the lack of quality legal analysis and legal work products students produce, ...
- If you work with 1L in any capacity...
- If you work with upper level skills classes...
- If you work with low performing students...

...this presentation will offer you strategies to get better results faster. This program is designed to understand how to take large classes through the steps of learning the most complex subjects, providing meaningful feedback for each step. This program is also designed to help professors who work one-on-one engage in the differential diagnosis required to pinpoint the area where students are struggling and help them overcome their struggles.

What will I learn in this session?

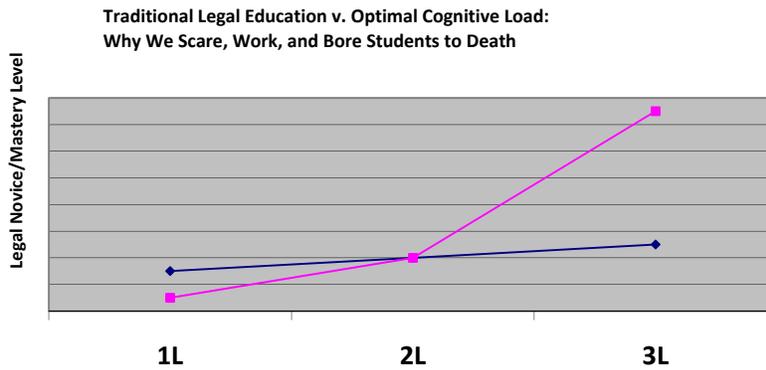
This session will begin with an introduction to the Taxonomy of Legal Learning Objectives. This taxonomy posits that there is a natural hierarchy to the way novices approach learning law. When students learn in order, they can learn faster and deeper, allowing them to learn more. When students learn out of this order, they often struggle with all of the material, failing to pick up even the basic material, which delays any learning and creates barriers to learning the depth of the material.

This workshop will then demonstrate how to provide exercises to students that walk through the hierarchy of learning. The exercises isolate each level of learning and each skill students must master, so that students can focus on just one learning objective at a time. This approach to learning is ideal for 1Ls who are novices to learning any law. The same exercises can be used for low performing students to diagnose exactly where their misunderstanding lies. Finally, for upper level skills courses, this exercise helps professors jump over the hierarchical steps students have already mastered.

Because law professors already work hard, this session will review strategies for creating exercises that are self-grading, or that require very little time for professors to grade.

Optimizing Student Learning By Understanding Cognitive Load:

Legal education maintains fairly consistent learning objectives from the first semester through the sixth semester. This consistency over-taxes 1L students, is optimal for 2L students, and is under-taxing for 3L students. For struggling students, this consistency simply repeats teaching methods that have not worked for the student in prior attempts.



—◆— Traditional Legal Education —■— Optimal Cognitive Load

Legal Analysis Works Backward

Novices learn optimally when they learn in the order of hierarchical objectives. Experts can approach new learning within a discipline in any order. In fact, experts often prefer to work backward.

	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5	LEVEL 6
FACTUAL		Identify case facts				
CONCEPTUAL	Remember wording of rules			Identify relevant case facts		Synthesize rules
PROCEDURAL			Spot issues		Apply rule to novel facts	
METACOGNITIVE						

IRAC with FULLER Analysis:¹

What does Analysis mean?

I

R

A – (Facts, Understanding, Logic, Link Evidence to Rule)

C

Identify the purpose of each sentence:

Identify the purpose of each sentence. If you identify the purpose as Analysis, indicate whether the analysis is a fact, an understanding, or explains a logical leap, or links the evidence back to the rule.

The defect must manifest itself within a reasonable time (purpose: _____). The crack manifested itself three months after J bought the property, which was only 9 months after the house was built (purpose: _____). However, it was not until the second appearance of the crack (one year after the house was built) that J realized the crack might be indicative of a larger problem (purpose: _____). The foundation of the house is something that few people expect to repair or replace, so the expectation is that it will last longer than even the roof, which is expected to last 15-20 years (purpose: _____). Hence, a foundation problem that manifested itself within 9 months and became known one year after the house was built would fall within a reasonable time period to apply the IWQ (purpose: _____).

Fill in the missing purposes:

This analysis is almost complete. It is missing a link. Write a link by using the party names and situational facts in the language of the rule.

Implied Warranty of Habitability requires that landlord provide premises that are free from material health and safety problems. Here, the facts indicate that there was a crack in the wall of the bedroom (fact). The contractor indicated that the crack did not create a rental housing code violation, much less a substantial violation (fact). Additionally, the facts do not indicate that the crack was causing anything to fall off of the wall or let elements in or out of the house (assumed fact). Without such evidence, a crack is a mere blemish (inference). Thus, (write a link here)_____.

¹ Modified from Michael Hunter Schwartz' FIL Analysis, discussed in Expert Learning for Law Students.

Other Strategies:

All of these exercises can be done as Multiple Choice or Fill-In the Blank exercises. Most online quizzes provide the option to provide feedback on right and wrong answers.

- Identify the Purpose of Each Sentence (IRAC, If A, What part of analysis?)
- Choose/Write the Missing Purpose
- Identify & Generate the Missing Purpose
- Identify the assumption or logical leap.
- Identify the issue.
- Put sentences in order in a paragraph.
- Put paragraphs in order in an essay.

Resources:

MICHAEL HUNTER SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS 3 (2005)

Hillary Burgess, Deepening the Discourse Using the Legal Mind's Eye, 21 Quinnipiac Law Review 1 (2011).

A TAXONOMY FOR LEARNING, TEACHING, AND ASSESSING: A REVISION OF BLOOM'S TAXONOMY OF EDUCATIONAL OBJECTIVES 259 (Lorin W. Anderson & David R. Krathwohl eds., 2001)

HOW PEOPLE LEARN: BRAIN, MIND, EXPERIENCE, AND SCHOOL 32–33 (John D. Bransford, Ann L. Brown & Rodney R. Cocking eds., 2000).

Hillary Burgess, The Taxonomy of Legal Learning Objectives, forthcoming.

Hillary Burgess, Property Problems: Differential Diagnostics that Take Students from Good to Great, Carolina Academic Press, forthcoming.