RESPONDING TO THE NEW ABA STANDARDS: BEST PRACTICES IN OUTCOMES ASSESSMENT

Institute for Law Teaching & Learning and Boston University School of Law

Spring Conference 2016

April 1-2

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Responding to the New ABA Standards: Best Practices in Outcomes Assessment
April 1-2, 2016

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Planning Committee for the Spring Conference on Best Practices in Outcomes Assessment:

Connie Browne, Boston University School of Law
Emily Grant, Washburn University School of Law
Peggy Maisel, Boston University School of Law
Sandra Simpson, Gonzaga University School of Law
Kelly Terry, University of Arkansas at Little Rock, William H. Bowen School of Law
Therese Enders, Conference Coordinator, Boston University School of Law

Boston University School of Law

765 Commonwealth Avenue
Boston, Massachusetts 02215
T 617-353-3112 F 617-358-4706

Maureen A. O'Rourke
Dean and Professor of Law
Michaels Faculty Research Scholar

Dear Conference Attendees:

Welcome to Boston University School of Law! We are proud to host this conference on best practices in outcomes assessment. We hope you will leave here with the knowledge and tools to develop, institute, and evaluate effective outcomes for your own law schools.

I thank the Institute for Law Teaching and Learning, as well as the law schools at Gonzaga University, Washburn University, and University of Arkansas at Little Rock, for joining with BU Law to put on this important conference.

Finally, I hope you enjoy your time at our brand new facility and in the city of Boston!

Sincerely,

Maureen A. O'Rourke
Dean

Conference Schedule

Friday, April 1, 2016

4:30—7:00 p.m.	Registration: Butler Atrium (First floor)
5:00—7:00 p.m.	Welcome Reception: Charles River Room (Fifth Floor)
6:30—7:30 p.m.	Optional Presentation—BarBri Formative Assessment System—Don Macaulay: Room 102

Saturday, April 2, 2016

8:00—8:30 a.m.	Registration & Breakfast: Butler Atrium (First floor)
8:30—8:50 a.m.	Dean's Welcome & Conference Opening—Dean Maureen O'Rourke & ILTL Co-Directors: Room 102
8:50—9:00 a.m.	Break
9:00—10:00 a.m.	The New ABA Standards on Outcomes Assessment—William E. (Bill) Adams, Jr., Deputy Managing Director, ABA Section of Legal Education and Admissions to the Bar: Room 102
10:00—10:15 a.m.	Break
10:15—11:15 a.m.	Identifying and Creating Institutional Outcomes—Emily Grant & Sandra Simpson: Room 102
11:15—11:30 a.m.	Break
11:30—12:30 p.m.	Translating Outcomes Into Competencies and Rubrics—Lindsey Gustafson, Paul Gugliuzza, & Kelly Terry: Room 102
12:30—1:30 p.m.	Lunch: Barrister's Hall (First floor)
1:30—2:30 p.m.	Curriculum Mapping—Lindsey Gustafson, Peggy Maisel, & Kelly Terry: Room 102
2:30—2:45 p.m.	Break
2:45—3:45 p.m.	Evaluating Attainment of Outcomes and Creating an Assessment Plan—Michael Hunter Schwartz, Katharine Silbaugh, & Sophie Sparrow: Room 102
3:50—4:20 p.m.	Closing—Emily Grant, Sandra Simpson, & Kelly Terry: Room 102

William E. Adams, Jr. is the Deputy Managing Director of the Section of Legal Education and Admissions to the Bar at the American Bar Association. Prior to his current position, he served as Dean of the Western State College of Law (WSCL) and Vice-Chancellor of Argosy University from 2009-2014. He was also formerly the Associate Dean for International, Online and Graduate Programs at the Shepard Broad Law Center at Nova Southeastern University (NSU) where he was a professor for 19 years and Director of its Clinical Programs for 8 years. While at NSU, he supervised and helped develop joint degree programs with European Universities in Spain, Italy and the Czech Republic. At both WSCL and NSU, he created online Master's Degrees for nonlawyers.

He is the editor and co-author of the textbook, *AIDS and the Law*, published by Carolina Academic Press, and has published articles on elder law and LGBT Issues. Dean Adams is Past Chair of the Association of American Law Schools' (AALS) Section on Aging and the Law, the AALS Section on Sexual Orientation and Gender Identify, and the Florida Bar's Public Interest Law Section. He is a 1978 *cum laude* graduate of the Indiana University School of Law.

Professor **Emily Grant** joined the faculty at Washburn University School of Law in 2011, where she teaches courses in legal writing and estates and trusts. Prior to coming to Washburn, she taught legal writing courses at her alma mater, the University of Illinois-College of Law, where as a student she served as articles editor for the University of Illinois Law Review. Professor Grant then joined the University of Kansas School of Law faculty as a part-time lecturer in the Lawyering Program; she was later named as a full-time lawyering professor while also working with students as part of the Academic Resources Program.

Before transitioning to a teaching career, Professor Grant was senior court counsel for the Palau Supreme Court, which serves the small island nation located in the Pacific Ocean. She also clerked for the United States Court of Appeals for the Seventh Circuit, the United States District Court for the Central District of Illinois, and the United States District Court for the District of Kansas.

Professor **Paul Gugliuzza**, Boston University School of Law, researches and teaches in the areas of civil procedure, federal courts, and intellectual property law, with a particular focus on patent litigation. His recent articles include "Patent Trolls and Preemption," published in the *Virginia Law Review*, "Rethinking Federal Circuit Jurisdiction," published in the *Georgetown Law Journal*, and "Patent Law Federalism," published in the *Wisconsin Law Review*. Professor Gugliuzza received the annual best article award from the Federal Courts Section of the Association of American Law Schools (AALS) for his article, "The Federal Circuit as a Federal Court," which was published in the *William & Mary Law Review*. He has testified before Congress on the topic of unfair and deceptive patent enforcement.

Professor Gugliuzza graduated *summa cum laude* from Tulane University School of Law. After law school, he clerked for Judge Ronald M. Gould on the US Court of Appeals for the Ninth Circuit and practiced in the Issues and Appeals group at Jones Day in Washington, DC. Prior to joining the faculty at BU, Professor Gugliuzza was a Visiting Assistant Professor at the University of Florida Levin College of Law.

Professor **Lindsey P. Gustafson** is an Associate Professor of Law at the University of Arkansas at Little Rock, William H. Bowen School of Law, where she has been a member of the faculty since 1998. Since joining the faculty, she has worked extensively on improving student scholarship and supporting faculty-edited, peer-reviewed journals. She was hired as the founding Executive Editor of *The Journal of Appellate Practice and Process*, and still serves on its editorial board. She is also a Managing Editor for *The Journal of Legal Writing Institute* and a Co-Editor of *The Law Teacher*, published by The Institute for Law Teaching and Learning. She has published articles on improving student scholarship and on the impact of technology on student writing, and has created three new classes to train students in writing and editing legal scholarship. She has also frequently presented at both regional and national legal writing conferences on effective teaching methods. Professor Gustafson has been nominated four times for the Bowen School of Law Faculty Excellence in Teaching Award, and has won the award twice, in 2004 and 2014. Prior to joining the law school, she clerked and then served as staff attorney for several Utah trial court judges. Professor Gustafson is a graduate of the J. Reuben Clark School of Law, Brigham Young University, where she was the Executive Editor of the Brigham Young University Law Review and elected to the Order of the Coif.

Peggy Maisel joined the Boston University Law faculty in July 2014 as a clinical professor and as associate dean for experiential education overseeing more than 20 clinical and externship programs, in which more than 250 students participate annually. She also works to advance curriculum initiatives, pedagogical practices and academic research that strengthen linkages between the School's experiential education program and its traditional academic curriculum.

Maisel's career has included leadership positions in both public interest law and the legal academy, having served as dean of the New College of California School of Law and as executive director of The Massachusetts Fair Housing Center. She has co-chaired the International Clinical Committee of the Association of American Law Schools, served on the Board of Governors of the Society of American Law Teachers, and been a steering committee member of the Global Alliance for Justice Education.

From 1996 through 2001, she was first a Fulbright scholar and then an associate professor of law at the University of KwaZulu-Natal in South Africa, where she co-authored two textbooks, *Introduction to Law and Legal Skills* and *Foundations of South African Law: Critical Issues for Law Students*. During this time, she also helped found the Global Alliance for Justice Education, which advocates for international clinical legal education.

Prior to joining Boston University Law, Maisel served as a professor of law at Florida International University, where she was the founding director of the law school's Clinical Legal Education Program since its inception in 2003. She established and taught a community development clinic and an interdisciplinary health law and policy clinic in partnership with FIU's College of Medicine.

As Dean, **Maureen A. O'Rourke** has overseen the construction of the five-story, state-of-the-art Sumner M. Redstone Building and gut renovation of the adjacent law tower. This project is the culmination of decades of planning and provides students with first-rate community spaces, high quality classrooms, and amenities.

Dean O'Rourke has also focused on improving the student experience to keep pace with changes in the legal marketplace. She has increased career development support for students through the Career Development & Public Service Office; expanded opportunities for students to obtain practical skills in clinics, externships, semester-in-practice and the transactional law program; and increased financial aid support for students. She has raised the school's public interest profile through adoption of the pro bono

program, enhanced loan repayment assistance for young alumni, and spring break service trips. Under her leadership, the faculty has adopted innovative Lawyering Lab and Business Fundamentals requirements for all JD students, and launched new graduate programs including a blended Executive LLM in International Business Law, Legal English Certificate Program, and online version of the LLM in Taxation.

Dean O'Rourke joined the faculty of the School of Law in 1993 after working at IBM Corporation, where she handled a variety of issues surrounding software licensing. Her primary academic interests lie at the intersection of intellectual property law and other fields, such as contract and antitrust law, particularly in the context of software and high technology.

She is a co-author of one of the leading copyright casebooks in the US, *Copyright in a Global Information Economy* (Aspen Law & Business). She has published articles in the law reviews of Columbia, Duke, Iowa and Minnesota, the technology journals of Berkeley, Harvard and Boston University, and other publications including the *Journal of the Copyright Society*. She was the associate reporter on the American Law Institute's (ALI) Principles of Software Contracting project and is a member of the ALI.

Prior to becoming dean, she taught courses in commercial law and intellectual property law in addition to helping supervise the student-run *Journal of Science and Technology Law*. In May 2000, she became the School's sixth recipient of the Metcalf Award, the University's highest teaching honor. She served as acting dean for two years prior to accepting the post of Dean of the School of Law in 2006. She has lectured extensively and has been a visiting professor at Columbia University Law School and LaTrobe University in Australia.

Michael Hunter Schwartz is Dean and Professor of Law at the University of Arkansas at Little Rock, Bowen School of Law. Dean Schwartz has authored ten books, seven law review papers, three book chapters, and eight shorter works focusing on teaching, learning and assessing law students. Schwartz's books include WHAT THE BEST LAW TEACHERS DO, (Harvard University Press, 2013), and a contracts casebook, the first book in a casebook series he designed and edits. Schwartz has made 200+ presentations on teaching and learning, including plenary and keynote speeches at national and international conferences and training programs at more than 75 US law schools and for law professors from Chile, Germany, Iran, the Republic of Georgia, Saudi Arabia, Taiwan, and Turkey. For the past two years, Schwartz has been named one of National Jurist Magazine's 15 Most Influential People in Legal Education.

Katharine Silbaugh, Boston University School of Law, researches the economic and social value of work done within households and families; the complex relationship between families and institutions, such as employers and schools; the legal framework supporting care work; and gender and power in the school, work, and family contexts. Her publications about the relationship between institutions and family address a range of legal systems from family law and employment law to urban planning and education law. She has intervened in legal initiatives including marriage equality litigation and anti-bullying law and policy.

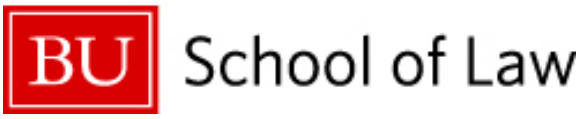
Professor Silbaugh collaborated with Richard A. Posner on a survey of sexual regulation, *A Guide to America's Sex Laws* (Chicago 1996). She is co-author of *The Essentials of Family Law* (2009) with Katharine K. Baker. She co-authored An Overview of State Anti-Bullying Legislation and other Related Laws, for the Kinder and Braver World Project of the Berkman Center for Internet & Society and the Born This Way Foundation (2012). She also is the author of numerous journal articles and book chapters, including the landmark article "Turning Labor into Love: Housework and the Law" for *Northwestern Law Review*. Professor Silbaugh contributed to the plaintiffs' case in *Goodridge v. Department of Public Health*, the Massachusetts case that won the nation's first same-sex marriage right in 2004, as well as to DOMA challenges up to and including *United States v. Windsor* in 2013. She has won teaching and service awards at Boston University, where she has served as Associate Dean for Academic Affairs and co-led the establishment of Program Level Outcomes and Assessment.

Sandra Simpson joined the law faculty of Gonzaga University School of Law as an Assistant Professor of Legal Research and Writing in August 2007 and was promoted to Associate Professor in August of 2012. Dean Simpson was promoted to Associate Dean for Academic Affairs in June of 2013. Prior to joining the law faculty at Gonzaga Law School, she spent three years teaching at Whitworth University in Spokane, Washington. Before entering the teaching field, Dean Simpson spent two years in general practice in Iowa City, Iowa, and five years as an employment defense litigator for Workland and Witherspoon, P.L.L.C., in Spokane, Washington.

In addition to teaching, Dean Simpson is actively pursuing her passion and commitment to respecting all human life from conception to natural death. To this end, she has published articles in the area of the death penalty and protecting caregivers in the workplace. As a co-director for the Institute for Law Teaching and Learning, Dean Simpson also researches, publishes, and speaks in the area of assessment and teaching

Sophie M. Sparrow, Professor of Law, University of New Hampshire School of Law, Visiting Professor, Harvard Law School, is nationally recognized as an innovative leader in legal education, being named one of the one of the 25 most influential leaders in legal education in 2012, 2013, and 2014. She has co-authored books on teaching law, including *Working Together in Law* (2014), *What the Best Law Teachers Do* (2013), *Teaching Law By Design for Adjuncts* (2010), *Teaching Law By Design* (2009) and *Techniques for Teaching Law 2* (2011). She has conducted over 100 workshops for professors, administrators, lawyers, and judges on topics such as active learning, team-based learning, assessment, metacognition, professionalism, legal education, and legal writing.

Kelly S. Terry is the Co-Director of the Institute for Law Teaching and Learning, a national organization focused on best practices in law teaching, curriculum design, and assessment that is sponsored by the law schools at UALR Bowen, Washburn, and Gonzaga. She is an Associate Professor of Law and Director of the Public Service Externship Program and Pro Bono Opportunities at the University of Arkansas at Little Rock, William H. Bowen School of Law. Prior to becoming a law professor, she practiced law for 12 years in a variety of settings, including private practice and state and federal government. She started her legal career as a trial attorney in the Civil Division of the U.S. Department of Justice in Washington, D.C., and, after that, served as an assistant attorney general in the Criminal and Civil Departments of the Arkansas Attorney General's Office. Immediately prior to joining the UALR Bowen faculty, she was a partner for several years in a mid-sized commercial law firm in Little Rock, where she focused on business litigation and appellate practice. Professor Terry teaches the Public Service Externship course and co-teaches a course for first-year students called Professionalism and the Work of Lawyers. Her expertise includes legal education, externship pedagogy, assessment, and access to justice. She has published articles in the *Clinical Law Review*, the *Journal of Legal Education*, and the *Georgetown Journal on Poverty Law & Policy*.



The New ABA Standards on Outcomes Assessment

William E. (Bill) Adams, Jr.

The Future of Legal Education in an ABA World: Creating Learning Objectives Under the New ABA Standards

BARRY CURRIER & BILL ADAMS

MANAGING DIRECTOR'S OFFICE
SECTION OF LEGAL EDUCATION & ADMISSIONS TO THE BAR
AMERICAN BAR ASSOCIATION

2

HOW DID WE GET HERE?

Outcome Measures Committee (2007-2008)

3

- Consider "whether and how" output (outcome?) measures beyond bar pass and employment can utilized in the accreditation process.
- Make specific recommendations about the "whether" [and the "what" and the "how"].

Outcome Measures Committee (2007-2008)

4

Committee recommends re-examination of Standards and a "reframing" to reduce reliance on inputs and greater and more overt reliance on outcome measures.

Outcome Measures Committee (2007-2008)

5

Committee says:

Do not lose focus on bar passage as an outcome measure ...

Outcome Measures Committee (2007-2008)

6

... but add focus on matters such as:

- self-study
- strategic planning
- program objectives
- curriculum
- academic standards
- employment outcomes

Council and Standards Review Committee

7

- 2008: Council begins comprehensive review process
- 2009: Standards Review Committee statement on principles and goals to guide the review:

  "Applying the lessons learned and practiced in other disciplines' accreditation review processes, legal education programs and institutions should be measured both by essential program quality indicators ... and by the learning achieved by their students...."

  "Accreditation review in law ... must move law schools toward articulation and assessment of student learning goals and achievement levels."

Comprehensive Review Completed – August 2014

8

- 2009-2014:
  - 23 open meetings of Standards Review Committee
  - Wide distribution of proposals
  - Notice and comment periods
  - Multiple public hearings
  - Hundreds of written comments
  - Staff, Council, and Committee presentations and participation in programs and on panels
- First half of 2014: Council adopts Standards
- August 2014: ABA House of Delegates "concurs"

9

A CLOSE LOOK AT STANDARDS 301, 302, 314 & 315

Transition Memorandum, August, 2014

10

- Under Managing Director's Transition Memorandum of August 13, 2014, applicable to 1L students beginning in 2016-17 academic year
  - Standard 301(b) and 302
  - Standard 303
  - Standard 304
  - Standard 314
  - Standard 315

Standard 301

11

- (a) School shall maintain rigorous program that prepares students for admission to the bar and for effective, ethical and responsible participation in the profession
- (b) A law school shall establish and publish learning outcomes designed to achieve objectives
  - *On website and in publications where mission described*
  - *For certificates and specialty tracks where described*
  - *For courses, in syllabi*

Standard 302

12

- Applicable to entire program of legal education
- Minimum knowledge, skills and values outlined in (a)-(d)
- Interpretation 302-1 lists some skills that may be identified
- Other knowledge, skills and values applicable depending upon the mission of the school

Standard 302—Learning Outcomes

13

At a minimum, include competency in:

- Knowledge and understanding of substantive and procedural law;
- Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context
- Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- Other professional skills needed for competent and ethical participation as a member of the legal profession
  - Interpretation 302-1 states that other professional skills are determined by the law school and may include a number of listed skills, including cultural competency

Standard 314--Assessments

14

- Requires formative and summative assessment methods—must use both
- Assessment measures level of attainment
  - Interpretation 314-1 describes
  - Interpretation 314-2 states that multiple assessments not necessary for every course
- Identify methods and sources

Standard 315--Evaluation

15

- Requires dean and faculty to conduct ongoing evaluation of program of legal education, learning outcomes and assessment methods
- Use results to determine attainment of competencies and make appropriate changes
- Interpretation 315-1 gives examples of methods

Other References in the Standards to Learning Outcomes and Assessments

16

- Standard 305(f) Field Placements
  - Law school shall develop, publish, and communicate to students and site supervisors a statement describing educational objectives
- Standard 306 (d)(3)Distance Education
  - May award credit if learning outcomes consistent with Standard 302 (along with other requirements)

17

DOING THE HARD* WORK OF COMING INTO COMPLIANCE

*...BUT IMPORTANT, APPROPRIATE, AND INTERESTING...

Getting Started

18

- Understand what the Standards require
- Connect to your school's mission
- Understand the transition period: not an invitation to delay, but an opportunity to develop your own local culture and approach

Getting Started

19

- Buy-in of Dean and faculty leaders is critical
- Embrace/involve all faculty

Getting Started

20

- Find a coalition of the willing
- Establish timelines and structure
- Use university resources and expertise

What Is Not Required

21

- Blizzard of paperwork
- Particular approach/template
- Particular number of outcomes
- Particular assessment scheme
- Considerable expense

Finding Your Way

22

- It's your school's plan; no one-size-fits-all approach
- Where to start – program or course level?
- How many outcomes are enough?
- Take assessment/evaluation plan into account as outcomes are developed
- Continuously assess your planning process and tweak it as necessary

How This Will Work in the ABA Process

23

- Ultimately, the responsibility rests with the Council and Accreditation Committee
- But staff will do its best to keep schools informed along the way
- In the 2016-2017 year, some report on process/ progress may be required of all schools, not just those up for review
- In the early years, showing substantial and serious efforts is important

What Will Come From This Work?

24

Your law school will be operating in compliance with Standards 301, 301, 314, & 315.

What Could Come From This Work?

25

- Sharpen and increase the focus on student learning as the fundamental job of a law school J.D program
- More collaboration among the "community of teachers" on the program of legal education
- Progressivity in the curriculum

What Could Come From This Work?

26

- Clearer messaging to students and applicants about the school's mission and programs
- Actual understanding about what's working, what isn't working, and how well it's working at your school
- Increased ability to work with bench and bar on bigger picture issues about the appropriate role of law school in the career-long education and professional development needs of legal professionals

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Thank You.

ABA STANDARDS *and* RULES OF PROCEDURE *for* APPROVAL OF LAW SCHOOLS 2015-2016

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

(a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.

(b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

Standard 302. LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

(a) Knowledge and understanding of substantive and procedural law;

(b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;

(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Interpretation 302-1

For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Interpretation 302-2

A law school may also identify any additional learning outcomes pertinent to its program of legal education.

Standard 314. ASSESSMENT OF STUDENT LEARNING

A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.

Interpretation 314-1

Formative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student's legal education that measure the degree of student learning.

Interpretation 314-2

A law school need not apply multiple assessment methods in any particular course. Assessment methods are likely to be different from school to school. Law schools are not required by Standard 314 to use any particular assessment method.

Standard 315. EVALUATION OF PROGRAM OF LEGAL EDUCATION, LEARNING OUTCOMES, AND ASSESSMENT METHODS

The dean and the faculty of a law school shall conduct ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.

Interpretation 315-1

Examples of methods that may be used to measure the degree to which students have attained competency in the school's student learning outcomes include review of the records the law school maintains to measure individual student achievement pursuant to Standard 314; 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; and assessment of student performance by judges, attorneys, or law professors from other schools. The methods used to measure the degree of student achievement of learning outcomes are likely to differ from school to school and law schools are not required by this standard to use any particular methods.

AMERICAN BAR ASSOCIATION
Section of Legal Education and Admissions to the Bar

Managing Director's Guidance Memo

Standards 301, 302, 314 and 315
June 2015

This is the first of a set of Guidance Memos on learning outcomes and assessment programs. Subsequent Guidance Memos will be responsive to the questions that are raised by law schools directly with the Managing Director's Office or come to the attention of the Office through proceedings of conferences, reports, and articles on these topics. These new and amended Standards are designed to assure that the outcome measures and assessment methodologies that schools develop will improve their legal education programs and better serve the needs of students during their legal educations and in their professional careers.

Relevant Standards and Interpretations

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

(a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.

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(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Interpretation 302-1
For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice,

document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

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Background

In October 2007, then Section Chair Justice Ruth McGregor appointed a *Special Committee on Output Measures*. The *Special Committee* was charged with determining whether and how output measures, other than bar passage and job placement, might be used in the accreditation process. In July 2008, the *Special Committee* released an extensive analysis of how outcomes measures are used by other accreditation bodies. It concluded that the Section of Legal Education and Admissions to the Bar should re-examine the current ABA accreditation standards and reframe them, as needed, to reduce their reliance on input measures and instead adopt a greater and more overt reliance on outcome measures. The report also noted that shifting towards outcome measures is consistent with the latest and best thinking of both the higher education and legal education communities. The Committee noted that all regional accreditation agencies focus on identification and measurement of student learning outcomes. In addition, the Committee reviewed the accreditation standards of ten other professional accrediting bodies. It found all ten applied standards based on outcome measures.

On the basis of this report, the Council directed the Standards Review Committee (SRC) to study the matter and make recommendations to the Council. The SRC appointed a Student Learning Outcomes Subcommittee. Its work provides some of the basis for the guidance in this memorandum.

Guiding Principles

The Student Learning Outcomes Subcommittee suggested that certain assumptions should guide the implementation of the changes in the Standards that would result from its recommendations. These include:

- The process of identifying, assessing and improving outcomes is more important than ensuring that every student achieve each outcome.
- Different types of faculty—doctrinal, clinical, legal writing and others—play important roles in identifying and assessing learning.
- Faculty should have the central role in identifying, assessing and improving learning outcomes.
- Outcomes will differ based upon law school missions.
- Although the traditional legal curriculum, which purports to teach students to "think like a lawyer," will remain at the center of law schools' J.D. programs, schools should measure how successful their students are in mastering that skill and in bridging the gap between it and other lawyering skills.
- Focusing on outcomes should serve as a catalyst for law schools to be intentional in curriculum development.
- The focus on outcomes should shift the emphasis from what is being taught to what is being learned by the students.

Guidance

Standard 301

Standard 301(b) states that the law school should publish its learning outcomes.

GUIDANCE:

Learning outcomes for the school's overall program of legal education must appear in those places on its website and in its publications where the law school describes its mission and its curriculum. Similarly, learning outcomes for certificates or specialty tracks within the JD program must be published in those places where such certificates or specialty tracks are described. Learning outcomes for individual courses must be published in the course syllabi.

Standard 302, Interpretations 302-1 and 302-2

Although graduation rates, job placement and bar passage are important outcomes, Standard 302 makes clear that law schools must also establish and measure other important outcomes for those who enroll in its program of legal education. Similarly, although not every law student plans to practice law, this Standard recognizes that a law school must have a program of legal education that includes outcomes encompassing competencies related to the practice of law. This is consistent with Standard 301(a) which mandates that a law school "maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession."

GUIDANCE:

Learning outcomes must consist of clear and concise statements of knowledge that students are expected to acquire, skills students are expected to develop, and values that they are expected to understand and integrate into their professional lives. The outcomes should identify the desired knowledge, skills and values that a school believes that its students should master. Standard 302 outlines the minimum outcomes that a law school must identify for its program of legal education. Other outcomes will vary depending upon the stated mission of a law school. Therefore, a school that has a focus on a particular area of substantive law would normally have more robust expectations in regard to the substantive areas critical to its mission or for which it claims special expertise. Similarly, schools with a mission to produce trial lawyers or transactional lawyers would have learning outcomes identifying skills and values critical to the effective representation of clients in those roles. Interpretation 302-1 lists some of the professional skills that a school may identify as learning outcomes consistent with its mission.

Standard 314, Interpretations 314-1 and 314-2

Standard 314 mandates that both formative and summative assessments must be utilized by law schools. Interpretation 314-1 provides definitions for the two different types of assessments. Interpretation 314-2 explains that the review of assessment methodology permits some flexibility to allow variation of assessment programs from school to school.

GUIDANCE:

Schools must be engaged in meaningful assessment of their progress in helping students achieve outcome goals. The Standards create considerable space for schools to develop their own assessment schemes that fit their program and their culture. However, each school must use both formative and summative assessments. Interpretation 314-2 makes clear that multiple assessment methods are not required in every course. Nevertheless, Standard 314, as the Accreditation Committee is likely to apply it, will require that formative assessment be integrated into the law school's program to, as Interpretation 314-1 states, "provide meaningful feedback to improve student learning" in the law school's overall program. The flexibility allowed in this Standard and these Interpretations is meant to permit schools to experiment and to reflect the diversity law schools' missions and programs. Nonetheless, the amount and variety of assessments utilized by each school should demonstrate that it is seriously measuring its success in meeting the outcomes that it has identified as appropriate to its mission.

Learning outcomes clarify what students are expected to learn or master. Assessment should measure the level of attainment of those learning outcomes being achieved by students. This requires schools to collect evidence that demonstrates the level of attainment. In planning for this collection, schools should identify both the methods of assessment as well as the sources for making those assessments. The assessment of how certain outcomes are being met by students may include consideration of co- and extra-curricular activities. Because determining the level of attainment requires some subjective judgments, multiple methods of assessment will more likely produce an accurate portrayal. As noted in Interpretation 315-1, the sources of this evidence may encompass different constituencies, including students, alumni, attorneys and judges in addition to faculty.

It is not the goal of assessing the level of attainment, and probably not realistic to expect, that each student will achieve the same level of mastery for every outcome. Some students will master some outcomes in a more proficient manner than others. Further, to the extent that learning outcomes are developed for certificate and specialty areas, learning outcomes within those areas will not be relevant for all students.

Standard 315 and Interpretation 315-1

Standard 315 requires that the dean and faculty evaluate its program of legal education, learning outcomes and assessment methods on an ongoing basis. The school is to use the results to determine the degree of student attainment of competency and make changes as appropriate.

GUIDANCE:

One of the primary goals of an assessment of student learning program is to require schools to evaluate whether they are successfully helping their students achieve mastery of the competencies that the school has identified as important for its graduates to obtain. This requirement is responsive to the recommendation of the Output Measures Committee that the emphasis on outcomes reflects a shift in focus from what is being taught in law schools to what is being learned by students. Schools are to evaluate the results obtained from the various

assessments to determine to what extent they are assisting their students to achieve the desired outcomes. This evaluation is to be conducted by the dean and faculty. Although some schools may appoint a faculty member or an administrator to oversee the development of outcomes and assessment, it is clear that the establishment and evaluation of outcomes and assessments cannot be the province of a single individual. Although the dean and faculty are to conduct the evaluation, Interpretation 315-1 makes clear that the evaluation may utilize evidence obtained from surveys and assessments by individuals outside of the school such as alumni, attorneys and judges.

Timeline

The Guidance Memorandum from the Managing Director's Office titled "Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools" dated August 13, 2014, stated that the application of these Standards would begin with the 2016-17 academic year.

GUIDANCE:

Site teams visiting schools in the 2016-17 academic year and thereafter will be asked to report on the progress schools are making in establishing learning outcomes and in developing an assessment plan. Schools will be expected to show steady work and progress toward the adoption of a full set of learning outcomes. Those outcomes should be in place by the end of the 2017-2018 year. Schools must have adopted an assessment plan and be able to demonstrate that they are implementing it by the end of the 2018-2019 academic year. This schedule is consistent with the timeline recommended by the SRC's Learning Outcomes Subcommittee.

While they do not become operational until the Fall of the 2016-2017 academic year, schools with 2015-2016 site visit should be prepared to report on how they are working to come into compliance with what the Standards discussed in this memo require. Schools that cannot show that they are seriously engaged in the work that is necessary to develop and adopt learning outcomes and to develop and adopt an assessment program can expect that the Accreditation Committee will ask for a report back that demonstrates that appropriate progress is being made.

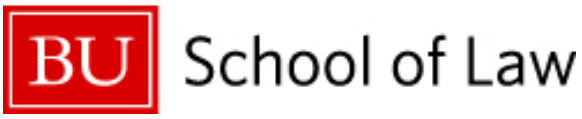
Conclusion

The process of developing, adopting, and implementing learning outcomes and an assessment program takes time. There is no one-size-fits-all set of outcomes or assessment program. While the Council, the Accreditation Committee, and the Managing Director's Office want to be helpful to schools, it would be a mistake to publish templates or specific statements of what will be sufficient to meet the Standards. Additional guidance will be provided over the next several years as the Council and the Accreditation Committee have experience in applying the Standards that can usefully be reported to schools.

The Standards direct schools to continuously engage in a process of establishing outcomes, assessing the school's performance, and reviewing/revising outcomes. This process will help demonstrate that the school has a "rigorous program of legal education that prepares its students, upon graduation, for

admission to the bar and for effective, ethical, and responsible participation as members of the legal profession," as required by Standard 301(a).

The Managing Director's Office will issue Guidance memoranda from time-to-time when new Standards or Interpretations have been adopted or when, in the course of the Office's dealings with schools about compliance with the Standards, a number of schools are asking for clarification or direction regarding a particular Standard, Interpretation or reporting requirement. The Office does its best to provide helpful guidance, but we remind schools that we do not have the authority to bind either the Council or the Accreditation Committee. That said, the Council and the Accreditation Committee understand the necessity of providing guidance and will take that guidance into account in any determination about a school's operating in compliance with the Standards.



Identifying and Creating Institutional Outcomes

Emily Grant & Sandra Simpson

Learning Outcomes

Learning objective should:

- Be Learner-Centered
- Include Knowledge, Skills, and Values
- Be Clear and Measurable

Tips for identifying outcomes:

- What does school's mission statement say is important?
- What is the difference between what a student knows, can do, and values at the beginning of law school and what the student knows, can do, and values at the end?
- What do we want the takeaways from this institution to be? What do we expect a student to remember, do, and value after the end of law school? A year later? Five years?
- What would an employer think that students can do after graduating from this institution?

Writing Learning Outcomes:

1. "Upon graduation from law school, students will be able to…."

2. Pick a verb that describes what the students will know or be able to do.

3. Add appropriate content – the knowledge, skills, or values you want every student to possess.

Verbs for Learning Objectives

Knowledge	Comprehension	Application	Analysis	Synthesis	Evaluation
count	associate	apply	analyze	categorize	appraise
define	convert	classify	arrange	combine	assess
describe	defend	complete	break down	compile	compare
identify	discuss	compute	combine	compose	conclude
label	distinguish	demonstrate	design	create	contrast
list	estimate	discover	detect	derive	criticize
outline	explain	divide	develop	generate	critique
read	extend	examine	differentiate	group	determine
recall	extrapolate	interpret	discriminate	integrate	grade
recognize	generalize	modify	illustrate	order	interpret
record	give examples	operate	relate	organize	judge
reproduce	infer	prepare	select	plan	justify
select	paraphrase	produce	separate	propose	measure
state	predict	show	use	revise	rank
write	summarize	solve		transform	rate

Modified from Bengamin S. Bloom, Bertram B. Mesia, and David R. Krathwohl (1964). *Taxonomy of Educational Objectives* (two vols: The Affective Domain & The Cognitive Domain). New York. David McKay.

Possible ideas…

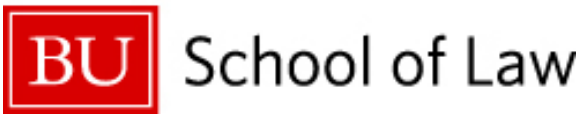
Knowledge	Skills	Values
Hierarchy of legal authority	Legal analysis and reasoning	Honesty and integrity
Relationship of various legal systems and legal institutions in the United States	Written communication	Reliability and responsibility
Impact of legal rules on society	Legal research	Provide high quality work for each client
Policy considerations that effect a given legal question	Drafting legal documents	Respect for clients, lawyers, judges, staff
Basic black letter law taught in required courses (both 1L and upper level)	Listening	Ethic of hard work and diligence
Administrative law	Oral communication	Maturity and judgment
Differentiate between international law and public international law	Working cooperatively; teamwork	Self-motivation and passion
Demonstrate competence in transactional law	Factual investigation	Self-confidence and others' confidence
Demonstrate competence in ADR methods	Organizing and managing legal work	Continued professional development
Sound law office management principles	Interviewing and questioning	Tolerance, patience, empathy
	Problem solving	Critical self-reflection
	Recognizing and resolving ethical dilemmas	Healthy stress management
	Pretrial discovery and advocacy	Promote justice, fairness, morality
	Counseling	Creativity and innovation
	Negotiation	Balanced life
	Mediation	Rid the profession of bias
	Trial advocacy	*Pro bono* commitment

Some Samples

Graduates will demonstrate knowledge of law and the legal system.

Graduates will demonstrate competency in legal practice skills.

Graduates will demonstrate knowledge of the importance of service to the profession and to the community at large, both nationally and internationally.



Translating Outcomes Into Competencies and Rubrics

Lindsey Gustafson, Paul Gugliuzza,

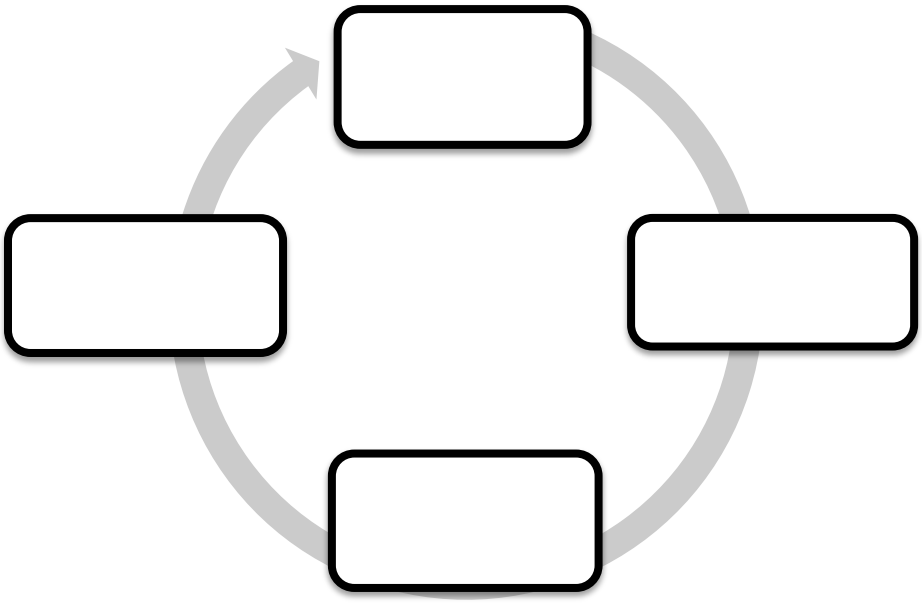
& Kelly Terry

TRANSLATING OUTCOMES INTO COMPETENCIES AND RUBRICS

After this session, you will:

- Be able to identify the core competencies that comprise a learning outcome
- Be able to create rubrics to measure student proficiency in the core competencies that comprise a learning outcome

Institutional Assessment Process



UALR William H. Bowen School of Law
Statement of Educational Outcomes

A. KNOWLEDGE. Every graduate should have knowledge and understanding of the following at a level sufficient to practice ethically as a lawyer and to pass the bar examination in any United States jurisdiction:

1. The organization, hierarchy and relationships of legal systems;

2. The sources of primary law and the ways they relate to one another;

3. The nature of legal rules and institutions;

4. The fundamental sources and tools of legal research;

5. The principles of the fundamental areas of American substantive law, including civil procedure, constitutional law, contracts, criminal law and procedure, evidence, property, and torts;

6. The nature, sources, and content of ethical standards applicable to lawyers and the practice of law in the United States; and

7. Sound principles of law office management.

B. SKILLS. Every graduate should have the following skills:

1. To engage in effective problem solving by:

    a. working cooperatively as part of a team;

    b. identifying and diagnosing problems;

    c. generating alternative solutions and strategies;

    d. developing and implementing plans of action; and

    e. keeping the planning process open to new information and ideas.

2. To comprehend legal texts and apply the legal principles extracted from the texts to new factual circumstances - the two fundamental components of legal reasoning - at a high level of proficiency by:

    a. comprehending a legal text, such as a case, a statute, an administrative rule, a secondary source, or a contract (for example, graduates should be capable of extracting the governing legal rules from a single judicial decision);

    b. comprehending a series of legal texts and synthesizing them into a coherent legal narrative, including the ability both to harmonize apparently conflicting authorities and to recognize genuinely conflicting authorities (for example, graduates should be capable of extracting the governing legal rules from a series of judicial decisions on a particular topic); and

c. applying governing legal principles to factual situations, including the abilities to spot issues, to formulate issues, to develop potential legal solutions, and to assess their validity (for example, graduates should be capable of reviewing a client's factual narrative, spotting legal issues raised by the narrative, and developing legal solutions to address the situation, such as causes of action and legally operative acts).

3. To conduct effective and efficient legal research by developing a research strategy, identifying potentially relevant sources of law, locating legal texts that provide the governing legal principles for a factual situation, and understanding the role that legal reasoning plays in legal research.

4. To write an objective memorandum predicting the resolution of one or more legal issues.

5. To write a substantial brief advocating a position for a client.

6. To draft a legally effective document other than in the litigation context (for example, a contract or a will).

7. To conduct factual investigation by:

   a. determining its need;

   b. planning and implementing an investigative strategy;

   c. interviewing clients and other persons to obtain information necessary to the fact-gathering process;

   d. memorializing and organizing information in an accessible form;

   e. deciding whether and when to conclude the fact-gathering process; and

   f. evaluating the information that has been gathered.

8. To communicate effectively orally and in writing by:

   a. presenting material in a clear, concise, well-organized, and professional manner that is appropriate to the audience and circumstances; and

   b. using effective listening techniques.

9. To counsel clients about decisions or courses of action by:

   a. establishing an appropriate relationship within the nature and bounds of the lawyer's role;

b. identifying the needs, goals, and objectives of a client in a given context;

c. developing potential strategies to implement the identified needs, goals, and objectives; and

d. assessing with the client potential strategies to meet the identified needs, goals, and objectives.

10. To implement a client's decision by preparing for and conducting:

a. negotiations;

b. litigation at the trial and appellate levels; and

c. advocacy in administrative, executive, or other dispute resolution forums.

11. To practice effectively by:

a. formulating goals and principles for effective practice management;

b. developing systems and procedures to ensure the efficient allocation of time, effort, and resources, and the timely performance and completion of work; and

c. facilitating effective working relationships.

12. To represent a client consistently with ethical standards by:

a. recognizing potential ethical issues; and

b. resolving actual issues in accordance with the applicable rules governing professional conduct.

C. VALUES. **Every graduate should understand and exemplify the following values:**

1. As a member of a profession dedicated to the service of clients, a commitment to professionalism and to the rules of professional responsibility, including:

a. attaining and maintaining a level of competence in the lawyer's own field(s) of practice;

b. representing clients in a competent manner;

c. increasing the lawyer's knowledge of the law and improving the lawyer's practice skills; and

d. other aspects of professionalism, including honesty, integrity, reliability, respect for others, diligence and hard work, maturity, and judgment.

2. As a member of a profession that bears special responsibilities for the quality of justice, a commitment to:

    a. promoting justice, fairness, and morality in the lawyer's practice in harmony with the lawyer's ethical duties to clients;

    b. 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;

    c. contributing to the profession's fulfillment of its responsibility to enhance the capacity of law and legal institutions to do justice; and

    d. showing respect for all people.

3. As a member of a self-governing profession, a commitment to:

    a. participating in activities designed to improve the profession;

    b. assisting in the training and preparation of new lawyers; and

    c. striving to rid the profession of prejudice based on race, religion, national or ethnic origin, gender, sexual orientation, disability, age, or socio-economic status, and to rectify the effects of those prejudices.

4. As a member of a learned profession, a commitment to:

    a. selecting and maintaining employment that will allow the lawyer to develop as a professional and to pursue the lawyer's professional and personal goals; and

    b. living a balanced life.

EXERCISE: Translating Outcomes Into Competencies

OUTCOME	COMPETENCIES

Sample Rubric I: Contract Drafting Rubric

COMPONENTS	APPROACHING	PROFICIENT	EXEMPLARY
FACTUAL DEVELOPMENT			
IDENTIFICATION OF FACTS **_____/5**	0-1 point • Writer failed to identify key facts	2-3 points • Writer identified most, but not all, important facts • Writer identified some but not all other relevant facts	4-5 points • Writer identified all important facts • Writer identified all other relevant facts
IDENTIFICATION OF INFO NEEDED **_____/10**	0-3 point • Writer failed to recognize the need for additional info from client	4-6 points • Writer identified some but not all additional info needed from client	7-10 points • Writer identified all additional info needed from client
LEGAL DEVELOPMENT			
USE OF RELEVANT CONTRACT LAW **_____/3**	1 point • Writer failed to identify or implement relevant contract law	2 points • Writer identified most of the relevant rules of contract law • Writer correctly implemented most of the relevant rules of contract law	3 points • Writer identified the relevant rules of contract law • Writer correctly implemented the relevant rules of contract law
USE OF OTHER RELEVANT LAW **_____/5**	0-1 point • Writer failed to identify other (non-contract) relevant principles of law	2-3 points • Writer identified most relevant non-contract law • Writer correctly implemented most of the relevant non-contract law	4-5 points • Writer identified the relevant rules of non-contract law • Writer correctly implemented the relevant rules of non-contract law
SUBSTANTIVE QUALITY			
VALIDITY **_____/5**	0-1 point • Writer uses language that invalidates contract • Contract is missing necessary elements to establish validity	2-3 points • Contract contains all elements to establish validity of all terms BUT • Writer includes language that could invalidate the contractor certain terms	4-5 points • Writer avoids language that would invalidate contract or certain terms. • Contract contains all necessary elements to establish validity.

PURPOSE **_____/15**	0-5 points • Contract does not adequately consider and address client's goals.	6-10 points • Contract achieves some benefits for client but does not deliver most or all of client's priorities.	11-15 points • Contract achieves most or all of client's priorities
PREVENTION AND ADDING VALUE **_____/10**	0-3 points ▪ Contract does not adequately consider future problems. ▪ Attorney has not demonstrably added value to the transaction.	4-6 points ▪ Contract attempts but fails to sufficiently guard against identified future problems. OR ▪ Fails to identify all potential future problems. ▪ Attorney has added some evident value to transaction.	7-10 points ▪ Contract considers and is drafted to address all potential future problems. ▪ Attorney has added significant value to the transaction.
DRAFTING CHOICES			
CHOICE AND TECHNICAL DRAFTING ASPECTS OF TYPE OF PROVISION **_____/10**	0-3 points • Student made multiple incorrect choices of the types of provision to accomplish goals	4-6 points • Student mostly chose the right types of provisions and any errors did not have any negative effect client's goals	7-10 points • Student chose the right types of provisions to accomplish the client's goals
COMPOSITIONAL QUALITY			
CLARITY **_____/10**	0-3 points • Use of legalese or terms of art interferes with readability • Ambiguous language opens party(ies) up to undesirable liability	4-6 points • Uses legalese and terms of art but use doesn't interfere with readability	7-10 points • Written in plain language • Avoids ambiguous language
CONSISTENCY **_____/10**	0-3 points • Uses inconsistent terms to refer to parties, places, and objects • Does not use consistent language in drafting similar terms	4-6 points • Uses consistent terms to refer to parties, places, and objects • Does not use consistent language in drafting similar terms	7-10 points • Uses consistent terms to refer to parties, places, and objects • Uses consistent language in drafting similar terms
ACTIVE VOICE **_____/5**	0-2 points • Excessive use of passive voice	3-4 points • Minimal use of passive voice	5 points • Passive voice is used only to achieve a specific purpose

GRAMMAR **_____/5**	0-2 points • Grammar mistakes interfere with readability • Grammar mistakes interfere with purpose of contract	3-4 points • Minimal grammar mistakes and mistakes do not interfere with readability or purpose of contract	5 points • Free from grammar mistakes
ORGANIZATION **_____/5**	0-2 points • Organizational aspects of contract, including use of white space and subdivisions significantly interfere with clarity and readability	3-4 points • Organizational aspects of contract, including use of white space and subdivisions make contract less readable but don't interfere with clarity	5 points • Organizational aspects of contract enhance clarity and readability
LABELS **_____/2**	0 points • Terms are not adequately labeled.	1 point • Terms are labeled but, in at least some places, labels are inaccurate or incomplete	2 points • Terms are overwhelmingly appropriately labeled.

_____/100

Sample Rubric II: General Contracts IRAC Rubric

COMPONENTS	APPROACHING	PROFICIENT	EXEMPLARY
ISSUE	• Misidentifies the issue	• Implies correct issue	• States correct issue
RULE	• Gives incorrect rule OR does not give rule	• States correct rule but does so imprecisely	• States rule correctly
ANALYSIS			
FACTS			
ACCURACY/ COMPLETENESS	• Does not identify specific, relevant facts from hypothetical	• Identifies some specific facts relevant to analyzing issue	• Identifies all specific facts relevant to analyzing issue
	• Does not quote key contract language relevant to analysis	• Quotes some key language relevant to analysis	• Quotes all key language relevant to analysis, only if necessary
NUANCES	• Does not identify contextual facts OR • Identifies contextual **irrelevant** to analysis	• Identifies some contextual facts that give nuance	• Identifies all relevant contextual facts that give nuance
REASONING			
	• Constructs argument w/out using specific facts	• Analyzes specific facts to construct argument for only one side	• Analyzes specific facts to construct argument for both sides
	• Constructs argument w/out quoting key language	• Analyzes key language to construct argument for only one side	• Analyzes key language to construct argument for both sides
	• Does not explain issue's impact on larger issues	• Draws conclusions about how issue affects larger issues w/in hypothetical	• Elaborates on how issue affects larger issues w/in hypothetical
	• Articulation of thinking process reflects confusion	• Incompletely articulates thinking process in applying the rule	• Persuasively articulates thinking process in applying the rule
CONCLUSION	• Fails to draw conclusion about how a court would rule	• Draws conclusion about how a court would rule	• Effectively Explains likely court decision including policy
	• Does not articulate how contextual facts give nuance	• Incompletely articulates how contextual facts give nuance to language	• Persuasively articulates how contextual facts give nuance

Sample Rubric III: Professionalism Rubric

COMPONENTS	DEVELOPING	PROFICIENT	EXEMPLARY
ON TIME _____**10**	0-3 • Late for significant number of class sessions • Notice only sometimes if late or often late notice	4-6 • Late for significant number of class sessions • Timely notice whenever late	7-10 • Late for a minimal number of class sessions • Timely notice whenever late
ATTENDANCE _____**10**	0-3 ▪ Misses a significant number of classes OR ▪ Misses some classes and fails to provide notice or turn in assignments due	4-6 ▪ Misses some classes OR ▪ Sometimes fails to provide notice or turn in assignments due	7-10 ▪ Misses few classes and ▪ Always provides notice and turns in assignments due
CLASS PREP _____**20**	0-6 ▪ Unprepared for multiple classes	7-13 ▪ Almost always prepared for class	14-20 ▪ Always prepared for class
ATTITUDE _____**20**	0-6 • Has issues of respect for professor or peers, not open to feedback, or otherwise displays a bad attitude	7-13 • Few issues of respect for professor or peers, of not being open to feedback, or of otherwise displaying a bad attitude	14-20 • No issues of respect for professor or peers, of not being open to feedback, or of otherwise displaying a bad attitude
RESPONSIVENESS IN CLASS _____**10**	0-3 • Infrequent contributions to class discussions	4-6 • Sometimes contributes to class discussions	7-10 • Frequently contributes to class discussions
RESPONSIVENESS OUTSIDE CLASS _____**10**	0-3 • Only sometimes responds promptly to e-mails by professor • Only sometimes addresses requests in e-mails from professor	4-6 • Usually responds promptly to e-mails by professor • Usually addresses requests in e-mails from professor	7-10 • Responds promptly to e-mails from professor • Almost always addresses requests in e-mails from professor
OTHER (GOING ABOVE AND BEYOND ON ASSIGNMENTS, IN CLASS) _____**20**	0-6 • Does required minimum	7-13 • Exceeds expectations some of the time and otherwise acts professionally	14-20 • Consistently finds ways to exceed expectations

EXERCISE: Creating A Rubric

OUTCOME:__

	LEVELS OF ACHIEVEMENT		
COMPETENCIES COMPRISING THE OUTCOME	**NEEDS WORK**	**ADEQUATE**	**EXEMPLARY**

Rubric for the evaluation of analytical, reasoning, research, problem solving, and communication skills for BU Law upper-level writing requirement (cert paper)

I. Legal Analysis and Reasoning

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
1. Analyzes the relevant legal issue	Fails to employ basic techniques of legal analysis		Analyzes the relevant issue but is sometimes unpersuasive or fails to consider alternatives		Clearly and thoroughly analyzes the relevant issue and considers alternatives and counterarguments	

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
2. Employs reasoning techniques to reach a logical conclusion	Fails to reason from facts, law, and data to a reasonable conclusion		Uses available facts, law, and data to reason to a conclusion		Clearly explains how the facts, law, and data support the conclusion while also considering alternative conclusions that might be drawn	

II. Legal Research

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
1. Appropriately researched	Insufficiently researched		Presents most of the relevant law and scholarly literature		Clearly explores all relevant bodies of law and scholarly literature	

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
2. Uses authorities correctly	Gives inappropriate weight to authorities or misrepresents the content of authorities		Gives appropriate weight to most authorities discussed and accurately represents the contents of most authorities relied upon		Authorities are given appropriate weight and are discussed accurately	

III. Problem Solving

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
1. States the issue to be discussed	Fails to identify the issue to be addressed		Identifies the issue to be addressed		Clearly identifies the issue to be addressed	

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
2. Advances a consistent thesis	Does not advance any thesis		Advances a thesis but sometimes deviates from the main argument or includes irrelevant discussion		All portions of the paper serve to further the thesis	

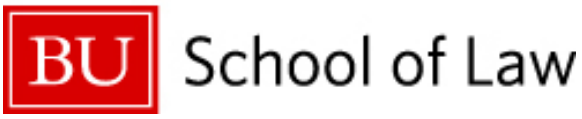
IV. Written Communication

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
1. Organized in a logical way	Fails to present the information in a logical fashion		Provides a mostly logical organization		Clearly organizes the argument around legal rules or theories or in some other logical fashion	

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
2. Professional appearance (e.g., typos, formatting)	Fails to meet the norms of professional communication		Appears professional but contains scattered typographical and formatting errors		Contains few if any typographical or formatting errors	

	Flawed		Acceptable		Exemplary	
	1	2	3	4	5	6
3. Readability (e.g., grammar, punctuation)	Fails to present the information in a readable fashion		Is generally readable but contains scattered grammatical and punctuation errors		Is easy to read and contains few if any grammatical or punctuation errors	

Rubric for the evaluation of analytical, reasoning, research, problem solving, and communication skills
for BU Law upper-level writing requirement (cert paper)



Curriculum Mapping

Lindsey Gustafson, Peggy Maisel,
& Kelly Terry

MAPPING THE CURRICULUM

Objectives for this Session

After this session, you will:

- Be familiar with the process of creating a curriculum map
- Be able to create a curriculum map by identifying the courses that introduce, require practice, or assess competency of the selected outcomes
- Be able to identify the appropriate work product to determine whether students have achieved competency in an identified outcome

Curriculum Mapping

Key:

I: Where in the curriculum is this skill, knowledge, or value introduced?

P: Where in the curriculum do students practice this skill, knowledge, or value?

C: Where in the curriculum do we expect students to demonstrate competency in this skill, knowledge, or value?

EXERCISE: Map Your Group's Outcomes To Your School's Curriculum (That You Brought) Or To The Sample Curriculum Below.

Outcome 1	Required Courses or Categories of Courses	Map (I, P, C)	Work Product to Assess Attainment
	Civil Procedure I		
	Civil Procedure II		
	Property		
	Torts		
	Criminal Law		
	Contracts I		
	Contracts II		
	Legal Research and Writing I		

Outcome 1	Required Courses or Categories of Courses	Map (I, P, C)	Work Product to Assess Attainment
	Introduction to Advocacy		
	Constitutional Law I		
	Professional Responsibility and Ethics or **Trusts, Estates and Professional Responsibility**		
	Upper-Level Legal Writing Requirement (menu of courses)		
	Professional Skills Requirement (menu of courses)		

Outcome 2	Required Courses or Categories of Courses	Map (I, P, C)	Work Product to Assess Attainment
	Civil Procedure I		
	Civil Procedure II		
	Property		
	Torts		
	Criminal Law		
	Contracts I		
	Contracts II		
	Legal Research and Writing I		

Outcome 2	Required Courses or Categories of Courses	Map (I, P, C)	Work Product to Assess Attainment
	Introduction to Advocacy		
	Constitutional Law I		
	Professional Responsibility and Ethics or **Trusts, Estates and Professional Responsibility**		
	Upper-Level Legal Writing Requirement (menu of courses)		
	Professional Skills Requirement (menu of courses)		

Outcome 1	Required Courses or Categories of Courses	Map (I, P, C)	Work Product to Attain Assessment

Outcome 1	Required Courses or Categories of Courses	Map (I, P, C)	Work Product to Attain Assessment

Outcome 2	Required Courses or Categories of Courses	Map (I, P, C)	Work Product to Attain Assessment

Outcome 2	Required Courses or Categories of Courses	Map (I, P, C)	Work Product to Attain Assessment

Name: _____ Course: _____

BU LAW CURRICULUM MAPPING FACULTY SURVEY

Background

The following survey is designed to help the Outcomes Committee and the Administration map course learning outcomes adopted by the faculty to the courses composing the JD curriculum. These learning outcomes for the JD Program are:

1. Students will possess knowledge and understanding of substantive and procedural law;
2. Students will possess the ability to perform:
    a. legal analysis and reasoning
    b. legal research
    c. problem solving
    d. written communication in the legal context
    e. oral communication in the legal context
3. Students will understand the exercise of proper professional and ethical responsibilities to clients and the legal system; and
4. Students will demonstrate the professional skills of collaboration, counseling, and negotiation needed for competent and ethical participation as a member of the legal profession. All students will also demonstrate a basic understanding of business fundamentals and be able to read and understand basic financial documents.

The survey aims to compile information about the extent to which courses address each learning outcome, and whether such learning outcomes are actually assessed in each course in the form of formative and summative assessments. Once completed by the faculty, the survey will allow us to map the curriculum with respect to the four learning outcomes, helping us to locate any deficiencies in the curriculum and provide another tool to ensure that students can gain the full range of skills and knowledge that we seek to impart as a school.

Instructions & Format

The survey consists of three question sets for each course you teach at Boston University School of Law. You will be prompted to answer these three question sets for each course you indicate that you teach, based on the version of the course that you personally teach.

BU LAW CURRICULUM MAPPING FACULTY SURVEY

Name: _____ Course: _____

Questions

Please answer each question for the course specified at the top of this page, based on the version of the course that you personally teach.

1. For each learning outcome in the table below, please indicate the extent to which this course is meant (or designed) to address each learning outcome - whether the learning outcome is a 'Major Focus' of the course, a 'Minor Focus,' an area in which you intend the student to gain ' Limited Exposure,' or if it is 'Not Applicable' to the course.

NOTE: Although every course in the curriculum will advance its students' learning along at least one of these outcomes, few are expected to address them all or in equal depth. These questions ask about the course itself as taught by you, regardless of what the students actually learn. Therefore, please select 'Major Focus,' 'Minor Focus,' or 'Limited Exposure' depending on the extent to which you intend to address each learning outcome. Select 'Not Applicable' when the course is not really *designed* to pursue a specified outcome, even if you expect that the typical student is likely to advance along the particular outcome.

	Major Focus	**Minor Focus**	**Limited Exposure**	**Not Applicable**
a. Knowledge and understanding of substantive and/or procedural law				
b. Ability to perform legal analysis and reasoning				
c. Acquisition and performance of legal research skills				
d. Acquisition of problem-solving skills including the ability to address a problem from the client's perspective, or analyze social problems within the institutional context to offer realistic legal reforms.				
e. Acquisition of written communication skills				
f. Acquisition of oral communication skills				
g. Understanding of proper professional and ethical responsibilities to clients and the legal system				
h. Acquisition of the following other professional skills needed for competent and ethical participation in the legal profession:				
1) Counseling skills				
2) Negotiation skills				
3) Collaboration (teamwork) skills				
4) Reading and understanding basic business documents				
5) Another skill:				
6) Another skill:				
7) Another skill:				
8) Another skill:				

Name: _____ Course: _____

2. Below is a list of the same learning outcomes. For each learning outcome, please indicate whether you use 'Formative,' 'Summative,' 'Both' formative and summative assessment, or no distinct assessment at all ('Neither') to assess students in this course.

   If you assess students with respect to a particular learning outcome, please provide a brief description of the assessments that you utilize in the 'Explain' column.

By "formative," we mean assessment and feedback during the course, such as a mid-term with a grade or comments, a graded drafting assignment or negotiation, comments on a draft paper, de-briefing following a simulated or actual clinical experience, in a way that would allow students to improve on a particular dimension and demonstrate that improvement on some later assessment. This does not include the typical Socratic law school class experience.

By "*summative,*" we mean a final assessment designed to pin down the quality of students' work at the conclusion of the course or a unit of the course.

NOTE: While every instructor presumably assesses on all of the major goals of each course, there may be peripheral goals and instruction on which the instructor chooses not to assess for any number of good reasons. Therefore, not every course will assess students on all of the course's stated outcomes, and learning outcomes with a 'Limited Exposure' or 'Minor Focus' from Question 1 may not have a response in Question 2. Furthermore, this survey is not meant to press faculty to any particular practice, but only to map outcomes to courses and discover the tools currently available to help us evaluate learning outcomes.

	Formative	Summative	Both	Neither	Explain
a. Knowledge and understanding of substantive and/or procedural law					
b. Ability to perform legal analysis and reasoning					
c. Acquisition and performance of legal research skills					
d. Acquisition of problem-solving skills including the ability to address a problem from the client's perspective, or analyze social problems within the institutional context to offer realistic legal reforms.					
e. Acquisition of written communication skills					
f. Acquisition of oral communication skills					
g. Understanding of proper professional and ethical responsibilities to clients and the legal system					

Name: _____ Course: _____

h. Acquisition of the following other professional skills needed for competent and ethical participation in the legal profession:					
1) Counseling skills					
2) Negotiation skills					
3) Collaboration (teamwork) skills					
4) Reading and understanding basic business documents					
5) Another skill:					
6) Another skill:					
7) Another skill:					
8) Another skill:					

1. Using the ABA Standard 303 definition below, please **check the box** to indicate whether your course does or does not qualify as an experiential course.

Yes, my course is experiential	
No, my course is not experiential	

ABA Standard 303. CURRICULUM requires starting July 1, 2016 that:

(a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:

(3) one of more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement. To satisfy this requirement, a course must be primarily experiential in nature and must:

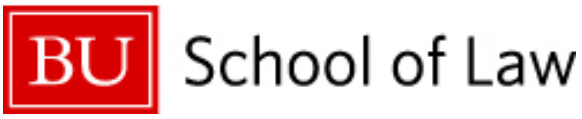
(i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one of more of the professional skills identified in Standard 302;
(ii) develop the concepts underlying the professional skills being taught;
(iii) provide multiple opportunities for performance; and
(iv) provide opportunities for self-evaluation.

CURRICULUM			BU LAW CURRICULUM MAP - LEARNING OUTCOMES											
Course	Name	Professor	Knowledge and under-standing of sub-stantive law	Knowledge and under-standing of procedural law	Legal analysis and reasoning	Legal research	Problem-solving skills	Written commu-nication in a legal context	Oral commu-nication in a legal context	Professional and ethical responsibility to clients and the legal system	Other professional skills needed as a member of the legal profession: collabo-ration	Other profess-ional skills needed as a member of the legal profession: counseling	Other profess-ional skills needed as a member of the legal profession: negotiation	Other professional skills needed as a member of the legal profession: business fundamentals
1L Courses	**Required**													
Admin Law														
JD601(A1)	Admin Law	Moncrieff												
JD601(B1)	Admin Law	Beermann												
JD601(C1)	Admin Law	Wexler												
Civil Procedure														
JD873 (A1)	Civil Procedure	Webber												
JD873 (B1)	Civil Procedure	Collins												
JD873 (C1)	Civil Procedure	Gugliuzza												
JD873 (C2)	Civil Procedure	Harper												
Constitutional Law														
JD810 (A1)	Constitutional Law	Maclin												
JD810 (B1)	Constitutional Law	Lahav												
JD810 (C1)	Constitutional Law	Baxter												
Contracts														
JD813 (A1)	Contracts	Caruso												
JD813 (B1)	Contracts	Pettit												
JD813 (C1)	Contracts	Hylton												
Criminal Law														
JD946 (A1)	Criminal Law	Leonard												
JD946 (B1)	Criminal Law	Bridges												
JD946 (C1)	Criminal Law	Sloane												
Property														
JD876(A1)	Property	Lawson												
JD876(B1)	Property	Outterson												
JD876(C1	Property	Di Robilant												
Torts														
JD892 (A1)	Torts	Moore												
JD892 (A2)	Torts	Zeiler												
JD892 (B1)	Torts	Fleming												
JD892 (B2)	Torts	Hylton												
JD892 (C1)	Torts	Silbaugh												
First Year Writing Program														
JD884 (all)	First Year Writing Program	Volk et al												
Other 1L Courses														
JD607(all)	1L Lawyering Lab	Mann et al												
Other Required Courses														
Business Fundamentals														
JD605 (OL)	Business Fundamentals	online course												
Professional Responsibility Courses (students must take one course from this list)														
JD806	Prosecutorial Ethics	Wilson												
JD923	Crim Trial Practice/Prof Res	Hurowitz												
JD925	Legal Externship Program	Fitanides												
JD925	Legal Externship Program	Kealy/Smith												
JD958	Effective & Ethical Depositio	Browne												
JD972	Lawyering in the 21st Centu	Moore												
JD973	Civil Litigation Program: Pret	Burdick et al												
JD984 (A1)	Professional Responsibility	Donweber												
JD984 (M1)	Professional Responsibility	Moore												
JD984 (P1)	Professional Responsibility	Pettit												

BU LAW CURRICULUM MAP - LEARNING OUTCOMES
*This is only a sample. Courses omitted for reasons of space.

Course	Name	Professor	Knowledge and under-standing of sub-stantive law	Knowledge and under-standing of procedural law	Legal analysis and reasoning	Legal research	Problem-solving skills	Written commu-nication in a legal context	Oral commu-nication in a legal context	Professional and ethical responsibility to clients and the legal system	Other professional skills needed as a member of the legal profession: collabo-ration	Other profess-ional skills needed as a member of the legal profession: counseling	Other profess-ional skills needed as a member of the legal profession: negotiation	Other professional skills needed as a member of the legal profession: business fundamentals
Elective Courses														
Upper-Class Electives														
JD706 (A1)	Writing Supplement to Trus	Houghton												
JD706 (B1)	Writing Supplement to Fam	Durkin												
JD716 (A1)	Construction Law	Rubinstein												
JD768 (A1)	Criminal Motion Practice &	Vitali												
JD734 (A1)	Securities Law Research *(10/*	Alexandre da Costa												
JD772 (A1)	Transaction Sim.: Sale of Fa	Blankstein/Goldman												
JD778 (A1)	Intro to Risk Mgnt	Boghraty/Frankel												
JD985 (A1)	Corporate Finance	Sims												
JD986 (A1)	Legal Writing Fellows	Volk												
JD989 (A1)	Problem Solving in Internati	Creamer												
Seminars														
JD712 (A1)	Legal Writing for Civil Litigat	Orr												
JD714 (A1)	Adv. Con Law: Citizenship, I	Collins, K.												
JD726 (A1)	Health Care Fraud & Abuse	Thomas												
JD731 (A1)	Critical Race Theory (S)	Bridges												
JD948 (A1)	Immigrants & the Law (S)	Loor												
JD980 (A1)	International Business Arbit	Park												
JD983 (A1)	Estate Planning (S)	Tritt												
JD991 (A1)	Int'l Human Rights (S)	Akram												
Experiential Classes														
JD788 (A1)	Contract Drafting	Guest												
JD881 (A1)	Alternative Dispute Resolut	Reich												
JD894 (A1)	Trial Advocacy	Lu												
JD921 (A1)	Negotiation	Bamford												
JD967 (A1)	Advanced Trial Practice (S) *	Young												
Clinics														
JD707 (A1)	Human Trafficking (S)	Dahlstrom												
JD724 (A1)	Entrepreneurship & IP Clinic	Brown												
JD786 (A1)	ALP Counsel Clinic (C)	Kealy												
JD861 (B1)	Civil Litigation Program/ER (	Burdick et al												
JD882 (A1)	Immigrants' Rights Clinic: Co	Hlass/Stokes												
JD982 (A1)	Criminal Trial Practice I (C)	Rossman et al												
Externships														
JD729 (A1)	Government Lawyering Exte	Serafyn												
JD736 (A1)	Judicial Externship/Judicial I	Kealy/Smith												
JD925 (A1)	Legal Externship Program: L	Woolf												
KEY:														
I: Introduce														
R: Reinforce														
E: Emphasize														
*: Assess/Evidence Collection														

*This is only a sample. Courses omitted for reasons of space.



Evaluating Attainment of Outcomes and Creating an Assessment Plan

Michael Hunter Schwartz, Katharine Silbaugh,

& Sophie Sparrow

BU Law 2013 Annual Report on Program Student Learning Outcomes Assessment

(*Due October 15, 2013: Please answer as many questions below as you can.* ***All*** *programs must submit #1.)*

From 2014 on, this form is due annually by November 15 to the Provost's Office.

Program: **Juris Doctor in Law**

Program Contact and Title: **David Walker, Associate Dean for Academic Affairs**

(e.g. name of department chair)

College/School Contact and Title: **Elizabeth Cerrato, Assistant Dean for Administration**

1. List the learning outcomes for the program (if you are new to program assessment, you might want to begin with 3-5 primary outcomes):
   1. **Students will possess knowledge and understanding of substantive and procedural law;**
   2. **Students will possess the ability to perform legal analysis and reasoning, legal research, problem solving, and written and oral communication in the legal context;**
   3. **Students will understand proper professional and ethical responsibilities to clients and the legal system; and**
   4. **Students will possess professional skills needed for competent and ethical participation as a member of the legal profession.**

2. Where are these outcomes published? http://www.bu.edu/provost/resources/program-learning-outcomes-assessment/learning-outcomes-by-program/#law

3. How do you determine whether learning outcomes have been achieved?
    a. What evidence do/will you gather? (e.g., sample of final papers in a capstone course; portfolio; licensure exams; comprehensive exams for graduate students; capstone defense evaluation)
        i. What evidence do you currently have available to begin assessment, or what do your currently use? (Usually, grades are inadequate for gaining specific information on *program* outcomes.)
        Externship evaluations by supervisors, each semester
        Moot Court evaluations by judges, each year
        Bar Passage data, annual
        Student Exit Survey, annual
        Student Course Evaluations, each semester
        Client Counseling Competition Evaluation
        ii. What tools might you like to implement and/or what materials would you like to gather in the future to improve program assessment?
        Modified Course Evaluations (by fall 2014)
        Modified Exit Survey (by 2015 graduation)
        Rubric for Certification Papers (draft under review)
    b. Who interprets the evidence? (e.g., annually by the curriculum committee; biannually by a jury of faculty)
        A subcommittee of the curriculum committee, annually
        Peggy Maisel, Associate Dean for Experiential Education

4. Program Learning Outcomes Assessment can be useful for strategic planning and for a variety of program reviews. Please list the dates of the most recent program reviews and indicate other venues in which you've discussed program learning outcomes:
    a. External accreditation review, if applicable: **ABA Self-Study 2009**
    b. Internal (department, school/college, or overseer), if applicable:
    c. Internal (provost's academic program review, a.k.a. APR):
    d. Other discussions **BU strategic plan 2010**

5. Have you made curricular changes as a result of the information gleaned? If so, what?
We have not reached this stage in our assessment process.

6. All programs must have assessed all outcomes and acted upon their assessments by May 2017. Please project a schedule, by year, for an annual cycle of assessment for your program.

Learning Outcomes 1 and 3: Attached is a schedule for effectively gathering the data required to assess the program. Based on the availability of data, we will begin by assessing learning outcomes 1 and 3. We can gather sufficient data by the Spring of 2015 to begin evaluating each outcome. The Curriculum committee could propose any necessary program changes during the 2015-2016 academic year for adoption in the 2016-2017 academic year.

Learning Outcome 2: Effective Data for learning outcome 2 could be available beginning in 2015-2016. Outcome 2 contains multiple skills, and in the coming year the curriculum committee will need to create a calendar for evaluating each. The curriculum committee could analyze outcome data during the 2015-16 year, and make proposals for program change during the 2015-2016 academic year for adoption in the 2017-2018 academic year.

Learning Outcome 4: Learning Outcome 4 requires further elaboration in order to generate measurable outcomes. During the 2014-2015 academic year, the curriculum committee will further articulate this learning outcome. At the end of the 2015 academic year, the curriculum committee will propose assessment measures for this outcome. Those assessment measures will be implemented beginning in 2016, so that the 2017 deadline for program changes may be met.

Schedule by Year, for an Annual Cycle of Assessment for Your Program

2014-2015:

Collect data on Learning Outcome 1

Collect data on Learning Outcome 3

Evaluate Learning Outcome 1

Evaluate Learning Outcome 3

Finalize Assessment Approach for Learning Outcome 4

2015-2016:

Collect Data for Learning Outcome 2

Evaluate Learning Outcome 2

Develop Program Reform Proposals for Learning Outcome 1

Develop Program Reform Proposals for Learning Outcome 3

Collect Data for Learning Outcome 4

2016-2017:

Implement Program Reform Proposals for Learning Outcome 1

Implement Program Reform Proposals for Learning Outcome 3

Develop Program Reform Proposals for Learning Outcome 2

Evaluate Learning Outcome 4

Develop Program Reform Proposals for Learning Outcome 4

2017-2018:

Implement Program Reform Proposals for Learning Outcome 2

Implement Program Reform Proposals for Learning Outcome 4

Assessment Plan by Outcome

Outcome 1	Assessment Measure	Direct or Indirect	explanation	Schedule for data gathering (adopt program change for AY2016-2017)
Students will possess knowledge and understanding of substantive and procedural law	Bar passage rate	Direct	Rigorous and comprehensive licensure exam requires broad substantive knowledge of both law and procedure	Reported annually to ABA October. In 2013, 95.39% of BU Law students passed. Information available now.
	Course evaluations and student exit survey	indirect	By modifying these tools slightly, we can assess student perception of substantive and procedural learning	The student evaluation form should be modified for fall 2014 courses. The exit survey should be modified for 2015 graduates.

Outcome 2	**element of the outcome**	**Assessment measure**	**Direct or indirect**	**Explanation**	**Schedule (adopt program change for AY2017-2018)**
Students will possess the ability to perform legal analysis and reasoning, legal research, problem solving, and written and oral communication in the legal context					
	Legal analysis and reasoning	Esdaile and stone moot court evaluations	direct	Judges in the moot court programs fill out an evaluation form. Question 4 asks for a qualitative evaluation of the following: "Use of legal authority and policy arguments, understanding of legal issues."	Forms available now, aggregate during the 2014-2015 academic year
		Course evaluations	Indirect	Students would be asked whether the course improved their legal reasoning ability	Course evaluations should be modified in 2014 for use in December of 2014
		Cert Rubric	Direct	The Learning Outcomes Committee produced a rough draft of a rubric for cert papers that will allow a learning outcomes team to evaluate papers based on whether a student shows competence at	This assessment measure requires further implementation discussion. No timeline for adoption has been decided.

				analyzing the relevant legal issues and using appropriate reasoning techniques	
	Legal research	Externship evaluation forms	direct	The Assistant Dean for experiential Education collects 80-100 evaluations by lawyers supervising our students in externships where they engage in lawyering work. On a 4 point scale, these supervisors are asked to evaluate the student's "research." By aggregating this information, we will obtain a direct measure of our students' legal research in a practice setting.	Forms available now, aggregate during the 2014-2015 academic year
		Cert Rubric	direct	The Learning Outcomes Committee produced a rough draft of a rubric for cert papers that will allow a learning outcomes team to evaluate papers based on whether a student shows competence at legal research	This assessment measure requires further implementation discussion. No timeline for adoption has been decided.
	Problem Solving	Exit survey	Indirect	Students could be asked for their perception of their own problem-solving skills upon graduation	The exit survey should be modified for 2015 graduates.
		Cert Rubric	direct	The Learning Outcomes Committee produced a rough draft of a rubric for cert papers that will allow a learning outcomes	This assessment measure requires further implementation discussion. No timeline for

				team to evaluate papers based on whether a student shows competence at problem-solving	adoption has been decided.
	Written Communication	Externship evaluation forms	direct	The Assistant Dean for experiential Education collects 80-100 evaluations by lawyers supervising our students in externships where they engage in lawyering work. On a 4 point scale, these supervisors are asked to evaluate the student's "writing." By aggregating this information, we will obtain a direct measure of our students' writing in a practice setting.	Forms available now, aggregate during the 2014-2015 academic year
		Cert Rubric	direct	The Learning Outcomes Committee produced a rough draft of a rubric for cert papers that will allow a learning outcomes team to evaluate papers based on whether a student shows competence at written communication	This assessment measure requires further implementation discussion. No timeline for adoption has been decided.
	Oral communication	Externship evaluation forms	direct	The Assistant Dean for experiential Education collects 80-100 evaluations by lawyers supervising our students in externships where they engage in lawyering work. On a 4 point scale, these supervisors are asked to evaluate the student's "oral communications." By	Forms available now, aggregate during the 2014-2015 academic year

				aggregating this information, we will obtain a direct measure of our students' oral communications in a practice setting.	
		Esdaile and stone moot court evaluations	direct	Judges in the moot court programs fill out an evaluation form. Question 4 asks for a qualitative evaluation of the following: "persuasiveness: presenting arguments with little use of notes, enthusiasm and proper intonation."	Forms available now, aggregate during the 2014-2015 academic year

Outcome 3	**Assessment Measure**	**Direct or indirect**	**Explanation**	**Schedule (adopt program change for AY2016-2017)**
Students will understand proper professional and ethical responsibilities to clients and the legal system	Multistate Professional Responsibility Exam (MPRE) passage	Direct	The MPRE is a 60 question multiple-choice exam. The exam tests an individual's "knowledge and understanding of the established standards related to a lawyer's professional conduct" and thus its subject matter "is based on the law governing the conduct of lawyers, including the professional rules of ethical conduct currently articulated in the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, and controlling constitutional decisions and generally accepted principles established in leading . . . cases and . . . rules."[1] The MPRE questions contain ethical hypotheticals that assess whether the examinee comprehends and will behave in accordance to the ethical standards that govern attorneys. Therefore, a passing score on the MPRE demonstrates that the BU law student or graduate understands her professional and ethical responsibilities to clients and the legal system. All State Bars except Maryland, Wisconsin, and Puerto Rico require passage of the MPRE.	Because MPRE passage is not reported to us directly the way Bar passage is reported to us, we will need to add a question to the exit survey asking whether they have taken and passed the MPRE. Therefore the schedule should be by the 2015 graduation survey. Because each state has a different score requirement, we would need to ask the students 1. If they have taken the MPRE, and 2. What score did they achieve.
	Client Counseling Competition Evaluation Form	Direct	Question 5 asks judges to evaluate student performance on a scale of 1-5 on criterion: "recognized and dealt with moral and ethical issues"	results should be aggregated for evaluation following 2015 competition

	Externship Evaluation Forms	Direct	The Assistant Dean for experiential Education collects 80-100 evaluations by lawyers supervising our students in externships where they engage in lawyering work. On a 4 point scale, these supervisors are asked to evaluate the student's "professional ethics". By aggregating this information, we will obtain a direct measure of our students' professional ethics in a practice setting.	Forms available now, aggregate during the 2014-2015 academic year

Outcome 4	**Assessment Measure**	**Direct or Indirect**	**Explanation**	**Schedule (adopt program change for AY2017-18)**
Students will possess professional skills needed for competent and ethical participation as a member of the legal profession	Externship evaluation forms	direct	The Assistant Dean for experiential Education collects 80-100 evaluations by lawyers supervising our students in externships where they engage in lawyering work. On a 4 point scale, these supervisors are asked to evaluate the student's on the following measures that are relevant to this outcome: • Initiative • Dependability • Judgment • Thoroughness and attention to detail • Client relations • Attitude toward supervisor • Productivity and time management • Client counseling • Investigation • Contract drafting By aggregating this information, we will obtain a direct measure of our students' professional skills in a practice setting.	Forms available now, consider additional measures during the 2014-2015 academic year, aggregate data during the 2015-2016 academic year

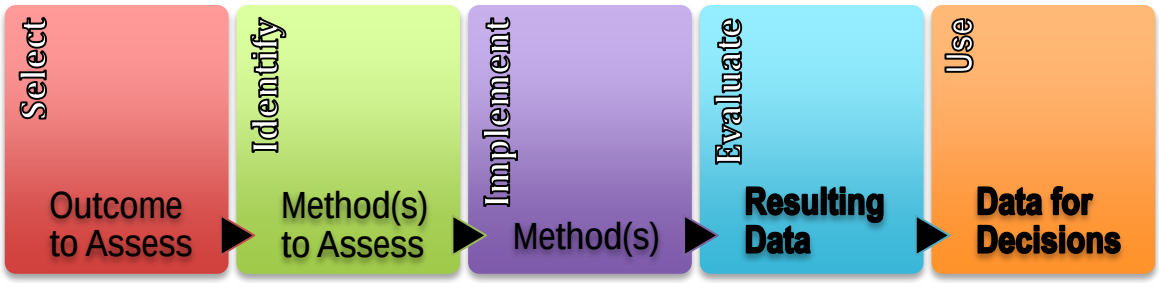
Evaluating Attainment of Outcomes and Creating an Assessment Plan

Goals for this session: By the end of this session, you will be able to

- Articulate the purposes for and process of evaluating attainment of outcomes
- List the tools you could use to assess outcomes
- Describe the process of creating an assessment plan
- Be able to create an assessment plan

Purposes

Process



Embedded Assessment Options

Type	Used to Assess
Essay Test	Analysis, knowledge, communication (can include problem-solving)
Short-Answer Test	Knowledge, analysis (some types of questions)
Lawyering Documents	Problem-solving, communication
Papers and Research projects	Analysis, research skills, communication (can include problem-solving)
Reflection exercise	Cognitive learning skills development
Chart work	Knowledge and cognitive learning skills development
Journals	Cognitive learning skills development and values
Oral performances	Analysis, knowledge, communication (can include problem-solving)
Peer evaluations	Collaboration skills and values

Other Assessment Options

Type	Used to Assess
Student Learning Portfolios*	Skills and knowledge
Surveys of students and alumni*	Values, skills, knowledge
Performance in capstone courses*	Skills and knowledge
Bar passage rates*	Skills, knowledge, analysis, communication
Placement rates*	Evident skills, knowledge, communication
Assessments by judges, attorneys, law profs. from other schools*	Analysis, research skills, legal problem-solving

* *See* ABA Standard 315, Interpretation 315-1.

Self-Evaluation for Conference Outcomes

COMPONENTS	APPROACHING	PROFICIENT	EXEMPLARY
DESIGN OF OUTCOMES	• Can accurately describe how to create outcomes	• Able to author clear outcomes	• Able to author clear, specific, measureable outcomes
TRANSLATE OUTCOMES			
Identify Competencies	• Can accurately describe how to identify competencies	• Given an outcome, able to identify most of the competencies that underlie it	• Given an outcome, able to accurately identify the competencies that underlie it
Create Rubrics	• Can accurately describe how to create rubrics	• Given an outcome and a set of underlying competencies, able to create a rubric	• Given an outcome and a set of underlying competencies, able to create an effective rubric
MAP CURRICULUM			
Map Outcome to Curriculum	• Can accurately describe the process of mapping a curriculum	•	• Given an outcome, able to map it according to the mapping rules
Select Evidence of Attainment	• Can accurately describe the purpose of identifying evidence of attainment	•	• Given an outcome, able to select appropriate evidence of attainment
ASSESS ATTAINMENT			
Choose Assessment Method(s)	• Can list most of the various options for assessing outcomes	• Can list all the methods for assessing outcomes	• Given an outcome, able to select appropriate method(s) for assessing attainment
Create Assessment Plan	• Can accurately describe the goals for creating an assessment plan	•	• Given a full set of institutional outcomes, able to create a plan to assess all outcome during seven-year sabbatical period
Evaluate and Use Data	•	•	• Can accurately describe how data from assessment can be used to influence change

Assessment Planner

Outcome	Assessment Methods	Potential Loop Closes

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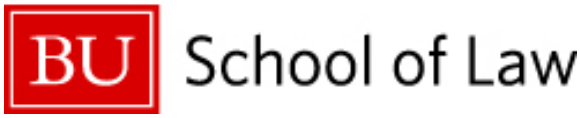
BU
School of Law

ATTENDEES

Best Practices in Outcomes Assessment Conference

April 1-2, 2016

Complete List of Attendees

Updated April 1

First	Last	Institution	Email
Bill	Adams	American Bar Association	William.Adams@americanbar.org
Linda	Anderson	Stetson University-College of Law	landerso@law.stetson.edu
Pauline	Aranas	University of Southern California Gould School of Law	paranas@law.usc.edu
Angela	Arey	University of Maine School of Law	angela.arey@maine.edu
Christine Arlene	Arrozal	Yeshiva University-Benjamin N. Cardozo School of Law	christine.arrozal@yu.edu
Katherine	Ball	University of Idaho-College of Law	ktball@uidaho.edu
Steven	Barkan	University of Wisconsin Law School	steven.barkan@wisc.edu
Margaret	Barry	Vermont Law School	mbarry@vermontlaw.edu
Tammie	Beassie	Examsoft	tbeassie@examsoft.com
Johanna	Bond	Washington and Lee University	bondj@wlu.edu
Joseph	Brennan	Vermont Law School	jbrennan@vermontlaw.edu
Connie	Browne	Boston University School of Law	cbrowne@bu.edu
Carol	Buckler	New York Law School	carol.buckler@nyls.edu
Joan	Bullock	Florida A&M University College of Law	joan.bullock@famu.edu
Deborah	Burand	New York University	deborah.burand@nyu.edu
Bob	Burdick	Boston University School of Law	rburdick@bu.edu
Gina	Calabrese	St. John's University School of Law	calabreg@stjohns.edu
Lauren	Carasik	Western New England University School of Law	lcarasik@law.wne.edu
Susan	Carle	American University Washington College of Law	scarle@wcl.american.edu
Christine	Church	Western Michigan University Cooley Law School	zlaw19@aol.com
Beth	Cohen	Western New England University School of Law	bcohen@law.wne.edu
Liz Ryan	Cole	Vermont Law School	lcole@vermontlaw.edu
Mary	Connaughton	Boston University School of Law	mconnau@bu.edu
Davalene	Cooper	New England Law Boston	dcooper@nesl.edu
Barbara	Cox	California Western School of Law	bcox@cwsl.edu
Larry	Cunningham	St. John's University School of Law	Larry.Cunningham@stjohns.edu
Abbie	DeBlasis	Belmont University-College of Law	abbie.deblasis@belmont.edu
Randy	Diamond	University of Missouri School of Law	diamondrj@missouri.edu
Timothy	Duff	Case Western Reserve University School of Law	tjd9@case.edu
Neal	Feigenson	Quinnipiac University-School of Law	neal.feigenson@quinnpiac.edu
William	Foster	University of Arkansas School of Law	wfoster@uark.edu

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First	Last	Institution	Email
Andrea	Funk	Whittier Law School	afunk@law.whittier.edu
Alex	Geisinger	Drexel University Thomas R. Kline School of Law	alex.c.geisinger@drexel.edu
Shailini	George	Suffolk University Boston School of Law	sgeorge@suffolk.edu
Emily	Grant	Washburn University School of Law	emily.grant@washburn.edu
Paul	Gugliuzza	Boston University School of Law	prg1@bu.edu
Lindsey P	Gustafson	UALR William H. Bowen School of Law	lpgustafson@ualr.edu
Peggy	Hacker	University of Wisconsin Law School-Frank J. Remington Center	pjhacker@wisc.edu
Jim	Hawkins	University of Houston Law Center	Jrhawkins@uh.edu
Alan	Haynes	St. Mary's University School of Law	ahaynes5@stmarytx.edu
Becca	Henley	Southern Methodist University Dedman School of Law	becca@smu.edu
Christine	Iaconeta	University of Maine School of Law	christine.iaconeta@maine.edu
Charlene	James	Texas Southern University-Thurgood Marshall School of Law	cmjames@tsu.edu
Robert	Jones	University of Notre Dame The Law School	rjones1@nd.edu
Ann	Juergens	Mitchell Hamline School of Law	ann.juergens@mitchellhamline.edu
Carolyn	Kaas	Quinnipiac University-School of Law	carolyn.kaas@quinnipiac.edu
Eileen	Kaufman	Touro Law Center	ekaufman@tourolaw.edu
Billie Jo	Kaufman	American University Washington College of Law	Bkaufman@wcl.american.edu
Layne	Keele	Faulkner Univeristy School of Law	lkeele@faulkner.edu
Elisabeth	Keller	Boston College Law	kellerel@bc.edu
Maureen	Kenealy	Wolters Kluwer Law & Business	maureen.kenealy@wolterskluwer.com
Niki	Kuckes	Roger Williams University School of Law	nkuckes@rwu.edu
Susan	Landrum	St. John's University School of Law	landrums@stjohns.edu
Richard	Leiter	University of Nebraska College of Law	rleiter@unl.edu
Barbara	Lentz	Wake Forest University School of Law	lentzb@wfu.edu
James	Leonard	The University of Alabama School of Law	jleonard@law.ua.edu
Gerry	Leonard	Boston University School of Law	gleonard@bu.edu
Alfred	Light	St. Thomas Univ. School of Law	alight@stu.edu

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Don	Macaulay	BARBRI	don.macaulay@barbri.com
Peggy	Maisel	Boston University School of Law	pmaisel@bu.edu
Monica	Maldonado	Yale Law School	monica.maldonado@yale.edu
Naomi	Mann	Boston University School of Law	nmann@bu.edu
Allison	Martin	Indiana University Robert H. McKinney School of law	martinad@iupui.edu.
Linda	McClain	Boston University School of Law	lmcclain@bu.edu
Beth	McCormack	Vermont Law School	bmccormack@vermontlaw.edu
Carol	McGeehan	Carolina Academic Press	carol.mcgeehan@caplaw.com
Ronald	Mitchell	Virgil Careers	ron@virgilcareers.com
Gerry	Muir	Boston University School of Law	gmmuir@bu.edu
Kelli	Murray	Barry University Dwayne O. Andreas School of Law	kmurray@barry.edu
Ira	Nathenson	St. Thomas University School of Law	inathenson@stu.edu
Myra	Orlen	Western New England University School of Law	morlen@law.wne.edu
Donna	Pavlick	Vanderbilt Law School	donna.pavlick@vanderbilt.edu
Gillian	Pierce	Office of the Provost, Boston University	gpierce@bu.edu
Nicole	Pinard	WoltersKluwer	nicole.pinard@wolterskluwer.com
Jeremy	Pischke	West Academic	jeremy.pischke@westacademic.com
Karen	Pita Loor	Boston University School of Law	loork@bu.edu
Sonja	Rice	Indiana University Robert H. McKinney School of law	sorice@iupui.edu
Docia	Rudley	Texas Southern University-Thurgood Marshall School of Law	dorudley@tmslaw.tsu.edu
David	Santacroce	University of Michigan Law School	dasanta@umich.edu
Vikram	Savkar	Wolters Kluwer Law & Business/ Wolters Kluwer's Legal Education Group	vikram.savkar@wolterskluwer.com
Brad	Saxton	Quinnipiac University-School of Law	brad.saxton@quinnipiac.edu
Michael H	Schwartz	UALR William H. Bowen School of Law	mhschwartz@ualr.edu
Kate	Silbaugh	Boston University School of Law	silbaugh@bu.edu
Sandra	Simpson	Gonzaga University School of Law	ssimpson@lawschool.gonzaga.edu
Sophie	Sparrow	University of New Hampshire School of Law	Sophie.Sparrow@law.unh.edu
Shaun	Spencer	UMass Dartmouth School of Law	sspencer1@umassd.edu
Sandra	Sperino	University of Cincinnati College of Law	sandra.sperino@uc.edu

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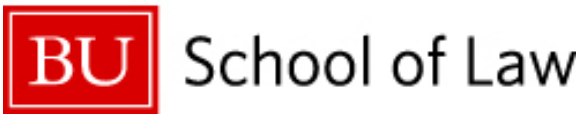
First	Last	Institution	Email
Carrie	Sperling	University of Wisconsin Law School Frank J. Remington Center	carrie.sperling@wisc.edu
Carla	Spivack	Oklahoma City University School of Law	cspivack@okcu.edu
Edward	Stein	Yeshiva University- Benjamin N. Cardozo School of Law	ed.stein@yu.edu
Kelly	Terry	University of Arkansas at Little Rock William H. Bowen School of Law	ksterry@ualr.edu
Beth	Thornburg	Southern Methodist University Dedman School of Law	ethornbu@smu.edu
Jay	Tidmarsh	Notre Dame Law School	jtidmarsh@nd.edu
Rebecca	Trammell	Stetson University-College of Law	rtrammel@law.stetson.edu
Genevieve	Tung	Rutgers Law School	genevieve.tung@rutgers.edu
Angela	Upchurch	Southern Illinois University School of Law	aupchurch@siu.edu
Bryan	Ward	Ohio Northern University College of Law	b-ward.1@onu.edu
Carwina	Weng	Indiana University Maurer School of Law	wengc@indiana.edu
Jay	Wexler	Boston University School of Law	jaywex@bu.edu
Ron	Wheeler	Boston University School of Law	wheelerr@bu.edu
Martha	Wilson	Cal Northern School of Law	mwilson@calnorthern.edu



Conference Evaluation Form

BEST PRACTICES IN OUTCOMES ASSESSMENT EVALUATION FORM

April 2, 2016

Please evaluate the statements below that best indicate your impression of this program.

OVERALL EVALUATION OF THE CONFERENCE

4= Strongly Agree 3= Agree 2= Disagree 1= Strongly Disagree

Advertising/online information was adequate.	
The check-in procedure was simple, fast, and efficient.	
The conference registration process was efficient.	
The faculty was accessible.	
The cost of the conference was reasonable.	
The breaks between sessions afforded sufficient time for meaningful interactions among conference attendees.	
The educational content of the sessions was useful.	
The quality of the handouts/take-home material was high.	

4= Excellent/Definitely 3= Good/Yes 2= Satisfactory/Maybe 1= Poor/No

What was your overall rating of the conference?	
What was your overall rating of the sessions you attended?	
Was the cost with respect to the experience worth it?	
Do you leave the conference feeling you have gained valuable insight?	
Would you recommend future Institute for Law Teaching and Learning conference to others?	

What was/were the most meaningful part(s) of the conference to you?

_____

_____

_____

_____

_____

Thank you! We value your opinion

How Did You Learn About This Conference? *(Please check all that apply.)*
List Serv _____ If so, which one(s): _____
Blog _____ If so, which one(s): _____
ILTL Alert Service _____
The Law Teacher _____
Other _____ Please explain: _____

EVALUATIONS OF INDIVIDUAL SESSIONS

Workshop Session 1

The New ABA Standards on Outcomes Assessment—*William E. (Bill) Adams, Jr.*

4= Strongly Agree ***3= Agree*** ***2= Disagree*** ***1= Strongly Disagree***

The session included new and valuable information.	
The session was interactive.	
The session delivered on the promises of its title and description.	
The materials were helpful.	
I would attend another presentation by this presenter.	

Comments:

_____

_____

_____

_____

Workshop Session 2

Identifying and Creating Institutional Outcomes—*Emily Grant & Sandra Simpson*

4= Strongly Agree ***3= Agree*** ***2= Disagree*** ***1= Strongly Disagree***

The session included new and valuable information.	
The session was interactive.	
The session delivered on the promises of its title and description.	
The materials were helpful.	
I would attend another presentation by this presenter.	

Comments:

Workshop Session 3

Translating Outcomes Into Competencies and Rubrics—*Lindsey Gustafson, Paul Gugliuzza, & Kelly Terry*

4= Strongly Agree ***3= Agree*** ***2= Disagree*** ***1= Strongly Disagree***

The session included new and valuable information.	
The session was interactive.	
The session delivered on the promises of its title and description.	
The materials were helpful.	
I would attend another presentation by this presenter.	

Comments:

Workshop Session 4

Curriculum Mapping—*Lindsey Gustafson, Peggy Maisel, & Kelly Terry*

4= Strongly Agree ***3= Agree*** ***2= Disagree*** ***1= Strongly Disagree***

The session included new and valuable information.	
The session was interactive.	
The session delivered on the promises of its title and description.	
The materials were helpful.	
I would attend another presentation by this presenter.	

Comments:

Workshop Session 5

Evaluating Attainment of Outcomes and Creating an Assessment Plan—*Michael Hunter Schwartz, Katharine Silbaugh, & Sophie Sparrow*

4= Strongly Agree ***3= Agree*** ***2= Disagree*** ***1= Strongly Disagree***

The session included new and valuable information.	
The session was interactive.	
The session delivered on the promises of its title and description.	
The materials were helpful.	
I would attend another presentation by this presenter.	

Comments:

Notes

Notes

Notes