

# Assessment is Coming! What the New ABA Accreditation Requirements Mean for your Classes and your Law School

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## Drafts of ABA Accreditation Standards call for law school to

- *define learning outcomes*
- *conduct ongoing assessment*
- *use the results...to improve its curriculum and delivery with the goal that all students attain competency in the learning outcomes.* (Student Learning Outcomes Subcommittee Draft for Jan. 8-9, 2012 meeting. <http://apps.Americanbar.org>)

## Draft of Learning Outcomes

Standard 302: Learning Outcomes

*(a) The learning outcomes shall include competency as an entry-level practitioner in the following areas:*

*(1) knowledge and understanding of substantive law, legal theory and procedure*

*(2) the professional skills of:*

- legal analysis and reasoning, critical thinking, legal research, problem solving, written and oral communication in a legal context; and*
  - the exercise of professional judgment consistent with the values of the legal profession and professional duties to society, including recognizing and resolving ethical and other dilemmas.*
- (3) a depth in and breadth of other professional skills sufficient for effective, responsible and ethical participation in the legal profession.*
- (4) knowledge and understanding of the following values:*
- ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice;*
  - the legal profession's values of justice, fairness, candor, honesty, integrity, professionalism, respect for diversity and respect for the rule of law; and*
  - responsibility to ensure that adequate legal services are provided to those who cannot afford to pay for them.*

*(5) any other learning outcomes the school identifies as necessary or important to meet the needs of its students and to accomplish the schools' mission and goals.*

(Subcommittee Draft for April, 2011 meeting. <http://apps.Americanbar.org>)

## Measures

From April draft:

*The following methods, when properly applied and given proper weight, are among the acceptable methods to measure the degree to which students have attained competency in the school's student learning outcomes:*

- *review of the records the law school maintains to measure individual student achievement pursuant to Standard 304,*
- *evaluation of student learning portfolios, student evaluation of the sufficiency of their education,*
- *student performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge,*
- *bar exam passage rates,*
- *placement rates,*
- *surveys of attorneys, judges, and alumni*
- *assessment of student performance by judges, attorneys or law professors from other schools.*

*The methods to measure the degree of student achievement of learning outcomes are likely to be different from school to school and law schools are not required by this standard to use any particular methods.*

(April 2011 draft)

## **A Basic, No-Frills Assessment Plan**

1. Learning Outcomes
2. Evidence of how well students are achieving them
  - Classroom work, evaluated by faculty
  - Student surveys
3. Annual meeting to discuss evidence and identify ONE item for action
  - Common types of actions
    - Faculty development
    - Change in curriculum
    - Change in logistics or technology

## Appendix A: Data for Presentation to Economics Department Annual Meeting

### Measures

- **Direct: Analysis of the senior capstone research** projects (written papers plus oral presentations). Three faculty examined a sample of written papers and attended oral presentations for a sample of senior students. These faculty produced written analyses of the student work, using the learning goals as criteria. These analyses were submitted to the assistant chair.
- **Focus groups of current students**, who met for an hour with the assistant chair
- **Alumni Survey**, conducted by the department under the leadership of the assistant chair, asking alumni to
  - Rate how important each of the learning goals were to them in their careers. 5 = essential; 4 = very important; 3 = important; 2 = slightly important; 1 = not important
  - Rank how well they had achieved this goal during their major. 7<sup>th</sup> = highest; 1<sup>st</sup> = lowest.

### Goals, Assessment Methods, and Findings

**Goal:** Critical thinking (analytical) and communication skills, to enable undergraduate students to think and communicate like economists (in other words, to become skilled in the logic and rhetoric of economics)

Sub-Goals/Objectives	Alumni Survey: Importance (5 = Essential; 1 = not important)	Alumni Survey: Achievement (7 <sup>th</sup> = highest)	Analysis of Capstone Student Projects	Focus Groups Current Students
<b>A. Mathematical Methods:</b> The use of mathematical methods to represent economic concepts and to analyze economic issues	4.33 Very important	2 <sup>nd</sup> of 7 objectives. Low	None included math.	Amount of math varies among classes. Maybe calculus should be required.
<b>B. Theoretical Models:</b> To represent economic relationships in terms of theoretical models	4.33 Very important	3rd of 7 objectives. Low	Models used in papers and presentations with reasonable success.	Achievement is enhanced by having TA sessions. Theory course is good foundation if taken before other courses.
<b>C. Gather Data:</b> To gather economic data pertinent to economic theories in order to analyze economic questions	4.17 Very important.	5th of 7 objectives. High	Students showed an ability to collect data but over-relied on the web	Library research used in a few classes only.
<b>D. Statistics:</b> To use statistical methods to analyze economic questions	3.83 Very important	6 <sup>th</sup> of 7 objectives. High	Little evidence of statistical methods	Limited exposure. Complaint about book used.
<b>E. Software.</b> To use statistical computer	3.33 Important	7 <sup>th</sup> of 7 objectives.	Little evidence of use	Concern that software used in career will be different

Sub-Goals/Objectives	Alumni Survey: Importance (5 = Essential; 1 = not important)	Alumni Survey: Achievement (7 <sup>th</sup> = highest)	Analysis of Capstone Student Projects	Focus Groups Current Students
software to analyze economic issues		Highest		
<b>F. Writing.</b> To express economic ideas succinctly and professionally in writing	4.17. Very important	4 <sup>th</sup> of 7 objectives. Medium	Writing skills of students generally acceptable, but not “very good” or “excellent”	Writing required more than speaking. In particular, research papers required in 588 and 575
<b>G. Oral.</b> To express economic ideas succinctly and professionally orally	4.5. Very important/essential	1st of 7 objectives. Lowest.	Presentations revealed a lack of training in how to present, as well as nervousness.	Most courses do not involve oral communication, although it would be useful after graduation in the workforce. One idea was a sequence of courses in communication as part of the Arts and Sciences college requirements. More discussion and presentations were advised.

## Appendix B: Rubrics for a Business Law Case Analyses

### Example #1

	<b>Exemplary</b>	<b>Effective</b>	<b>Minimal</b>	<b>Unsatisfactory</b>
<b>Statement of Facts</b>	All "key" facts are recorded and organized in an extremely neat and orderly fashion (paragraph form)	Relevant facts are recorded legibly and are somewhat organized. However, some key facts are missing.	Facts are recorded and legible but are not in paragraph form	Facts are not recorded
<b>What are the relevant issues?</b>	All issues/relevant disputes are addressed (Plaintiff/Defendant)	Some issues/relevant disputes are addressed. (e.g. Listing the issues presented by one party instead of both)	Less than half of all issues/relevant disputes are addressed	No issues are cited.
<b>What rule of law was involved?</b>	Correct Rule of Law provided and stated accurately when providing rule explanation	Correct Rule of Law provided with inaccuracies in rule explanation	Incorrect Rule of Law provided with inaccurate rule explanation	No rule of law cited or legal citation
<b>Rule application/ analysis</b>	Analysis provided for each relevant rule and applicable fact	Analysis provided. However, student fails to identify how each rule applies to key facts	Information clearly relates to the main topic. No details and/or examples are given.	Information has little or nothing to do with the main topic.
<b>Conclusion</b>	Student effectively ties analysis to conclusion. Student provides definitive conclusion by transitioning clearly from the analysis provided	Student provides definitive conclusion. However, conclusion does not coincide or effectively transition from the analysis provided.	Conclusion provided without explanation or transition	Conclusion not provided.

Source: [www.rcampus.com/rubricshowc.cfm?code=U5X3AC&sp=true&](http://www.rcampus.com/rubricshowc.cfm?code=U5X3AC&sp=true&) Downloaded 4/17/11

## Example #2

	<b>Exceeds</b>	<b>Competent</b>	<b>Progressing</b>	<b>Not Yet</b>	<b>Missing</b>
<b>Facts of Case</b>	Presents accurate and concise case summary	Presents correct and details summary	Presents most major facts of case, but some important details are missing	Summarizes case, but some important facts are missing	Omits all facts
<b>Legal Issues</b>	Correctly identifies and specifically explains legal issues	Correctly identifies and generally explains legal issues	Correctly identifies	Incorrectly identifies	Does not identify
<b>Rule, Precedent, or Test</b>	Correctly identifies & specifically explains rule, precedent, or test.	Correctly identifies & generally explains rule, precedent, or test.	Correctly identifies	Incorrectly identifies	Does not identify
<b>Court's Decision</b>	Develops decision entirely; cites several relevant legal concepts, details, and examples	Accurately identifies & analyzes relevant legal concepts with examples.	States decision, but does not define or analyze it.	Mistakenly relays incorrect court decision such as Ontario Court appeal vs. SCC	Does not describe
<b>Court's Reasons for Decision</b>	Identifies all reasons and offers some analysis	Identifies at least one reason and offers some analysis	Identifies at least one reason but no analysis	Incorrectly identifies	Does not provide
<b>Significance</b>	Explains significance of case for all parties and society	Describes significance of case for all parties or society	Describes significance of case for one of the parties	Significance of case unclear or inaccurate	Does not explain significance of case.

Source: [www.rcampus.com/rubricshowc.cfm?code=L5W69C&sp=true&](http://www.rcampus.com/rubricshowc.cfm?code=L5W69C&sp=true&). Downloaded 4/17/11

## Resources

- Walvoord, B. E. *Assessment Clear and Simple: A Practical Guide for Institutions, Departments, and General Education*. 2<sup>nd</sup> ed. Jossey-Bass, 2010. In 79 pages plus appendices, I try to give institutions, departments, and gen ed programs all they will need.
- Palomba, C. A., and Banta, T.W., eds. *Assessing Student Competence in Accredited Disciplines: Pioneering Approaches to Assessment in Higher Education*. Sterling, VA: Stylus Publishing, LLC, 2001. At 350 pages, it gives more extensive details on many of the subjects covered in Walvoord.
- Web pages and publications of your regional and professional accreditors