Externships 9 Concurrent Session

*Seize the Data! Using Evidence from Externship Courses to Measure Law School Learning Outcomes*

**ABA STANDARD 302**

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.

**ABA STANDARD 314**

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.

**ABA STANDARD 315**

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.

**ABA STANDARD 315, 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.
Seize the Data!

*Using Evidence from Externship Courses to Measure Law School Learning Outcomes*

**Today’s Agenda**

- Overview: Institutional Assessment Process
- Notre Dame
  - Data from Student Competency Self-Assessment
- Georgia State
  - Data from Supervisor Evaluations
- Cooley
  - Data from Supervisor and Student Evaluations
- Exercise: Identifying Data From Your Course
The ABA Landscape

**Standard 302:** Learning outcomes, minimum requirements

**Standard 314:** Formative and summative assessment

**Standard 315:** Dean and faculty evaluation of learning outcomes/student attainment

Outcomes Assessment Process

1. Identify Outcomes
2. Map Outcomes to Curriculum
3. Translate to Competencies and Rubrics
4. Improve Student Learning
5. Assess Attainment of Outcomes
Process For Assessing Attainment

Select       Identify       Implement       Evaluate       Use

Outcome to Assess

Method(s)

Resulting Data

Data for Decisions

Assessment Methods

- Embedded Assessment

- Other Assessment Options
  - ABA Standard 315
  - Interpretation 315-1
Types of Assessment Evidence

Direct Measures

Require students to display their knowledge and skills as they respond to the [assessment] instrument itself.

Indirect Measures

Ask students to reflect on their learning rather than to demonstrate it, or ask other constituencies to provide feedback on students’ knowledge/skills.

*Trudy Banta and Catherine Palomba, ASSESSMENT ESSENTIALS: PLANNING, IMPLEMENTING, AND IMPROVING ASSESSMENT IN HIGHER EDUCATION

<table>
<thead>
<tr>
<th>Types of Assessment Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Direct</strong></td>
</tr>
<tr>
<td>Student work products and performances, reviewed by professor or field supervisor</td>
</tr>
<tr>
<td>Exams, quizzes</td>
</tr>
<tr>
<td>Papers</td>
</tr>
<tr>
<td>Drafting assignments</td>
</tr>
<tr>
<td>Oral argument, presentation</td>
</tr>
<tr>
<td>Skills performances, mock trials</td>
</tr>
</tbody>
</table>
Student Competency Self-Assessment
Notre Dame

Students complete a survey rating themselves on a 1-5 scale with respect to 20 lawyering competencies.

Survey is completed at the beginning and end of the semester.

Survey is used to help students reflect on learning goals (at beginning of semester) and on their progress in mastering competencies (at the end of the semester)

Embedded Assessment – Already used for pedagogical reasons

Easy to administer (3 minutes)

Can be used for institutional assessment

Student Competency Self-Assessment Process

1. Written survey on first class day: Students rate themselves on a 1-5 scale on twenty lawyering competencies. (3 minutes)

2. Class discussion and reflection on learning goals in light of the survey.

3. Survey administered again near end of semester.

4. Both sets of survey results are entered into an Excel spreadsheet.

5. Students are given a report comparing their beginning/ending self-assessments.

6. Students reflect on the results in a final journal or reflection paper.
Competency Self-Assessment Survey
Beginning and End of Semester

Please rate yourself on each competency on a scale of 1-5 consistent with the following key:
1 = No Competence  2 = Minimally competent  3 = Moderately competent  4 = Advanced level of competence  5 = Highly competent

KNOWLEDGE OF THE LAW AND THE LEGAL PROFESSION
An understanding of:
1. Moral and ethical responsibilities of lawyers to clients, the profession, and the community  1  2  3  4  5

PROFESSIONAL SKILLS
3. Legal communication, such as the ability to:
a. speak clearly, concisely, and persuasively on legal matters          1  2  3  4  5
b. write clearly, concisely, and persuasively on legal matters

c. communicate in forms and styles appropriate for a range of decision-making bodies and audiences

4. Legal and personal ethics, such as the ability to:
d. recognize and resolve legal and other ethical issues

e. appreciate how moral principles, facts, and values can be integrated with a lawyer’s professional responsibilities  1  2  3  4  5

ND Sample Individual Report

<table>
<thead>
<tr>
<th>Competency</th>
<th>Initial Assessment</th>
<th>Competency Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Moral and ethical responsibilities</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>2 Structure of the legal profession</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>3 Legal communication</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>4 Legal and personal ethics</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>5 Legal research skills</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>6事实 research skill</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>7 Client relationships</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>8 Problem Solving</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>9 Representational skills</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>10 Cognitive skills</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>11 Oral/Verbal</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>12 Written communication</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>13 Negotiation skills</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>14 Transactional skills</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>15 Alternative dispute resolution</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>16 Professional/analytical</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>17 Legal skills</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>18 Non-legal skills</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>19 Practice management</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>20 Field Management</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Aggregation of Competency Scores

<table>
<thead>
<tr>
<th>Competency</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Moral and ethical responsibilities</td>
<td>3</td>
</tr>
<tr>
<td>2 Structure of the legal profession</td>
<td>3</td>
</tr>
<tr>
<td>3 Legal communication</td>
<td>4</td>
</tr>
<tr>
<td>4 Legal and personal ethics</td>
<td>4</td>
</tr>
<tr>
<td>5 Legal research skills</td>
<td>4</td>
</tr>
<tr>
<td>6事实 research skill</td>
<td>3</td>
</tr>
<tr>
<td>7 Client relationships</td>
<td>3</td>
</tr>
<tr>
<td>8 Problem Solving</td>
<td>3</td>
</tr>
<tr>
<td>9 Representational skills</td>
<td>3</td>
</tr>
<tr>
<td>10 Cognitive skills</td>
<td>3</td>
</tr>
<tr>
<td>11 Oral/Verbal</td>
<td>3</td>
</tr>
<tr>
<td>12 Written communication</td>
<td>3</td>
</tr>
<tr>
<td>13 Negotiation skills</td>
<td>3</td>
</tr>
<tr>
<td>14 Transactional skills</td>
<td>3</td>
</tr>
<tr>
<td>15 Alternative dispute resolution</td>
<td>3</td>
</tr>
<tr>
<td>16 Professional/analytical</td>
<td>3</td>
</tr>
<tr>
<td>17 Legal skills</td>
<td>3</td>
</tr>
<tr>
<td>18 Non-legal skills</td>
<td>3</td>
</tr>
<tr>
<td>19 Practice management</td>
<td>3</td>
</tr>
<tr>
<td>20 Field Management</td>
<td>3</td>
</tr>
</tbody>
</table>

03/04/2018
ND Full Class Report
Program course: Lawyering Practice Emphasis [LPE]
Semester/Year: Spring 2017
Total Average / Range

<table>
<thead>
<tr>
<th>Course</th>
<th>Initial Average</th>
<th>Final Average</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Emotional and Ethical Reasoning</td>
<td>2.2</td>
<td>4.3</td>
<td>2.4</td>
</tr>
<tr>
<td>2. Legal and Professional Conduct</td>
<td>9.3</td>
<td>4.6</td>
<td>5.3</td>
</tr>
<tr>
<td>3. Negotiation Skills</td>
<td>9.3</td>
<td>4.6</td>
<td>5.3</td>
</tr>
<tr>
<td>4. Research Skills</td>
<td>7.1</td>
<td>4.6</td>
<td>2.4</td>
</tr>
<tr>
<td>5. Legal Practice Skills</td>
<td>7.1</td>
<td>4.6</td>
<td>2.4</td>
</tr>
<tr>
<td>6. Problem Solving Skills</td>
<td>7.1</td>
<td>4.6</td>
<td>2.4</td>
</tr>
</tbody>
</table>

Aggregation of Competency Scores

Contribution to Institutional Assessment

- Counts as “formative assessment” under Standard 314 and “opportunity for self-evaluation” under Standard 303(3)(iv)
- How does this contribute to institutional assessment under Std. 315?
  - Interpretation 315-1 includes “student evaluation of the sufficiency of their education” among acceptable assessment methods.
  - Interpretation 315-1 allows a school to place particular emphasis on student performance in “capstone courses” such as externships.
  - Can be tailored and mapped onto a school’s learning outcomes.
  - Scalable. Results for multiple courses can be aggregated, e.g. all externship courses or all in-house clinics, to provide a broad institutional measure.
- Can also be used to evaluate and improve the effectiveness of an individual externship class.
- Captures both field learning and classroom learning in one instrument.
Spreadsheets and Materials Available Online

https://notredame.box.com/s/l7u9m9404ait203g3muf0j4g66olf56v

Institutional Learning Outcomes Assessment at GSU Law


- Institutional level assessment process
  - Use standard rubric developed to measure each institutional outcome completed by identified faculty after grading as usual.
  - Use other forms of feedback including site supervisor evaluations (outside attorneys) and LSSSE responses (student self-assessment).
  - Four year cycle, two outcomes per year.
GSU Law Learning Outcomes 1 & 2

Outcome 1: Graduates will demonstrate knowledge and comprehension of substantive and procedural laws generally, including rules of procedure, common law, statutory law, administrative law, and constitutional law.

Criterion 1: Identify, describe and apply sources or relevant law to solve client problems and/or address policy issues.

Criterion 2: Identify, describe, and apply appropriate procedural steps and factual development to solve client problems and/or address policy issues.

Outcome 2: Graduates will demonstrate effective legal analysis and reasoning skills to address client problems and/or policy issues and achieve client objectives.

Criterion 1: Identify legal issues when presented with client problems and/or policy questions using applicable legal theory, rules and facts

Criterion 2: Critically evaluate the strengths and weaknesses of arguments

Measured in: All sections of: Torts, Civ Pro II, Contracts II, Wills, Trusts & Estates, Ad Law, Crim Pro Investigations via rubric. Also measured in Externships by site supervisors.

Table 1: Excerpt from GSU COL, Rubric for Outcomes 1 & 2 [legal knowledge and analysis]
Guidance for Evaluators:
Adaptable: Could be used in practice as written (only minor edits/changes needed)
Competent: Could be used in practice with some editing by a supervising attorney
Developing: Could be used in practice with substantial editing/rewriting
Critical Deficiencies: Could not be used in practice

|                             | Adaptable | Competent | Developing | Critical
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Knowledge Use of Facts</td>
<td>Uses ALL or MOST applicable facts &amp; DOES NOT use inapplicable facts</td>
<td>Uses MANY applicable facts &amp; RARELY uses inapplicable facts</td>
<td>SOMETIMES uses applicable facts &amp; SOMETIMES uses inapplicable facts</td>
<td>Uses facts SPARINGLY &amp;/or OFTEN uses inapplicable facts</td>
</tr>
<tr>
<td>Legal Reasoning Total</td>
<td>Arguments ALWAYS relate to question asked</td>
<td>Arguments USUALLY relate to question asked</td>
<td>Arguments SOMETIMES relate to question asked</td>
<td>Arguments OFTEN UNRELATED to question</td>
</tr>
<tr>
<td></td>
<td>ALWAYS accounts for all sides &amp; perspectives</td>
<td>OFTEN accounts for all sides &amp; perspectives</td>
<td>SOMETIMES accounts for all sides &amp; perspectives</td>
<td>RARELY accounts for all sides</td>
</tr>
<tr>
<td></td>
<td>Engages in STRONG critical analysis of most/all sides of each issue</td>
<td>Engages in STRONG critical analysis of SOME issues</td>
<td>Engages in STRONG critical analysis of A FEW issues</td>
<td>Largely DEVOID of critical analysis of applicable issues</td>
</tr>
<tr>
<td>Legal Analysis Policy</td>
<td>CONSISTENTLY uses policy arguments where applicable</td>
<td>SOMETIMES uses policy arguments when applicable</td>
<td>RARELY uses applicable policy arguments</td>
<td>DOES NOT MAKE policy arguments</td>
</tr>
<tr>
<td>Research and Analysis Skills</td>
<td>N/A</td>
<td>Exemplary</td>
<td>Competent</td>
<td>Developing</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----</td>
<td>-----------</td>
<td>-----------</td>
<td>------------</td>
</tr>
<tr>
<td>Legal Analytical Ability</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>correctly identified and analyzed legal issues based upon relevant law and policy, made appropriate comparisons and distinctions to the case at hand based upon the applicable law and policy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problem Solving Skills</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>identified the relevant facts and issues and explored all potentially viable options given the facts, issues, and law</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formal Oral Presentation Skills (Presentations, Courtroom performance, etc.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Law and Facts:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>used the relevant facts and law and made reasonable inferences and, where applicable, clearly explained the law and how it applied to the problem/case</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Externs = 29

<table>
<thead>
<tr>
<th>3L Research and Analysis Skills</th>
<th>N/A</th>
<th>Exemplary</th>
<th>Competent</th>
<th>Developing</th>
<th>Needs</th>
<th>Significant Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Analytical Ability</td>
<td>2</td>
<td>14</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problem Solving Skills</td>
<td>2</td>
<td>13</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formal Oral Presentation Skills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Law and Facts</td>
<td>11</td>
<td>6</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2L Research and Analysis Skills</th>
<th>N/A</th>
<th>Exemplary</th>
<th>Competent</th>
<th>Developing</th>
<th>Needs</th>
<th>Significant Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Analytical Ability</td>
<td>6</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problem Solving Skills</td>
<td>5</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formal Oral Presentation Skills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Law and Facts</td>
<td>7</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Using SUPERVISORS to Capture Data

JD PROGRAM OUTCOME 1: KNOWLEDGE
Graduates are able to apply substantive legal knowledge and procedure using general lawyering skills (legal analysis and reasoning, case reading, legal research, legal writing, policy analysis and synthesis) in the analyses necessary to pass the bar exam and practice as competent new attorneys.

End-of-Term Evaluation
Has the extern produced any written work for you?

- Yes
- No

Using SUPERVISORS to Capture Data

End-of-Term Evaluation: If YES – then these questions:

What kind of written materials have been produced by the extern?

- Please check all that apply
- Legal Memorandum
- Client Correspondence
- Pleadings
- Motions
- Briefs
- Other
- Deposition Transcripts
Using SUPERVISORS to Capture Data

End-of-Term Evaluation: If YES – then these questions:

How would you rate the quality of the extern's written work?

This is for written work only

☐ OUTSTANDING - Consistently superior and excellent performance
☐ VERY GOOD - Consistently better than satisfactory performance
☐ SATISFACTORY - Consistently acceptable performance
☐ FAIR - Generally satisfactory, but sometimes unacceptable performance
☐ POOR - Consistently unsatisfactory performance

Using SUPERVISORS to Capture Data

End-of-Term Evaluation: Using data

When rating the quality of our students' written work, 92% of the supervisors rated their writing as either Outstanding or Very Good. In five terms, not a single student has received an Unacceptably rating.

Site Supervisors Rating Externs' Written Work

100%

- Outstanding
- Very Good
- Satisfactory
- Fair
- Poor
Using STUDENTS to Capture Data

End-of-Term Evaluation

Did you advocate on behalf of a client, and participate in at least one legal process to resolve a dispute?

Yes

No

Using STUDENTS to Capture Data

End-of-Term Self-Assessment: Using data

What lawyering skills have you observed during your externship?

Things you have been able to SEE

Fact Investigation
Interviewing and Counseling
Research
Drafting
Case Planning
Problem-solving
Negotiation
Court Proceeding
Using STUDENTS to Capture Data

End-of-Term Self-Assessment: Using data

What lawyering skills have you observed during your externship?

Things you have been able to do:

- Fact Investigation
- Interviewing and Counseling
- Research
- Drafting
- Case Planning
- Problem-solving
- Negotiation
- Court Proceeding

Using FACULTY SUPERVISORS to Capture Data

JD PROGRAM OUTCOME 3: ETHICS
Graduates embrace the legal, moral, ethical, and professional responsibilities of lawyers, embodying the responsibilities of an honorable member of the profession.

End-of-Term Evaluation

One J.D. Program Outcome is that our students have the ability to engage in professional reflection and self-assessment. Please rate your extern's ability to reflect and self-assess based upon their journals?

1 2 3 4 5
Not reflective - only descriptive of work

Very reflective - aware of strengths and weaknesses
Exercise: Identifying Externship Data to Measure Outcomes

- Review your school’s learning outcomes
- If your school’s learning outcomes are not readily available, pick two of the ABA Standard 302 outcomes
- Identify direct and indirect evidence from your course that can be used to measure those outcomes (10 minutes to work)
- Pair-Share (5 minutes)
- Group Debrief and Questions

Types of Assessment Evidence

<table>
<thead>
<tr>
<th>Direct</th>
<th>Indirect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student work products and performances, reviewed by professor or field supervisor</td>
<td>Opinions about student competence, from students or other observers</td>
</tr>
<tr>
<td>Exams, quizzes</td>
<td>Focus groups</td>
</tr>
<tr>
<td>Papers</td>
<td>Employer surveys</td>
</tr>
<tr>
<td>Drafting assignments</td>
<td>Alumni surveys</td>
</tr>
<tr>
<td>Oral argument, presentation</td>
<td>Student self-evaluations, reflections</td>
</tr>
<tr>
<td>Skills performances, mock trials</td>
<td>Placement rates</td>
</tr>
</tbody>
</table>
Competency Self-Assessment Tool

Bob Jones
rjones1@nd.edu

Description
Students are asked to rate themselves on a 1-5 scale with respect to twenty separate lawyering competencies that have been deemed important by the Notre Dame Law School faculty. The survey can be completed in just a few minutes. It is administered at the beginning and the end of the semester. The results are used to help students reflect on their learning goals (at the beginning of the semester) and on their progress in mastering the competencies (at the end of the semester).

This self-assessment process can serve a variety of assessment goals. It is a formative assessment that contributes to compliance with ABA Standard 314. The self-assessment results can also serve as institutional assessment measures under Standard 315. Results can be aggregated for an entire class or a group of courses, e.g. all field placement courses or all in-house clinics. Aggregate results can serve as one measure of students’ progress toward institutional learning outcomes. Instructors may also use the results to assess the effectiveness of a particular class in achieving its learning goals.

The survey instrument can be tailored to the learning goals of any instructor or institution.

Procedure
Students complete the survey on the first day of the externship seminar. The exercise can be used during that initial class to inform a discussion of student learning goals for the semester. The instructor collects and compiles the responses on an Excel spreadsheet. The results are not returned to students at that point. Students are asked to repeat the survey near the end of the semester. The instructor collects and compiles the responses once again on the same spreadsheet. The spreadsheet produces a comparative report showing the student’s self-perceived changes in competency levels from the beginning to the end of the semester. In their final journal entry or reflection paper of the semester, students are asked to reflect on the survey results.

Attachments
1. Competency Self-Assessment Survey
2. Sample report for individual student comparing survey results from beginning and end of semester.
3. Sample report for entire externship class comparing survey results from beginning and end of semester.
4. Reflection prompt for end-of-semester journal entry or reflection paper

The spreadsheet templates are available on Box at:
https://notredame.box.com/s/l7u9m9404aitz03g3muf0j4g66olf56v
ND Lawyering Competency Self-Assessment

Name ________________________________
Date ____________________________

Please rate yourself on each competency on a scale of 1-5 consistent with the following key:
1 = No Competence  2 = Minimally competent  3 = Moderately competent  4 = Advanced level of competence  5 = Highly competent

**KNOWLEDGE OF THE LAW AND THE LEGAL PROFESSION**
An understanding of:

1. Moral and ethical responsibilities of lawyers to clients, the profession, and the community 1 □ 2 □ 3 □ 4 □ 5 □
2. Structure of the legal profession and its role in society 1 □ 2 □ 3 □ 4 □ 5 □

**PROFESSIONAL SKILLS**

3. Legal communication, such as the ability to:
   a. speak clearly, concisely, and persuasively on legal matters 1 □ 2 □ 3 □ 4 □ 5 □
   b. write clearly, concisely, and persuasively on legal matters
   c. communicate in forms and styles appropriate for a range of decision-making bodies and audiences

4. Legal and personal ethics, such as the ability to:
   d. recognize and resolve legal and other ethical issues 1 □ 2 □ 3 □ 4 □ 5 □
   e. appreciate how moral principles, faith, and values can be integrated with a lawyer's professional responsibilities
Please rate yourself on each competency on a scale of 1-5 consistent with the following key:
1 = No Competence  2 = Minimally competent  3 = Moderately competent  4 = Advanced level of competence  5 = Highly competent

5. Legal research skills, such as the ability to:
   f. locate appropriate legal authority
   g. understand the relevant weight of authority
   h. verify the current accuracy of authority
   1  2  3  4  5

6. Factual research, such as the ability to:
   i. interview (e.g., clients, witnesses, and victims)
   j. gather facts by formal and informal means
   1  2  3  4  5

7. Client relationships, such as the ability to:
   k. listen
   l. understand the client’s perspective and goals
   m. develop a relationship of trust
   n. provide effective counseling on alternative courses of action
   1  2  3  4  5

8. Problem solving, such as the ability to:
   o. identify a problem
   p. analyze uncertain or complex facts
   q. recognize legal and non-legal issues
   r. foresee risks and contingencies
   s. appreciate the importance of professional judgment
   t. identify and recommend appropriate strategies and courses of action
   1  2  3  4  5

2
Please rate yourself on each competency on a scale of 1-5 consistent with the following key:
1 = No Competence  2 = Minimally competent  3 = Moderately competent  4 = Advanced level of competence  5 = Highly competent

9. Representational skills, such as the ability to:
   u. collaborate or otherwise work effectively with co-counsel and with
      third parties, including opposing counsel, tribunals, and other professionals
   v. negotiate
   w. draft agreements

10. Cross cultural skills, such as the ability to interact with clients, lawyers, and others
    from various cultures and socioeconomic groups

11. Work/Life balance, such as the ability to:
    x. achieve a healthy balance between personal and professional life
    y. manage work stress

12. Litigation skills, such as the ability to:
    z. advocate in pretrial, trial, and appellate settings
    aa. draft various types of litigation documents

13. Transactional skills, such as the ability to:
    bb. structure a legal transaction effectively
    cc. draft various types of transactional documents

14. Alternative dispute resolution skills

15. Basic financial, accounting, and economic literacy

16. Information technology skills relating to the practice of law

17. Leadership skills

18. Non-legal analysis relevant to the law (e.g., empirical, interdisciplinary, and comparative)

19. Practice management skills

20. Project management skills
## ND Competency Assessment

### Results for an Individual Student

#### Lawyering Competency Self-Assessment

<table>
<thead>
<tr>
<th>Ques #</th>
<th>Competency</th>
<th>Initial Assessment</th>
<th>Concluding Assessment</th>
<th>Δ in scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>Indiana Legal Service</td>
<td>Score</td>
<td>Score</td>
<td>Δ in scores</td>
</tr>
<tr>
<td>1</td>
<td>Moral and ethical responsibilities</td>
<td>3</td>
<td>4</td>
<td>+1</td>
</tr>
<tr>
<td>2</td>
<td>Structure of the legal profession</td>
<td>3</td>
<td>4</td>
<td>+1</td>
</tr>
<tr>
<td>3</td>
<td>Legal communication</td>
<td>4</td>
<td>4</td>
<td>+0</td>
</tr>
<tr>
<td>4</td>
<td>Legal and personal ethics</td>
<td>3</td>
<td>4</td>
<td>+1</td>
</tr>
<tr>
<td>5</td>
<td>Legal research skills</td>
<td>3</td>
<td>4</td>
<td>+1</td>
</tr>
<tr>
<td>6</td>
<td>Factual research</td>
<td>3</td>
<td>3</td>
<td>+0</td>
</tr>
<tr>
<td>7</td>
<td>Client relationships</td>
<td>3</td>
<td>4</td>
<td>+1</td>
</tr>
<tr>
<td>8</td>
<td>Problem Solving</td>
<td>4</td>
<td>4</td>
<td>+0</td>
</tr>
<tr>
<td>9</td>
<td>Representational skills</td>
<td>1</td>
<td>3</td>
<td>+2</td>
</tr>
<tr>
<td>10</td>
<td>Cross cultural skills</td>
<td>4</td>
<td>4</td>
<td>+0</td>
</tr>
<tr>
<td>11</td>
<td>Work/Life balance</td>
<td>3</td>
<td>4</td>
<td>+1</td>
</tr>
<tr>
<td>12</td>
<td>Litigation skills</td>
<td>2</td>
<td>2</td>
<td>+0</td>
</tr>
<tr>
<td>13</td>
<td>Transactional skills</td>
<td>1</td>
<td>2</td>
<td>+1</td>
</tr>
<tr>
<td>14</td>
<td>Alternative dispute resolution skills</td>
<td>1</td>
<td>2</td>
<td>+1</td>
</tr>
<tr>
<td>15</td>
<td>Financial, Accounting, Economic literacy</td>
<td>3</td>
<td>2</td>
<td>-1</td>
</tr>
<tr>
<td>16</td>
<td>I.T. skills related to law</td>
<td>4</td>
<td>4</td>
<td>+0</td>
</tr>
<tr>
<td>17</td>
<td>Leadership skills</td>
<td>3</td>
<td>4</td>
<td>+1</td>
</tr>
<tr>
<td>18</td>
<td>Non-legal analysis</td>
<td>4</td>
<td>4</td>
<td>+0</td>
</tr>
<tr>
<td>19</td>
<td>Practice management</td>
<td>3</td>
<td>3</td>
<td>+0</td>
</tr>
<tr>
<td>20</td>
<td>Project management</td>
<td>4</td>
<td>5</td>
<td>+1</td>
</tr>
</tbody>
</table>

---

### Aggregation of Competency Scores

![Graph showing the aggregation of competency scores](image)

**Frequency of Score Reported**

**Initial Scores**

**Final Scores**

---

Available on Box at: [https://notredame.box.com/s/7u9m9404aitz03g3mufoj4g66ofl56v](https://notredame.box.com/s/7u9m9404aitz03g3mufoj4g66ofl56v)
## Lawyering Competency Self-Assessment

### Aggregate results for entire class

**Course:** Lawyering Practice Externship (LPE)  
**Semester/Year:** Spring 2017  
**5/4/2017**

<table>
<thead>
<tr>
<th>Ques.</th>
<th>Competency</th>
<th>Initial Average</th>
<th>Final Average</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Understand moral and ethical responsibilities</td>
<td>2.7</td>
<td>4.1</td>
<td>+1.45</td>
</tr>
<tr>
<td>2</td>
<td>Understand structure of the legal profession</td>
<td>3.3</td>
<td>4.3</td>
<td>+0.95</td>
</tr>
<tr>
<td>3</td>
<td>Legal communication skills</td>
<td>3.0</td>
<td>3.8</td>
<td>+0.79</td>
</tr>
<tr>
<td>4</td>
<td>Legal and personal ethics</td>
<td>3.1</td>
<td>3.9</td>
<td>+0.85</td>
</tr>
<tr>
<td>5</td>
<td>Legal research skills</td>
<td>2.9</td>
<td>4.1</td>
<td>+1.16</td>
</tr>
<tr>
<td>6</td>
<td>Factual research</td>
<td>2.4</td>
<td>3.4</td>
<td>+0.97</td>
</tr>
<tr>
<td>7</td>
<td>Client relationship skills</td>
<td>2.9</td>
<td>3.6</td>
<td>+0.71</td>
</tr>
<tr>
<td>8</td>
<td>Problem Solving skills</td>
<td>3.1</td>
<td>4.1</td>
<td>+1.07</td>
</tr>
<tr>
<td>9</td>
<td>Collaboration, negotiation, and drafting skills</td>
<td>2.1</td>
<td>3.2</td>
<td>+1.07</td>
</tr>
<tr>
<td>10</td>
<td>Cross cultural skills</td>
<td>3.3</td>
<td>3.7</td>
<td>+0.38</td>
</tr>
<tr>
<td>11</td>
<td>Work/Life balance skills</td>
<td>3.0</td>
<td>3.7</td>
<td>+0.71</td>
</tr>
<tr>
<td>12</td>
<td>Litigation skills</td>
<td>2.2</td>
<td>3.2</td>
<td>+1.00</td>
</tr>
<tr>
<td>13</td>
<td>Transactional skills</td>
<td>1.9</td>
<td>2.4</td>
<td>+0.57</td>
</tr>
<tr>
<td>14</td>
<td>Alternative dispute resolution skills</td>
<td>1.5</td>
<td>2.4</td>
<td>+0.86</td>
</tr>
<tr>
<td>15</td>
<td>Financial, Accounting, Economic literacy</td>
<td>2.4</td>
<td>2.7</td>
<td>+0.33</td>
</tr>
<tr>
<td>16</td>
<td>I.T. skills related to law</td>
<td>2.5</td>
<td>3.6</td>
<td>+1.10</td>
</tr>
<tr>
<td>17</td>
<td>Leadership skills</td>
<td>3.2</td>
<td>3.7</td>
<td>+0.53</td>
</tr>
<tr>
<td>18</td>
<td>Non-legal analysis</td>
<td>2.7</td>
<td>3.9</td>
<td>+1.16</td>
</tr>
<tr>
<td>19</td>
<td>Practice management skills</td>
<td>2.6</td>
<td>3.5</td>
<td>+0.92</td>
</tr>
<tr>
<td>20</td>
<td>Project management skills</td>
<td>3.3</td>
<td>3.9</td>
<td>+0.52</td>
</tr>
</tbody>
</table>

### Aggregation of Competency Scores

![Chart showing the distribution of competency scores](attachment:image.png)

---

*available on Box at: [https://notredame.box.com/s/l7u9m9404altz03g3muflq4g66olf56v](https://notredame.box.com/s/l7u9m9404altz03g3muflq4g66olf56v)*
Reflection Prompt: End-of-semester journal entry or reflection paper

How did this externship help you grow professionally? What professional skills and competencies were you able to develop or improve during the semester? What competencies do you think you need to develop further? Give a specific example of how you progressed in a competency this semester, or how you learned of a need to further develop a competency? Did the comparative results of your lawyering competency self-assessment from the beginning and end of the semester seem accurate? Were you surprised by any of the results, including any categories where you may have scored lower in your second assessment or where you did not score yourself as having progressed?
A Simple Low-Cost Institutional Learning-Outcomes Assessment Process

Andrea A. Curcio

Introduction

The ABA mandate to engage in institutional outcome-measures assessment requires schools to undertake a form of assessment unfamiliar to many. As schools grapple with how to begin this assessment process, this essay describes a relatively simple and low-cost model to measure institutional learning outcomes that does not require any initial changes or disruption to individual faculty members' pedagogical and assessment methods.

While outcomes assessment may encompass many different data sources, this essay focuses on faculty contributions to institutional learning-outcomes.

Professor Andrea A. Curcio is Full Professor at Georgia State University College of Law. She thanks Professors Eileen Kaufman, Kendall Kerew, Deborah Merritt, Kris Niedringhaus and Dean Judith Wegner for their comments on earlier drafts of this essay. She also thanks Dean Wendy Hensel for her leadership on this issue; her colleagues on the curriculum committee—Ted Afield, Lisa Bliss, Jessica Gabel Gino, Caren Morrison, Kris Niedringhaus, Heather Slovensky, Roy Sobelson, Anne Tucker, and Robert Weber—for their work in developing an assessment plan and rubrics; and the GSU COL faculty for their engagement in this process.


2. Outcome measures assessment data may come from many different sources, including direct assessment tools that look at actual student work in courses, clinics and externships, and indirect assessment tools such as surveys or focus groups or other instruments designed to capture students', alumni's, and employers' perceptions about what students have learned. Shaw & VanZandt, supra note 1, at 105-09.
assessment. In Part I, it briefly sets the stage for changing how law faculties conceptualize law student assessment. Part II describes the rubric outcome-measures assessment model employed by the Association of American Colleges and Universities [AAC&U] and a similar model used by medical educators to assess a wide range of skills such as critical thinking and analysis, written and oral communication, problem-solving, intercultural competence, teamwork, and self-reflection. It then uses work currently undertaken at Georgia State University College of Law [GSU COL] to illustrate and explicate how a law school may adapt the AAC&U and medical education model to the law school outcome-measures assessment process. It also briefly reviews how data gathered from the rubric assessment method may be used both for institutional outcome assessment and as formative assessment, satisfying two accreditation mandates with one data set. Part III discusses potential concerns, such as reliability and validity, that this model raises and suggests ways to address those concerns. Part IV briefly discusses the institutional outcomes-assessment cycle, noting that schools should not assess all outcomes each year, and it discusses what constitutes “success” when it comes to student achievement of a particular learning outcome. The essay concludes by noting that although outcome-measures assessment requires faculty work and input, the process does not have to be overly burdensome or costly. Finally, the appendix provides sample rubrics that can be adapted by law schools that decide to use this method to assess institutional learning outcomes.

I. Reframing How We Conceptualize Assessment

Every December and May law faculty grade exams and papers and we give our students a final grade. The student gets a course grade and moves on. Faculty might bemoan another set of bad exams, but we too move on. Rarely do most of us look at what our students mastered, where they are struggling and what we might do differently next time. Nor do students have that information, except for the very few who come in to review an exam. In fact, in classes graded on a curve, grades may leave students with a misimpression about their overall level of mastery. For example, in my large-section curved courses, B students often have less than seventy percent of the total possible raw score points, because that is how the curve works out.

Outcome-measures assessment shifts the legal education lens from whether students have achieved a passing grade in a series of classes to whether students

3. 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.” *Am. Bar Ass’n, Interpretation 314-1, in ABA Standards*, supra note 1, at 23. While formative assessments most often occur in individual courses, the ABA recognizes the value of assessments that provide feedback at various points in a student’s legal education, such as at the end of his or her first year.

4. See *Am. Bar Ass’n, Standard 303: Learning Outcomes and Standard 314: Assessment of Student Learning*, in ABA Standards, supra note 1, at 15 and 23 (requiring, respectively, schools to engage in identifying and measuring learning outcomes and schools to use both summative and formative assessments).
have acquired core competencies—i.e., the core knowledge, skills, behaviors, and attributes of successful new lawyers. Rather than look at achievement just in our own courses, institutional outcome-measures assessment requires collective faculty engagement and critical thinking about our students' overall acquisition of the skills, knowledge, and qualities that ensure they graduate with the competencies necessary to begin life as professionals.

Outcome-measures assessment may occur at a course, programmatic, or institutional level. While this essay focuses on institutional outcomes assessment, the model works for all types of outcome-measures assessment, and the data gathered via this assessment method may also be used as a formative assessment. However, for the model to work, faculty must begin to re-conceptualize how and why we assess our students.

Assessment in context of learning outcomes and formative assessments shifts the focus from assessment as a one-time course measurement to an ongoing process in which faculty pay attention to what our students are learning, gather information about where they may be struggling, and experiment with ways to help them overcome learning hurdles. As Professor Andrea Susnik Funk notes, at its core, assessment is about "(i) good teaching—which all educators strive to do, and (2) information—which all institutions need to make decisions."

Assessment, and particularly outcomes assessment, challenges us to bring the same intellectual curiosity, creativity, and deep thoughtfulness to our teaching that we bring to our scholarship. In fact, one significant concern about satisfying the outcome-measures accreditation standard is that an outcomes-measurement approach may result in a facile understanding of student learning because critical thinking, legal analysis, and other key aspects of legal education are hard to quantify. The model described in this essay

5. Course-level assessments refer to individual classes. Programmatic assessments refer to programs such as a legal writing program, or a certificate program. Institutional assessments refer to achievement in context of the program of legal education as a whole. Andrea Susnik Funk, The Art of Assessment: Making Outcomes Assessment Accessible, Sustainable, and Meaningful 28-29 (2017).

6. Formative assessments are important both in courses and during the program of legal education so that students understand what skills they need to develop while there is still sufficient time to do so. Am. Bar Ass'n, Interpretation 314-1, in ABA STANDARDS, supra note 1, at 23. For example, if a student has weak critical analysis skills at the end of his or her first year, specific feedback about that weakness allows the student to work on improving that skill in his or her remaining two years of law school.

7. Law school assessment traditionally involves norm-referenced grading, comparatively measuring students against their peers, to assign students a final course grade. Assessments are used to sort students for employers, scholarships, law review, and other rewards. For an excellent discussion of the sorting function of law school grades, see Barbara Glesner Fines, Competition and the Curve, 65 UMKC L. Rev. 879, 886-88 (1997).


9. Id. at 14.

10. Mary A. Lynch, An Evaluation of Ten Concerns About Using Outcomes in Legal Education, 38 WM.
addresses that concern by asking faculty to use their own course assessments as the basis for evaluating student achievement of the institution’s learning outcomes and by using rubrics that measure learning via a developmental continuum."

II. Assessing Institutional Learning Outcomes—A Five-Step Process

Before assessing outcomes, one must identify them. The ABA identified some core competencies—e.g., knowledge of the law, legal analysis, legal research, problem-solving, effective communication, and the exercise of proper professional and ethical responsibilities—that all new lawyers should possess. To allow schools flexibility to experiment and explore this new process, the ABA also encouraged schools to identify additional competencies based upon a school’s mission and culture, and it gave schools the freedom to develop their own measurement methodologies. Many articles and books discuss how to draft law school learning outcomes. This essay looks at the next step—how to assess, on an institutional level, students’ acquisition of those outcomes in a simple, low-cost, efficient manner. Using the outcomes identified at GSU COL [see appendix], the essay describes a five-step process: i. develop a rubric for the applicable learning

11. Because of variability in course assessments and in how professors apply a rubric to student work, the data gathered via the rubric method described in this essay will not be the same kind of data one would use for a scientific paper. However, this assessment method is not designed to produce a publishable study. Rather, the method is simply one way to gather information needed to assess institutional learning outcomes. See Neil Hamilton, Formation of an Ethical-Professional Identity (Professionalism) Learning Outcomes and E-Portfolio Formative Assessments, 48 U. Pac. L. Rev. 845, 848 (2017) (noting that reliability and validity concerns are a highly significant issue when engaging in high-stakes testing and, while still important when engaging in outcome measures assessment, these issues present a much less significant concern when measuring learning outcomes such as interpersonal and communication skills). For a discussion of reliability issues that this outcomes assessment method raises, and responses to those concerns, see infra Part III.B.


13. Id. Professor Hamilton cataloged law schools’ published learning outcomes, finding that while many articulated the minimum required by the ABA, many more identified outcomes that incorporated competencies such as self-awareness, cross-cultural competency, teamwork, developing the value of providing pro bono legal service to disadvantaged groups, and other lawyering skills needed to serve clients. Hamilton, supra note 11, at 899-91.


15. See, e.g., Shaw & VanZandt, supra note 1, at 54-82; Funk, supra note 5, at 41-46; Anthony Niedwicielski, Law Schools and Learning Outcomes: Developing a Coherent, Cohesive, and Comprehensive Law School Curriculum, 64 CLEV. ST. L. REV. 661, 678-91 (2016); Susan Hanley Duncan, They’re Back! The New Accreditation Standards Coming to a Law School Near You: A 2018 Update, Guide to Compliance, and Dean’s Role in Implementing, 67 J. LEGAL EDUC. ___.
outcome; 2. decide which courses will employ the rubric; 3. grade as usual and then complete the rubric; 4. enter the data; 5. evaluate the data and use the information gathered to inform discussions about areas of student learning that should be improved upon and ideas about how to make that happen. This five-step process may be used for faculty assessment of the ABA-mandated learning outcomes as well as assessment of a wide range of optional outcomes such as client interaction skills, self-reflection, teamwork, and intercultural competence. 16

A. Step One: Develop a Rubric

1. Examples from undergraduate and medical education

A rubric is a “set[] of detailed written criteria used to assess student performance.” 17 Rubrics for outcome-measures assessment not only identify a competency, they also describe what competent performance looks like, along a continuum of development and in a way that fosters reliability among raters. 18 For institutional learning outcomes, the goal is to develop rubrics that capture the skill and ideally work in conjunction with course-embedded assessments, i.e., assessments the professor already uses in his or her course. 19

Using rubrics on course-embedded assessments is an accepted method of outcome-measures assessment in undergraduate education. The AAC&U developed rubrics for sixteen learning outcomes, including critical analysis, teamwork, problem-solving, intercultural competence, and many others that are as relevant to law students as to undergraduates. 20 For each learning outcome, the rubrics in the appendix address the ABA-required skills and additional skills such as self-reflection and teamwork. For those who wish to use this model to assess intercultural competence, the AAC&U has developed a rubric that could be adapted by legal educators. That rubric is available at Intercultural Knowledge and Competence VALUE Rubric, ASSOC. OF AM. C. & U., https://www.aacu.org/value/rubrics/intercultural-knowledge (follow “Intercultural Knowledge and Competence VALUE Rubric (pdf)” hyperlink; then follow download instructions) (last visited Nov. 3, 2017).


Neil Hamilton & Sarah Schaefer, What Legal Education Can Learn from Medical Education About Competency-Based Learning Outcomes Including Those Related to Professional Formation and Professionalism, 29 GEO. J. LEGAL ETHICS 599, 426-27 (2016) (discussing key factors faculties should consider as they develop competency rubrics).

“Embedded assessment” entails using course assessments when measuring institutional outcomes. Funk, supra note 5, at 35.

Those outcomes are: inquiry and analysis, critical thinking, creative thinking, written communication, oral communication, quantitative literacy, information literacy, reading, teamwork, problem-solving, civil knowledge and engagement, intercultural knowledge and competence, ethical reasoning and action, global learning, foundations and skills for lifelong learning, and integrative learning. ASSOCIATION OF AMERICAN COLLEGES AND UNIVERSITIES, ON SOLID GROUND: VALUE REPORT 2017 (2017), https://www.aacu.org/sites/default/files/files/finalforpublicationreleaseonsolidground.pdf [hereinafter VALUE REPORT]. For a copy of the rubrics for each of these outcomes, see generally ASSOCIATION OF AMERICAN COLLEGES
outcome, the AAC&U rubric defines the outcome and provides evaluators
guidance via framing language and a glossary of terms used in the rubric. It
then identifies five or six key criteria or dimensions of the outcome and sets
out performance descriptors that identify the level of proficiency the student’s
work demonstrates.  

The AAC&U designed the rubrics for use in courses throughout the
curriculum, and across higher education institutions. Instructors grade course
papers, exams, and assignments to determine the student’s course grade.
Evaluators then use the rubric to assess achievement of learning outcomes,
using those same papers, exams, and assignments. When a student’s work
fails to meet even the initial benchmark, evaluators are encouraged to assign
that work a zero.  

For example, the AAC&U rubric that measures “critical thinking” defines
critical thinking as “a habit of mind characterized by the comprehensive
exploration of issues, ideas, artifacts, and events before accepting or
formulating an opinion or conclusions.” It then identifies five dimensions of
critical thinking: 1. explanation of issues; 2. evidence; 3. influence of context
and assumptions; 4. student’s position (perspective, thesis/hypothesis); and 5.
conclusions and related outcomes (implications and consequences). For each
dimension, performance descriptors set forth a continuum of achievement
[see Table 1]. The critical thinking rubric can be used to evaluate students’
acquisition of critical thinking in a wide range of courses, using the papers,
exams, or other projects assigned and graded in that course.  

---

22. Id. at 3.
23. Id. at 8-9. The AAC&U evaluation system is more complex than what this essay proposes for
   legal education in that a team of trained faculty evaluators, rather than the faculty member
   him or herself, applies the rubric to student work. Id. at 8. As discussed infra in Part III B,
   law faculties could choose an “evaluation team” approach or could simply have a professor
   assess his or her own students.
24. Id. at 9.
25. Id. at 11.
26. Id. at 14.
Medical educators also have developed rubrics that delineate and assess acquisition of core physician competencies for use in residency training programs. These rubrics identify various “milestones” used to evaluate a resident’s performance in a wide range of competencies, such as information gathering, medical knowledge, diagnostic ability, teamwork, communication, learning from feedback, and many other skills critical to a physician’s performance. For example, the American Board of Internal Medicine, along with the Accreditation Council for Graduate Medical Education, developed a rubric for each of the twenty-two competencies internal medicine residents

<table>
<thead>
<tr>
<th>Capstone</th>
<th>Milestones 4</th>
<th>Milestones 3</th>
<th>Milestones 2</th>
<th>Benchmark 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explanation of issues</td>
<td>Issue/problem to be considered critically is stated clearly and described comprehensively, delivering all relevant information necessary for full understanding</td>
<td>Issue/problem to be considered critically is stated, described, and clarified so that understanding is not seriously impeded by omissions</td>
<td>Issue/problem to be considered critically is stated but description leaves some terms undefined, ambiguities unexplored, boundaries undetermined, and/or backgrounds unknown</td>
<td>Issue/problem to be considered critically is stated without clarification or description</td>
</tr>
</tbody>
</table>


28. For an excellent description of how medical educators developed the “milestones” rubrics used to assess the development of medical residents, see Hamilton and Schaefer, supra note 18 at 406-20; for a discussion about how the medical rubric assessment model can be used to assess law students’ professional identity formation, see Hamilton, supra note 11.

29. A “milestone” is defined as: “a significant point in development. For accreditation purposes, the Milestones are competency-based developmental outcomes (e.g., knowledge, skills, attitudes, and performance) that can be demonstrated progressively by residents and fellows from the beginning of their education through graduation to the supervised practice of their specialties.” NEJM Knowledge+ Team, Exploring the ACGME Core Competencies, Part 1 of 7, NEJM Knowledge+ (June 9, 2015), https://knowledgeplus.nejm.org/blog/exploring-acgme-core-competencies.

30. Most medical specialties develop milestone rubrics based upon the competencies deemed critical for that specialty. Id.

31. The twenty-two competencies are: “Gathers and synthesizes essential and accurate information to define each patient’s clinical problem(s); [d]evelops and achieves comprehensive management plan for each patient; [m]anages patients with progressive responsibility and independence; [s]kill in performing procedures; [r]equires and provides consultative care; [c]linical knowledge; [k]nowledge of diagnostic testing and procedures; [w]orks effectively within an interprofessional team (e.g., peers, consultants, nursing, ancillary professionals and other support personnel); [r]ecognizes system error and advocates for system improvement; [f]orces that impact the cost of health care, and advocates for, and practices cost-effective care; [r]ansitions patients effectively within
should develop. The rubrics set forth criteria for each competency along a continuum. As illustrated in Table 2, below, each rubric has five columns. Evaluators are instructed to interpret the columns as follows:

"Critical Deficiencies": These learner behaviors are not within the spectrum of developing competence. Instead they indicate significant deficiencies in a resident's performance;

Column 2: Describes behaviors of an early learner;

Column 3: Describes behaviors of a resident who is advancing and demonstrating improvement in performance related to milestones;

Ready for Unsupervised Practice: Describes behaviors of a resident who substantially demonstrates the milestones identified for a physician who is ready for unsupervised practice. This column is designed as the graduation target, but the resident may display these milestones at any point during residency;

Aspirational: Describes behaviors of a resident who has advanced beyond those milestones that describe unsupervised practice. These milestones reflect the competence of an expert or role model and can be used by programs to facilitate further professional growth. It is expected that only a few exceptional residents will demonstrate these milestones behaviors."

As Table 2 indicates, there are boxes below each column. Evaluators check the boxes, using the following guidelines: "selecting a response box in the middle of a column implies milestones in that column as well as those in

and across health delivery systems; [m]onitors practice with a goal for improvement; [l]earns and improves via performance audits; [l]earns and improves via feedback; [l]earns and improves at the point of care; [p]rofessional and respectful interactions with patients, caregivers and members of the interprofessional team (e.g., peers, consultants, nursing, ancillary professionals and support personnel); [a]ccepting responsibility and follows through on tasks; [r]esponds to each patient's unique characteristics and needs; [c]hibits integrity and ethical behavior in professional conduct; [c]ommunicates effectively with patients and caregivers; [c]ommunicates effectively in interprofessional teams (e.g., peers, consultants, nursing, ancillary professionals and other support personnel); and [c]appropriate utilization and completion of health records." Id.

32. Accreditation Council for Graduate Medical Education & The American Board of Internal Medicine, The Internal Medicine Milestone Project, iii (2013), http://www.acgme.org/Portals/0/PDFs/Milestones/InternalMedicineMilestones.pdf [hereinafter Milestone Project]. The reprinted material from the Milestones project has been done with copyright permission granted by ACGME Senior Attorney, Teri Robins via a July 12, 2017 email sent to the author. Email granting reprint permission on file with the author.

33. Id. at 7.

34. Id. at iii.
previous columns have been substantially demonstrated."\textsuperscript{35} A response in the box in between the columns "indicates that milestones in lower levels have been substantially demonstrated as well as some milestones in the higher column[5]."\textsuperscript{36}

\textit{Table 2: Rubric for Knowledge of Diagnostic Testing Procedures for Internal Medicine Residents}\textsuperscript{37}

<table>
<thead>
<tr>
<th>Critical Deficiencies</th>
<th>Column One</th>
<th>Column Two</th>
<th>Ready for unsupervised practice</th>
<th>Aspirational</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lacks foundational knowledge to apply diagnostic testing and procedures to patient care</td>
<td>Inconsistently interprets basic diagnostic tests accurately</td>
<td>Consistently interprets basic diagnostic tests accurately</td>
<td>Interprets complex diagnostic tests accurately</td>
<td>Anticipates and accounts for pitfalls and biases when interpreting diagnostic tests and procedures</td>
</tr>
<tr>
<td>Does not understand the concepts of pre-test probability and test performance characteristics</td>
<td>Needs assistance to understand the concepts of pre-test probability and test performance characteristics</td>
<td>Understands the concepts of pre-test probability and test performance characteristics</td>
<td>Pursues knowledge of new and emerging diagnostic tests and procedures</td>
<td></td>
</tr>
<tr>
<td>Minimally understands the rationale and risks associated with common procedures</td>
<td>Fully understands the rationale and risks associated with common procedures</td>
<td>Teaches the rationale and risks associated with common procedures and anticipates potential complications when performing procedures</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments:

As the rubrics from the AAC&U and medical educators demonstrate, rubrics allow assessment via descriptors of higher-order thinking rather than via correct versus incorrect answers. Applying rubrics to student work, be it exams or live-client interactions, to measure learning outcomes "is not about reductionism, compliance or quick fixes."\textsuperscript{38} Instead, rubrics acknowledge that learning develops across multiple courses, over time, and the learning process

\textsuperscript{35} Id. at v.
\textsuperscript{36} Id.
\textsuperscript{37} Id. at 7.
\textsuperscript{38} Value Report, supra note 90, at 14.
varies from student to student. They allow for nuanced assessment of skills acquisition over a wide range of courses as well as a wide range of outcomes.

Both the AAC&U and medical educators have been working on outcome-measures assessment for many years. In contrast, outcome-measures assessment within law schools is in its infancy. Thus, while the other models provide a good starting point as legal educators develop our own rubrics, we should not expect our rubrics to be at the same initial level as processes that have been years in the making.

2. Examples from a law school

At GSU COL, we developed draft rubrics for each of our eight institutional outcomes. Those rubrics, set out in the appendix, cover a wide array of learning outcomes, including: legal knowledge and analysis; legal research; effective oral and written communication; self-reflection and professional development; effective and professional engagement with clients, courts, and colleagues; overall professionalism; and awareness of responsibility to promote access to justice.

To develop the rubrics, our curriculum committee divided into teams of two or three faculty members. Each team drafted a rubric for one or two outcomes, based upon the team members' expertise and experience. Each rubric drafting team also consulted with faculty who taught the applicable skills. The entire committee vetted the rubrics, and some were redrafted. Our guiding drafting principle was backward design—i.e., we thought about what it looks like when a new attorney has fully grasped a particular skill so that he or she could perform with minimal supervising attorney input. Then we developed the continuum that leads to that level of expertise. Finally, as with the AAC&U and medical education models, we recognized that only a few students may achieve the highest rubric level.


40. The rubric drafting process itself was instructive and illustrated the iterative nature of outcomes measurement. For example, in drafting the rubrics, we discovered that some of our outcomes, such as the ability to engage in risk assessment, were not ripe for institutional outcomes assessment and that some outcomes needed to be redrafted.

41. The seminal book on backward design is Grant Wiggins & Jay McTighe, Understanding by Design (2nd ed. 2009); see also Michael Hunter Schwartz, Sophie Sparrow & Gerald Hess, Teaching Law by Design: Engaging Students from the Syllabus to the Final Exam 37-64 (2009) (discussing backward design in context of legal education).

42. Value Report, supra note 20 at 27 (discussing why backward design is the methodology that should be used when drafting outcome-measures assessment performance criteria).

43. Id. at 35; Milestone Project, supra note 32 at iii.
In our initial assessment cycles, we will measure two outcomes a year and run a small pilot test of two rubrics each academic year. Pilot testing allows us to revise a rubric if necessary and involves faculty outside of the curriculum committee in the rubric design process. This helps ensure the validity of the rubric's content and hopefully creates some level of faculty buy-in.

To illustrate various types of rubrics, Table 3 sets forth an excerpt from the GSU COL legal knowledge and analysis rubric and Table 4 excerpts the rubric measuring effective and professional engagement with clients, colleagues, judges, and others. Complete rubrics for these, and other GSU COL outcomes, are contained in the appendix.

**Table 3: Excerpt from GSU COL Rubric for Outcomes 1 & 2**

*legal knowledge and analysis*

**Guidance for Evaluators:** Evaluate all students, including JEs, based upon the skill level GSU COL new graduates should possess. The following descriptors may help you think about the assessment in that context.

**Aspirational:** Could be used in practice as written [only minor edits/changes needed]

**Competent:** Could be used in practice with some editing by a supervising attorney

**Developing:** Could be used in practice with substantial editing/rewriting

**Critical Deficiencies:** Could not be used in practice

<table>
<thead>
<tr>
<th></th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Analysis Use of Facts</td>
<td>Uses ALL or MOST applicable facts &amp; DOES NOT use inapplicable facts</td>
<td>Uses MANY applicable facts &amp; RARELY uses inapplicable facts</td>
<td>SOMETIMES uses applicable facts &amp; SOMETIMES uses inapplicable facts</td>
<td>Uses facts SPARINGLY &amp;/or OFTEN uses inapplicable facts</td>
</tr>
</tbody>
</table>

---

44. For a discussion of our assessment cycle, see infra Part IVA.

45. See infra Part III.A (discussing the validity of the rubrics).

<table>
<thead>
<tr>
<th>Legal Analysis: Critical Reasoning</th>
<th>Arguments always relate to question asked</th>
<th>Arguments usually relate to question asked</th>
<th>Arguments sometimes relate to question asked</th>
<th>Arguments often unrelated to question asked</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALWAYS accounts for all sides &amp; perspectives</td>
<td>OFTEN accounts for all sides &amp; perspectives</td>
<td>SOMETIMES accounts for all sides &amp; perspectives</td>
<td>RARELY accounts for all sides &amp; perspectives</td>
<td>LARGELY DEVOID of critical analysis of applicable issues</td>
</tr>
<tr>
<td>Engages in STRONG critical analysis of most/all sides of each issue</td>
<td>Engages in STRONG critical analysis of SOME issues</td>
<td>Engages in STRONG critical analysis of A FEW issues</td>
<td>Engages in STRONG critical analysis of critical analysis of applicable issues</td>
<td></td>
</tr>
</tbody>
</table>

**Table 4: Excerpt from Rubric for Outcome 6**

*effective and professional engagement with clients, colleagues, and judges*

<table>
<thead>
<tr>
<th>Demonstrates respect for clients</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keeps client informed, understands and inquires about client objectives, utilizes appropriate tone, and deals with difficult circumstances in ALL or MOST circumstances on own initiative</td>
<td>Keeps client informed, understands and inquires about client objectives, utilizes appropriate tone, and deals with difficult circumstances in MOST new circumstances with appropriate coaching</td>
<td>Keeps client informed, understands and inquires about client objectives, utilizes appropriate tone, and deals with difficult circumstances in SOME new circumstances with appropriate coaching</td>
<td>DOES NOT keep client informed, understand or inquire about client objectives, utilize appropriate tone, or deal with difficult circumstances in MOST circumstances with coaching</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Demonstrates respect for colleagues</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is prepared, contributes to final work product, communicates in a timely and respectful manner in ALL or MOST circumstances on own initiative</td>
<td>Is prepared, contributes to final work product, communicates in a timely and respectful manner in MOST new circumstances with appropriate coaching</td>
<td>Is prepared, contributes to final work product, communicates in a timely and respectful manner in SOME new circumstances with appropriate coaching</td>
<td>IS NOT prepared, contributing to final work product, or communicating in a timely and respectful manner in MOST circumstances with coaching</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
As our faculty develops more familiarity with the rubric drafting process, and gathers additional information as we apply the rubrics, we may further define and expand the guidelines and explanations. For example, we may want to add more criteria or a definition that explores more fully what constitutes "critical analyses" for Outcomes 1 and 2 [Table 3], further define other terms we use within the rubric dimensions, and perhaps divide the dimensions into additional subparts. Rather than spend countless meetings trying to achieve perfect wording, our faculty has agreed to engage in the process and adjust the rubrics as we learn by doing.

The rubrics provided in the appendix are simply one set of samples that faculty can use to assess various learning outcomes. Many other rubrics exist. For example, as noted earlier, the AAC&U and medical education rubrics cover many of the same learning outcome competencies law schools seek to measure. Many other sources of rubrics are available that assess various aspects of law student learning. In fact, at some schools, some faculty members may already have developed rubrics they use in their courses that could be adapted and used to measure some institutional learning outcomes.

B. Step Two: Decide Which Courses Will Employ the Rubric

After developing rubrics, the next question is who uses them. The most obvious answer: faculty members who already teach and assess the outcome. At GSU COL, because the competencies identified in our learning outcomes

47. For the AAC&U list of learning outcomes assessed via rubrics, see infra note 20. Those rubrics are available at VALUE Rubrics, ASSOC. OF AM. C. & U., https://www.aacu.org/value-rubrics (last visited Nov. 3, 2017). For a list of learning outcomes and rubrics developed to assess those outcomes for internal medicine residents, see MILESTONE PROJECT, supra note 32, at 1-22.


49. For faculties that want to design their own rubrics, a good starting place is to review the literature on backward design, in particular WIGGINS & MCTIGH, supra note 41 and SCHWARTZ, SPARKOW & HISS, supra note 41.

50. Schools can identify faculty members teaching and assessing specific competencies via a curriculum map. For an excellent discussion on how to develop a curriculum map, see Funk, supra note 5, at 46-52. Alternatively, if the curriculum committee is large enough and comprises faculty who teach in a wide range of areas, the committee may simply know where the competencies are assessed and may not need a curriculum map. Of course, not all portions of a given rubric will be applicable in all courses, and the rubric accounts for this by having a "not applicable" box for each dimension. Additionally, the rubrics may not capture all skills each professor assesses. The rubrics are not meant to be all-inclusive or mirror what any one professor assesses. Rather, they are an overview of students' collective performance on dimensions of identified learning outcomes.
are those we expect all our students to develop, not surprisingly, numerous courses assess each outcome. We had to decide, for each outcome, the courses we would use to assess that outcome. In doing so, we considered several questions. For example, if first-year courses introduce a competency, did we want to assess student learning at the end of those courses as well as via the upper-level curriculum to see whether students as a whole progressed over the course of law school? Did we want to assess certain outcomes in all required courses? Which elective courses are best-suited to measuring particular skills, either because a large number of students take that course, or because the course has a significant number of 3Ls so we could track students as they neared graduation, or because professors who teach the course already measure many of the rubric dimensions? Did we want to assess all students in given courses, or just a sample of students in a given course? If just sampling students, what sample size would we want, and how would we ensure a random sampling? Other considerations address faculty workload. Did we want to use a wide range of courses or focus on just a few? What impact would a narrow focus have on individual faculty members' workload and creating faculty buy-in? These questions illustrate the decisions that each faculty will make depending upon its culture and other factors unique to the school. For an example of how one can use a variety of courses to assess various outcomes, see the appendix—Learning Outcome Plan.

51. GSU COL decided that we would assess both 1L and upper level students. We grappled with whether to assess 1Ls in context of where they should be at the end of the first year, or where we expect all students to be at the end of law school. Because we ultimately are looking at learning outcomes in context of the skills, knowledge, values we expect of our new graduates, we chose to assess all students, even our 1Ls, in light of expectations for new graduates.

52. GSU COL decided to assess Outcomes 1 and 2, legal knowledge and analysis, in three first-year courses [Contracts II, Civil Procedure II and Torts] and three upper-level courses [Administrative Law; Wills, Trusts and Estates; and Criminal Procedure Investigations]. We based that decision upon the content of our outcome: "Graduates will demonstrate knowledge and comprehension of substantive and procedural laws generally, including rules of procedure, common law, statutory law, administrative law, and constitutional law" and our other goals. For example, Torts is a four-hour first-semester class. Civ Pro II and Contracts II are first-year second-semester classes. We believed that assessment in those first-year classes would indicate both potential progress from the first to second semester, would capture all our students, would allow for meaningful formative assessment using the rubric, and would allow us to track students' progress from the first year through upper-level courses. The upper-level courses are taken by a mix of second and third year students, allowing for tracking of students in all three years of our program of legal education.

53. For institutional outcome measures assessment, schools may use a representative student sample rather than assess each student. Sampling involves applying the rubric to the work product of some percentage of students in a given course. See Shaw & VanZandt, supra note 1, at 114-15 (noting that the minimum sample size needs to be "the greater of 10 students or 10 percent of the student population being measured"); see also Funk, supra note 5, at 37 (discussing various options for developing sample size for law school outcomes assessment).
C. Step Three: Grade as Usual and then Complete the Rubric

To help create faculty buy-in, or at least minimize resistance, we wanted to cause as little initial disruption of faculty pedagogy and assessment processes as possible and minimize the amount of additional faculty work.\textsuperscript{54} We also wanted to measure students' actual performance in their courses rather than performance on a test unconnected to a particular course. Measuring work that students are already doing for a grade ensures students are motivated to produce their best work;\textsuperscript{55} it does not burden students, and, as explained below, this method adds only a minimal additional amount of work to the faculty assessment process.

Using the rubric outcome-assessment model, a faculty member continues to give his or her students the assessments he or she usually gives—exams, papers, performance assessments, etc. The faculty member grades each student using whatever grade-scoring method he or she normally employs. The professor does not need to change what is tested or how students are graded. What does change? In courses designated for outcomes measurement, professors add one more step to their grading process. After grading, faculty in designated courses complete an institutional faculty-designed rubric that delineates, along a continuum, students' development of core competencies encompassed by a given learning outcome. The rubric may be applied to every student's work or to that of a random student sample.\textsuperscript{56} For example, if my civil procedure class were used to measure legal knowledge and analysis outcomes, I would give the same type of exam I always give and grade it as usual.\textsuperscript{57} My students would get the same raw score points and curved grade that they normally get when I grade. However, in addition to my usual grading process, for each student, or a random sample of students,\textsuperscript{58} I would also complete a rubric such as the one in the appendix for Outcomes 1 and 2 [legal knowledge and legal analysis]. I would indicate where, on a continuum, a student falls on knowledge of the

\textsuperscript{54} See Funk, supra note 5, at 63-64 (explaining part of faculty resistance to assessment is faculty fear that the process will create additional work).

\textsuperscript{55} Value Report, supra note 20, at 9 (noting that rather than create special tests for outcome-measures assessment, it is better to use course-embedded assessments in which students are working for a grade because students are motivated to do their best work, which yields better data about students' abilities).

\textsuperscript{56} See supra note 53 (discussing sampling).

\textsuperscript{57} I normally give a graded midterm and a final exam. Both are about one-third multiple choice, one-third essay, and one-third short answer. Because the final exam assesses students' skill development at the end of the semester, I would use the information from that exam to complete the rubric. In other courses, faculty may complete the rubric using information from an assessment or two that the faculty member believes best represents students' ultimate grasp of the skills being taught and measured in that course.

\textsuperscript{58} As supra note 53 discusses, schools may choose to gather data from all students enrolled in a particular course, or a random sample of students. If schools wish to use the data as formative assessments, see infra Part II.D.1 (noting a rubric should be completed for each student in a designated course).
law, issue-spotting, factual application, critical reasoning, and articulating policy arguments.\footnote{59} 

Because the rubric identifies knowledge and skills already assessed, applying the rubric takes very little time. For example, my civil procedure and evidence exams are one-third multiple choice, one-third short answer, and one-third essay questions.\footnote{60} When a student misses a significant number of multiple-choice questions and short-answer questions, I know that he or she is struggling with both knowledge of the law and issue-spotting. For essay questions, I can tell, by looking at my grade-scoring sheet, whether a student engages in a full factual critical analysis of both sides of the issues. Glancing at my margin notations helps me identify whether a student is spending significant time discussing irrelevant information. Thus, by looking at my grade-scoring sheet and flipping through an exam answer I can identify where a student falls on the continuum for the five skills the legal knowledge and analysis rubric measures and quickly complete a rubric for each student. 

Although faculty members’ assessments and grading processes differ, when we pilot-tested the rubric for Outcomes 1 and 2 [legal knowledge and legal analysis] with civil procedure, contracts, evidence and employment discrimination courses, all professors reported that the rubric completion took very little time. If a school decides to randomly sample student work rather than assess all students in a course,\footnote{61} or to use the assessments in small-section courses, the process will take even less time because the rubrics will be used for only fifteen to twenty students. Finally, because of the cyclical nature of outcome assessment, any given professor may be doing this additional assessment only once every three or four years.\footnote{62} Thus, while the process does add some extra work, the overall burden on any particular faculty member should be minimal. 

D. Step Four: Decide Whether to Use the Rubrics for Formative Assessment and How To Do Data Entry

1. Formative assessment

An additional benefit of the process described above is that schools could choose to use the rubrics to satisfy both the ABA outcome-measures standard and the formative-assessment standard.\footnote{63} Formative assessments provide both

---

59. See infra Appendix, Outcomes 1 and 2.

60. Not all aspects of every rubric will be applicable in all courses. For example, a doctrinal professor who gives an exam that is a hundred percent multiple-choice questions could conceivably complete some portions of a legal knowledge and analysis rubric while being unable to address others.

61. See supra note 53 (discussing sampling).

62. See infra Part IVA (discussing how often to assess institutional outcomes).

63. AM. BAR ASS’N, Standard 314: Assessment of Student Learning, in ABA STANDARDS, supra note 1, at 23.
student and teacher with information about individual and collective student achievement while teaching is ongoing and both student and teacher have an opportunity to adjust what they are doing to produce stronger learning.\textsuperscript{64} Formative assessments are useful not only in a given course, but also at different points over the span of a student's education, as the ABA standard notes.\textsuperscript{65} The standard recognizes that while students benefit from information about their grasp of knowledge and skills within a given course, they also benefit from feedback about their overall progress toward core competencies they should acquire in law school. The method described above can help provide that information.

For example, if a school wanted to use the rubric assessment method to both measure institutional learning outcomes and as a formative assessment, the faculty might decide that professors in all or most first year courses would regularly complete a legal knowledge and legal analysis rubric for each student. The data from all student rubrics would provide an overview of collective student learning at the end of the first year. This information serves as formative assessment feedback to faculty. For example, if a faculty discovered that 35\% of its 1L class had critical deficiencies in issue spotting and factual analysis at the end of the first year, that information might prompt faculty to discuss whether, and how, to address those deficiencies in upper level courses.

A student's individual rubric, if shared with the student, could provide him or her with formative feedback about his or her level of development of legal knowledge and analytical skills at the end of the first year. For example, in addition to a course grade, at the end of his or her first year, a student might get an individual spreadsheet that looks like the following:

<table>
<thead>
<tr>
<th>Class</th>
<th>Legal Knowledge</th>
<th>Issue-Spotting</th>
<th>Factual Analysis</th>
<th>Critical Reasoning</th>
<th>Policy Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Torts</td>
<td>Developing</td>
<td>Developing</td>
<td>Critical Deficiencies</td>
<td>Critical Deficiencies</td>
<td>Critical Deficiencies</td>
</tr>
<tr>
<td>Contracts</td>
<td>Competent</td>
<td>Developing</td>
<td>Developing</td>
<td>Developing</td>
<td>N/A</td>
</tr>
<tr>
<td>Civ Pro</td>
<td>Developing</td>
<td>Developing</td>
<td>Critical Deficiencies</td>
<td>Critical Deficiencies</td>
<td>N/A</td>
</tr>
</tbody>
</table>


\textsuperscript{65} AM. Bar Ass’n, Standard 314: Assessment of Student Learning, in ABA Standards, supra note 1, at 23. Standard 314 states: “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 states: “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.”
The student could use that information to target areas for improvement. Using the above example, a student could see that he or she is on the right track on legal knowledge and issue-spotting, but really needs to work on factual, critical, and policy analyses. This information could then help the student, perhaps in conjunction with academic support professionals, to develop specific study strategies targeted to his or her weaknesses.

Of course, students would need to be educated about how this type of formative assessment differs from the course grade. While grades often measure a student's mastery in comparison with that of his or her colleagues, the rubric assessment provides an overview of the student's skill mastery based upon specific criteria along a continuum of learning. Thus, a first-year student could get an A in a course and still be in the "developing" category for all or most criteria. Alternatively, one student who received an A and another who received an A- or B+ might have the same outcome rubric profile for that course. Because the rubrics measure overall skill mastery via criteria, rather than in a norm-referenced way, the rubrics may confuse students unless they receive a full explanation of the theory underlying them and coaching on how to use the feedback to improve.66

2. Data entry

What data a school chooses to include on a rubric depends upon the information schools believe is useful. In addition to information about where, on the continuum of each skill dimension a student falls, each rubric could also contain additional information such as student year, whether the student is full or part-time, whether the skill was assessed in context of a live-client or simulation course, etc.67 Schools could also decide to correlate LSAT scores, UGPA, LGPA, bar passage, gender, race or other factors with rubric performance. How much information to gather, and whether the rubrics contain student identifying information, depends upon what information the faculty believes may be useful as it analyzes the data and whether schools will use the rubrics as a formative assessment to provide students with individualized feedback.

Although schools may choose to use more complicated data entry programs, one simple way to compile data is via an Excel spreadsheet with a drop-down menu.68 A basic Excel spreadsheet allows schools to see the percentage of

66. For a discussion about general principles of formative assessment and how it can be used to coach students, in context of the professional development of law students, see Hamilton, supra note 11 at 858-60. Professor Hamilton also discusses the use of e-portfolios in context of developing competencies along a continuum, such as those outlined via the rubrics in the appendix. Id. at 862-71.

67. For an example of the kind of criteria that could be used, see draft rubric for Outcome 6 in the appendix.

68. Other analytical tools, such as SPSS statistical analysis, may also be used if schools decide to engage in more sophisticated analyses. GSU COL is in the process of finalizing its data entry methodology. Those interested in learning more about the mechanics of developing a
their students that have achieved a particular developmental level on a given performance criterion. For example, if a school measures legal analysis and reasoning of its upper level students using a rubric similar to that in the appendix, Excel spreadsheet data might indicate that 5% of a school’s upper level students are at the aspirational level, 55% are at the competent level, 25% are developing, and 15% have critical deficiencies in the critical analysis dimension of legal reasoning.

Whether schools ask faculty to do their own data entry or centralize data entry and have support staff do it is a function of their individual culture and resources.69 However, if schools want to use the data for both institutional outcome measures and for individualized formative assessments or to correlate rubric performance with other predictors of student performance, student-identifying information necessarily becomes part of data entry. In that case, schools must ensure compliance with the Family Educational Rights and Privacy Act.70 If staff, rather than faculty, does the data entry, staff should be trained to ensure compliance with FERPA protections.71

E. Step Five: Analyze and Use Data to Improve Student Learning

The rubrics faculty complete provide a solid starting point in the institutional outcome-assessment process. However, the rubrics should not be the sole basis for assessing students’ acquisition of the competencies delineated in a school’s learning outcomes, because virtually all measures have inherent flaws.72 Because findings based on multiple measures are more reliable, faculties should augment their faculty-based outcome-assessment data with additional data from other sources—a process known as triangulating an analysis.73 To find other measures, again, it makes sense to look at what already exists, such as externship site supervisor evaluations,74 employer, alumni, and student surveys

data entry system may contact the author.

69. Data entry itself takes little time. In the pilot project, using an Excel spreadsheet, it took less than 40 minutes to enter data for 70 students on the five dimensions of the GSU COL rubric for the legal knowledge and analysis rubric. That rubric, for GSU COL Outcomes 1 and 2, is in the appendix.


71. 34 C.F.R. §§ 99.31, 99.33(a) (2017). The regulations allow “school officials” access to student identifying information but do not define exactly who constitutes a “school official.” It is likely that a designated staff person or two, whose job involves rubric data entry, would constitute a “school official” for data-entry purposes. See Oona Cheung, COUNCIL OF CHIEF STATE SCHOOL OFFICERS, BARBARA CLEMENTS, COUNCIL OF CHIEF STATE SCHOOL OFFICERS, ELLEN PECHMAN, POLICY STUDIES ASSOCIATES, PROTECTING THE PRIVACY OF STUDENT RECORDS 58-59 (1997), https://nces.ed.gov/pubrep/97-7537.pdf. Staff engaging in data entry should be appropriately trained in FERPA compliance issues. Id. at 59.

72. For a brief discussion of some issues that arise with the method described in this essay, see infra Part III.

73. For a discussion of triangulating data, see Shaw & VanZandt, supra note 1, at 150-53.

74. At GSU COL, our externship site supervisors already assess many of our learning outcomes
such as LSSSE, and perhaps even student trial, negotiation, and moot-court team competition score sheets. Gathering data from these additional sources allows faculty to get a more complete picture of student learning.

Once a school has data from faculty rubrics and other sources, a faculty committee has the information necessary to compile a report that outlines the findings, analyzes the data, and identifies areas of strengths and weaknesses. Multiple measures that point to similar conclusions can instill greater confidence in the findings. On the other hand, at times the data will not align. In those instances, faculties must try to figure out the reason for the disconnect.

Data gathering is, in some ways, the easy part. The challenge lies in using the information gathered to improve student learning. Does the data indicate a need for changes in the curriculum, changes in teaching methodology, a need to refine a learning outcome? For example, if students’ critical reasoning analytical skills—i.e., the ability to analyze all sides and perspectives incorporating arguments for and against particular positions—fall below what the faculty believes they should be, the faculty needs to discuss ways to improve this skill. The faculty might agree that in numerous courses, faculty will create practice problems that emphasize critical reasoning skills and provide those to students, along with grade-scoring sheets and model answers and guided using rubrics similar to the ones faculty will use. That evaluation form is available at Kendall L. Kretew, Writing for Practice, in TEACHER’S MANUAL TO LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL EDUCATION, 306-08 (Leah Wortham et al. eds., 3d ed. 2016).

75. The national sixty-question Law School Survey of Student Engagement [LSSSE], used by many law schools, asks students to self-assess how much their legal education has contributed to their ability to speak clearly and effectively, write clearly and effectively, think critically and analytically, develop legal research skills, and learn effectively on their own, among other similar skills. See The LSSSE Survey Tool, LSSSE, http://issse.indiana.edu/about-lsse-surveys (last visited Oct. 29, 2017) (discussing the wide use of the LSSSE survey); see also Law School Survey of Student Engagement, LSSSE, http://issse.indiana.edu/wp-content/uploads/2016/08/LSSSE-2016-Online-Survey-FINAL.pdf (last visited Oct. 30, 2017) (identifying the questions on the survey).

76. FUNK, supra note 5, at 84-85; SHAW & VANZANT, supra note 1, at 106-09.

77. Data may be gathered from a wide range of sources such as alumni surveys, employer surveys, exit interviews with students, pro bono coordinators, or other student service offices. See FUNK, supra note 5, at 84-85. To the extent schools believe that bar examinations are a valid and reliable measure of legal knowledge and legal analysis, bar pass rate information also may be relevant to students’ development of those competencies.

78. Id. at 85.

79. For an excellent discussion of how to use data to improve student learning, see id. at 87-90.

80. Shaw and VanZant suggest faculty ask themselves questions such as: Does our curriculum provide sufficient opportunities to learn this skill? are all students provided opportunities to learn the skill? do we need to shift our pedagogical approach to teaching this skill? do we emphasize the importance of the skill to students? and are we providing struggling students enough support with regard to this skill? SHAW & VANZANT, supra note 1, at 153-57.
self-reflection exercises. If the faculty chose to experiment with this teaching methodology, it could implement the changes and, in the next measurement cycle, judge whether the changes resulted in quantifiable improvements in students’ critical analytical skills. In the more immediate term, students identified as having “critical deficiencies” could be targeted for additional support and bar-pass preparation.

One caveat to this entire outcome measurement assessment process: the key to the success of the institutional outcomes measurement process is faculty engagement with the data and one another as we seek to improve our students’ learning. To create this engagement, faculty must not worry that the rubrics they complete for students in their own courses will be used to judge them or their teaching. As Professor Funk notes: “For faculty to engage in assessment, they need to feel safe and supported. First, assessment data cannot be used against them for evaluation of their own performance or that of their program. Doing so only undermines the need to engage in assessment to make improvements in the first place.”

III. Validity and Reliability

A. Validity

Rubric development and application for institutional outcome measures is a new process for law schools. Schools will want to ensure that the rubrics are valid—i.e., a rubric measuring students’ legal analytical abilities should measure the components of legal analysis. To ensure validity, faculty members who teach and assess the outcomes the rubric assesses should be involved in rubric design. This helps ensure the rubric’s dimensions and descriptors adequately capture students’ achievement of that outcome. Ideally, faculty members drafting a rubric will research the literature and review existing legal education rubrics and rubrics from other disciplines as well as rely upon their own expertise. However, the rubric development process should not become mired in a quest for the “perfect” rubric, lest faculties spend years debating rubric wording and never develop a usable rubric. Rubric development, like assessment itself, will at least initially be an iterative process in which the rubrics will likely change over time.

81. See Carol Springer Sargent & Andrea A. Curcio, Empirical Evidence that Formative Assessments Improve Final Exams, 61 J. LEGAL EDUC. 579 (2012) (discussing how practice assessments combined with grade scoring sheets, model answers, and self-reflection improved many law students’ final exam performance on an Evidence exam by nearly the equivalent of a full letter grade).

82. Funk, supra note 5, at 91.

B. Reliability

Reliability—i.e., consistency in rubric application within a course and across courses—presents challenges. The rubrics require a level of subjective judgment, just like that involved when grading an essay question or student performance. Some faculty may assess the same student work differently. The variability in raters' assessments of the same student work leads to potential reliability problems with the data.

Faculty using the rubric outcome measures assessment method may find it helpful to develop training sessions or web-based training modules. Among the usual types of training are the following: Rater-error training usually involves a lecture and brief discussion about common rater errors such as leniency bias and the halo effect; performance-dimension training involves helping to clarify a particular dimension, competency, or skills via examples such as written vignettes, videos, or role plays; frame-of-reference training involves the faculty raters applying the rubric to sample student work and discussing discrepancies among raters to reach a better shared understanding.

84. Id. at 572 (noting that reliability is the degree to which the test is consistent, generalizable, and reproducible over time).

85. See David J. Woehr & Allen I. Huffcutt, Rater Training for Performance Appraisal: A Quantitative Review, 67 J. OCCUPATIONAL AND ORGANIZATIONAL PSYCHOL. 189, 189 (1994) (noting that most performance measurement relies upon subjective judgments, which introduces "a great deal of distortion into the measurement process.").

86. Id. at 190.

87. Training videos may be available on YouTube. For example, a good training video about the various types of biases that can lead to inaccurate ratings can be found at Smart Church Management, Rater Errors, YouTube (Feb. 16, 2016), https://www.youtube.com/watch?v=hrjuUheakso. Rater training sessions are not a panacea but do prove somewhat effective in addressing variability in raters' judgments. Woehr and Huffcutt, supra note 85, at 198-99.

88. Moshe Feldman et al., Rater Training to Support High-Stakes Simulation-Based Assessments, 32 J. CONTINUING EDUC. HEALTH PROFESSIONS 275, 281 (2012).

89. Leniency bias is the "tendency to assign performance ratings that are more generous than might be justified." Kevin H.C. Cheng et al., Leniency Bias in Performance Ratings: The Big Five Correlates, 8 FRONTIER PSYCHOL., art. 521, 2017, at 1, 2.


91. Feldman et al., supra note 88 at 281-82, gives the following example: "An example of PDT for a simulation-based assessment of teamwork might include a short lecture describing teamwork in health care and specific behaviors that constitute teamwork (eg, monitoring, giving information). Video examples or vignettes may be used to provide specific examples of giving information so that raters learn to associate similar visual behavioral cues with the dimension being evaluated." This kind of training may be particularly useful when assessing oral communication and client interaction skills.
of the rubric's application. Faculty training could consist of one or all of these training methodologies.

Ideally, the training helps faculty reach some level of consensus about rubric application. It also provides an opportunity for faculty to think deeply and discuss openly expectations about student learning. However, even with training, faculty variability in rubric application undoubtedly will exist. If a faculty finds this variability troubling, it can explore ways to help ensure greater consistency in rubric application via inter-rater reliability checks. For example, faculty teaching the same course could exchange papers and apply the rubric to each others’ students’ work to ensure some level of consistency in rubric application. Or, a dean could appoint a committee of evaluators who could apply the rubric to random samples of student work. The committee members’ assessments could be compared with the faculty assessments to see if there was a statistically acceptable level of consistency—i.e., whether there was an acceptable level of interrater agreement. Alternatively, rather than have faculty members apply the rubrics to their own students’ work, schools could appoint a committee to evaluate students’ performance across a range of classes. Trained evaluator committee members would apply rubrics to a random sample of student work from various courses and would engage in inter-rater reliability checks to ensure consistency in rubric application amongst evaluators.

92. Id. at 282.

93. At GSU COL, our initial training was via a brown bag lunch at the end of the semester. We invited those faculty who would be applying the rubric to finals and papers that semester. Because many GSU COL faculty members have limited familiarity with the theory underlying outcome measures assessment, the assessment committee kept the training fairly simple. We explained the purpose of the outcome measures assessment process, discussed how to apply the rubric, and talked briefly about some grading biases such as leniency bias and halo effect. As the faculty becomes more familiar with the outcome measures assessment process we may add additional training modules. However, at the outset, our goal was to keep it relatively simple and build faculty buy in. Other faculties may wish to do more extensive training at the outset, especially if a faculty has reliability concerns. The extent of training should be a function of each school’s culture and concerns.

94. Rater training sessions are helpful but not a panacea when it comes to increasing reliability and validity of rater’s assessments. Feldman et al., supra note 88, at 284.

95. One method to verify consistency is to ask different graders to assess the same piece of work and then perform statistical analyses to ensure consistency amongst the graders. See Value Report, supra note 20, at 30 (discussing how they found a strong to moderate interrater reliability via double scoring some student work and running statistical analyses on the raters’ scores).

96. The term “interrater reliability” is used to describe consistency among graders when assessing the same piece of work. Some assessors differentiate between interrater reliability and interrater agreement. They note that interrater reliability refers to rank order or relative standing of performance evaluations without regard to the actual score, while interrater agreement refers to whether evaluators using the same rubric to assess the same work product arrive at the same absolute value score. Matthew Graham et al., Measuring and Promoting Inter-Rater Agreement of Teacher and Principal Performance Ratings (2012), http://files.eric.ed.gov/fulltext/ED539068.pdf.
Any of these methods would enhance reliability. However, given that faculty members’ areas of expertise often do not overlap, faculty may be reluctant to assess students’ performance in a class outside their expertise. Additionally, some faculty members may be uncomfortable with a system in which colleagues assess one another’s students’ performance and, at least implicitly, assess the quality of a given faculty member’s exam questions. Because outcome-assessment data are not being used in a high-stakes assessment, schools may decide that asking faculty to assess their own students provides data that are useful, if not statistically unassailable. Alternatively, schools could present the various options to faculty and let them choose which best suits their ethos and goals.

In addition to variations in how different faculty may apply the rubric, other potential reliability flaws exist. For example, in upper-level non-required courses, student self-selection in course enrollment may affect the sample and thus the data. Additionally, given the cyclical nature of outcome-measures cycles, most schools are not tracking the same student cohorts from first-year to upper-level courses and thus have the confounding variable of different student samples. These, and other reliability issues, inevitably result in imperfect data. Faculties will have to balance considerations of faculty time, institutional resources, and costs against reliability concerns about student learning outcomes data. As faculties struggle with this balance, it is important remember that the goal of learning outcomes assessment is not to develop information for a publishable paper, or to rank students for employers, or to engage in other high stakes processes. Rather, the process seeks to provide an overview of student learning as it relates to a school’s learning outcomes in order to facilitate conversations about how to build upon strengths and how to improve student learning in areas of significant collective weakness.

IV. Frequency and Success

A. How Often Should We Assess Each Learning Outcome?

As Professor Funk notes, “[Y]ou cannot assess every learning outcome every year. Rather, you have to set up a cycle of assessment, one that is systematic and—most important—sustainable.” You need time to assess, take action on

97. “In general, researchers contend that the greater the consequences resulting from the evaluation, the greater the need for high rater inter-agreement.” Graham et al., supra note 96, at 9. A seventy-five percent to ninety percent rater agreement is ideal in situations where the assessment is used in high-stakes situations, such as when the assessment is used to allocate raises or in high-stakes testing. Id.

98. Schools particularly concerned about developing a high level of agreement in rubric application can develop more extensive trainings and use various statistical analytical methodologies to ensure accuracy. For an example of how to do that, see id. at 13-24.

99. See infra Part IVA (discussing the cyclical nature of outcome measures assessment).

100. Funk, supra note 5, at 55.
findings, and reassess. At GSU COL, we are assessing on a four-year cycle: two outcomes a year. For each outcome, we have a data-gathering year, then a year to analyze and report on the data and decide if and how we will make changes to remedy student weaknesses. We will have two years to implement those changes, and then we will reassess to see if the changes resulted in improvements in student learning. As we work through this process, we may decide that some outcomes should be assessed each year as part of our formative assessment process but should be formally studied only within the four-year cycle.

B. What Constitutes Success?

One question that inevitably arises is whether, to satisfy accreditors, schools must meet some benchmark for each learning outcome. To the extent accreditation standards require a bright-line benchmark—e.g., eighty percent of a school’s students should reach the “competent” level in all outcomes—they undercut the entire assessment process. Creating a bright-line accreditation benchmark may provide an incentive to check the “competent” box rather than use the entire process as one of critical examination and analysis of areas of strength and weakness. While it is important for faculty to set a “target level” of achievement to define expectations, it is equally important that initial failure to meet those target levels not be used by accreditors to evaluate law schools’ performance.

Accreditors and faculty should look at assessment as a process in which the true goal is thoughtful analysis of student learning and work to improve overall student learning. Accreditors could, and should, look skeptically at schools at which eighty percent of all students achieve all outcomes. That statistic might indicate either that schools’ outcomes are overly simplistic or that faculty may be engaging in “outcome assessment inflation.” Rather than look for a magic number, schools and accreditors should focus on the analysis of the data, the plan for improvement, and the implementation of that plan. Focusing on how faculty analyze and use the data comports with the idea that assessment is not measurement, but instead is an ongoing iterative process that seeks to improve student learning.

Conclusion

This essay lays out one method for gathering data on institutional outcome measures by using rubrics that complement existing faculty assessments. The process provides faculty with a relatively easy and low-cost method for

101. Id. at 55.
102. See appendix, Learning Outcome Plan.
103. Professor Funk suggests that educators generally should be satisfied when eighty percent of their students reach the "competent" level for a particular outcome and dissatisfied when sixty percent or less reach that level, and determine where in the "grey area" between sixty percent and eighty percent they target achievement depending upon the outcome being measured. Id. at 68.
beginning an institutional learning outcomes assessment process. The rubric method described herein also could be used as a formative assessment. While far from perfect, this method adapts what is being done in undergraduate and medical education arenas to the law school context and begins a process that will inform both faculty and students in ways that hopefully improve student learning.
Appendix—GSU COL Learning Outcome Plan, Draft Rubrics,\(^{104}\) and Assessment Cycle

**Outcome 1:** Graduates will demonstrate knowledge and comprehension of substantive and procedural laws generally, including rules of procedure, common law, statutory law, administrative law, and constitutional law.

**Criterion 1:** Identify, describe, and apply sources or relevant law to solve client problems and/or address policy issues.

**Criterion 2:** Identify, describe, and apply appropriate procedural steps and factual development to solve client problems and/or address policy issues.

**Outcome 2:** Graduates will demonstrate effective legal analysis and reasoning skills to address client problems and/or policy issues and achieve client objectives.\(^{105}\)

**Criterion 1:** Identify legal issues when presented with client problems and/or policy questions using applicable legal theory, rules, and facts.

**Criterion 2:** Critically evaluate the strengths and weaknesses of arguments.

<table>
<thead>
<tr>
<th>Where are we Measuring These Outcomes:</th>
<th>General Guidance for Evaluators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All sections of Torts, Civ Pro II, Contracts II, Administrative Law, Crim Pro Investigations, and Wills Trusts and Estates</td>
<td>Evaluate all students, including ILA, based upon the skill level our new graduates should possess. The following descriptors may help you think about the assessment in that context.</td>
</tr>
<tr>
<td></td>
<td><strong>Aspirational:</strong> Could be used in practice as written [only minor edits/changes needed]</td>
</tr>
<tr>
<td></td>
<td><strong>Competent:</strong> Could be used in practice with some editing by a supervising attorney</td>
</tr>
<tr>
<td></td>
<td><strong>Developing:</strong> Could be used in practice with substantial editing/rewriting</td>
</tr>
<tr>
<td></td>
<td><strong>Critical Deficiencies:</strong> Could not be used in practice</td>
</tr>
</tbody>
</table>

104. This appendix contains draft rubrics for numerous GSU COL outcomes. The rubric drafting process remains a work in progress. Because different faculty members drafted different rubrics, rubric formats vary somewhat. Our assessment committee may decide to change the rubrics so that rubrics for all outcomes have an identical format or we may decide that the variation is appropriate given that the rubrics measure different skills.

105. The rubric drafting process also helps inform learning outcomes. For example, this outcome originally included having students "engage in risk assessment." However, the committee believed that at this time not enough courses teach or assess this skill. Thus we recommended that we not include this phrase in our current learning outcomes and instead we asked the faculty to incorporate this skill into their teaching and assessment so that it later can become a learning outcome.
### Rubric: Outcomes 1 and 2

<table>
<thead>
<tr>
<th>Competency</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledge of substantive &amp; procedural law</td>
<td>Demonstrates IN-DEPTH knowledge and understanding of ALL applicable legal &amp; procedural rules</td>
<td>Demonstrates SOLID knowledge &amp; understanding of MOST applicable legal &amp; procedural rules</td>
<td>Demonstrates ADEQUATE knowledge &amp; understanding of SOME applicable legal &amp; procedural rules</td>
<td>Demonstrates MINIMAL knowledge &amp; understanding of the applicable legal &amp; procedural rules</td>
<td>N/A</td>
</tr>
<tr>
<td>Legal Analysis: Issue-spotting</td>
<td>Spots &amp; analyzes ALL RELEVANT legal issues &amp; NO irrelevant issues</td>
<td>Spots &amp; analyzes MOST issues; RARELY analyzes irrelevant issues</td>
<td>Spots &amp; analyzes SOME issues; SOMETIMES analyzes irrelevant issues</td>
<td>Spots &amp; analyzes FEW relevant &amp;/or MANY irrelevant issues</td>
<td>N/A</td>
</tr>
<tr>
<td>Legal Analysis: Use of facts</td>
<td>Uses ALL or MOST applicable facts &amp; DOES NOT use inapplicable facts</td>
<td>Uses MANY applicable facts &amp; RARELY uses inapplicable facts</td>
<td>USES SOME uses applicable facts &amp; SOMETIMES uses inapplicable facts</td>
<td>Uses facts SPARINGLY &amp;/or OFTEN uses inapplicable facts</td>
<td>N/A</td>
</tr>
<tr>
<td>Legal Analysis: Critical reasoning</td>
<td>Arguments ALWAYS relate to question asked</td>
<td>Arguments USUALLY relate to question asked</td>
<td>Arguments SOMETIMES relate to question asked</td>
<td>Arguments OFTEN UNRELATED to question asked</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>ALWAYS accounts for all sides &amp; perspectives</td>
<td>OFTEN accounts for all sides &amp; perspectives</td>
<td>SOME accounts for all sides &amp;pectives</td>
<td>RARELY accounts for all sides &amp; perspectives</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Engages in STRONG critical analysis of most/all sides of each issue</td>
<td>Engages in SOLID critical analysis of SOME issues</td>
<td>Engages in OCCASIONAL critical analysis of SOME issues</td>
<td>Largely DEVOID of critical analysis of applicable issues</td>
<td>N/A</td>
</tr>
<tr>
<td>Legal Analysis: Policy</td>
<td>CONSISTENTLY uses policy arguments where applicable</td>
<td>SOMETIMES uses policy arguments when applicable</td>
<td>RARELY uses applicable policy arguments</td>
<td>DOES NOT MAKE policy arguments</td>
<td>N/A</td>
</tr>
</tbody>
</table>

---

106. This rubric was initially drafted by Professors Andrea A. Cucio and Deans Wendy Hensel and Jessica Gabel Cino.
**Outcome 3:** Graduates will conduct legal research effectively and efficiently.

**Criterion 1:** Find information through effective and efficient research strategies, including consideration of time and cost limitations.

**Criterion 2:** Critically evaluate information and sources, including hierarchy and weight of authority.

**Criterion 3:** Apply information effectively to a specific issue or need.

<table>
<thead>
<tr>
<th>Where are we Measuring These Outcomes:</th>
<th>General Guidance for Evaluators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Bibliography; upper-level writing requirement courses</td>
<td><strong>Aspirational:</strong> Student produces superior work product demonstrating likely success in performing independently in a professional setting with minimal supervision.</td>
</tr>
<tr>
<td></td>
<td><strong>Competent:</strong> Student produces competent work product demonstrating likely success in performing independently in a professional setting with some employer supervision and some additional training.</td>
</tr>
<tr>
<td></td>
<td><strong>Developing:</strong> Student produces satisfactory work product demonstrating progress toward developing the necessary skills to perform independently in a professional setting, but also demonstrating the need for additional skills development and substantial employer supervision.</td>
</tr>
<tr>
<td></td>
<td><strong>Critical Deficiencies:</strong> Student's work product demonstrates insufficient progress toward developing the necessary skills to perform independently in a professional setting, even with employer supervision.</td>
</tr>
</tbody>
</table>
### Rubric: Outcome 3\(^{107}\)

<table>
<thead>
<tr>
<th>Competency</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ability to identify primary legal information sources &amp; explain the processes by which they are disseminated</strong></td>
<td>Almost always identifies &amp; distinguishes among statutes, cases, regulations, ordinances, &amp; other primary materials; can explain the legislative, quasi-legislative, judicial, or regulatory processes by which they are made &amp; disseminated</td>
<td>Usually identifies &amp; distinguishes among statutes, cases, regulations, ordinances, &amp; other primary materials; recognizes other potential sources of primary authority, including local law; can explain most of the legislative, quasi-legislative, judicial, or regulatory processes by which they are made &amp; disseminated</td>
<td>Sometimes identifies &amp; distinguishes among statutes, cases, regulations, ordinances, &amp; other primary materials; possesses some knowledge of the legislative, quasi-legislative, judicial, or regulatory processes by which they are made &amp; disseminated</td>
<td>Rarely identifies &amp; distinguishes among statutes, cases, regulations, ordinances, &amp; other primary materials; rarely can describe the creation &amp; publication processes of primary authority</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Ability to use tools, indices, &amp; other finding aids to efficiently find authority</strong></td>
<td>Almost always uses an appropriate &amp; efficient tool, index, or other finding aid</td>
<td>Usually uses an appropriate &amp; efficient tool, index, or other finding aid</td>
<td>Sometimes uses an appropriate &amp; efficient tool, index, or other finding aid</td>
<td>Rarely uses an appropriate &amp; efficient tool, index, or other finding aid</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Ability to exhibit familiarity with the landscape of legal secondary sources &amp; ability to select appropriate secondary source for particular research task or stage of research</strong></td>
<td>Almost always selects the appropriate secondary source publication(s) &amp; types of secondary sources for stage &amp; type of research task</td>
<td>Usually selects the appropriate secondary source publication(s) &amp; types of secondary sources for stage &amp; type of research task</td>
<td>Sometimes selects the appropriate secondary source publication(s) &amp; types of secondary sources for stage &amp; type of research task</td>
<td>Rarely selects the appropriate secondary source publication(s) &amp; types of secondary sources for stage &amp; type of research task</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Ability to choose appropriate research strategy including considerations of system, format, source, platform, cost, time, &amp; other externalities</strong></td>
<td>Almost always chooses the most efficient &amp; effective research strategy</td>
<td>Usually chooses the most efficient &amp; effective research strategy</td>
<td>Occasionally chooses the most efficient &amp; effective research strategy</td>
<td>Rarely chooses the most efficient or most effective research strategy</td>
<td>N/A</td>
</tr>
</tbody>
</table>

---

107. This rubric was initially drafted by the Georgia State University College of Law librarians Kris Niedringerhaus, Pam Brannon, Meg Butler, Jonathan Germann, Terrance Manion, and Patrick Parsons.
<table>
<thead>
<tr>
<th>Competency</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to evaluate the appropriate resource(s), including weight of authority, hierarchy, validity, &amp; relationships among different sources</td>
<td>Selects &amp; leverages all available essential authority</td>
<td>Selects &amp; uses essential persuasive authority</td>
<td>Selects &amp; uses some persuasive authority but misses important resources</td>
<td>Fails to select &amp; use essential persuasive authority</td>
<td>N/A</td>
</tr>
<tr>
<td>Ability to produce a complete research project, including a research plan, secondary authority, primary authority, updating, &amp; knowing when to stop researching</td>
<td>Student work product demonstrates use of a comprehensive research strategy addressing needs for primary &amp; secondary authority &amp; updating sources consulted for continued validity</td>
<td>Can perform all essential tasks, but lacks completeness—i.e., misses secondary sources, does not check pending legislation, does not know when to stop researching</td>
<td>Can produce a research project with adequate performance in finding primary authority, but lacking in tertiary tasks</td>
<td>Cannot complete a reliable research project; lacks adequate location of primary law or significant number of tertiary tasks</td>
<td>N/A</td>
</tr>
<tr>
<td>Ability to distinguish between a legal issue &amp; a factual issue</td>
<td>Almost always differentiates correctly between legal analysis &amp; related facts</td>
<td>Usually differentiates correctly between legal analysis &amp; related facts</td>
<td>Sometimes differentiates correctly between legal analysis &amp; related facts</td>
<td>Rarely differentiates correctly between legal analysis &amp; related facts</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Outcome 4: Graduates will communicate effectively and professionally in a variety of settings.

Criterion 1: Compose well-written documents and memoranda.

Criterion 2: Adapt speaking and writing to audience and circumstance.

<table>
<thead>
<tr>
<th>Where are we Measuring These Outcomes:</th>
<th>General Guidance for Evaluators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyering Foundations; Lawyering Advocacy</td>
<td><strong>Aspirational:</strong> Student produces superior work product demonstrating likely success in performing independently in a professional setting with minimal supervision.</td>
</tr>
<tr>
<td></td>
<td><strong>Competent:</strong> Student produces competent work product demonstrating likely success in performing independently in a professional setting with some employer supervision and some additional training.</td>
</tr>
<tr>
<td></td>
<td><strong>Developing:</strong> Student produces satisfactory work product demonstrating progress toward developing the necessary skills to perform independently in a professional setting, but also demonstrating the need for additional skills development and substantial employer supervision.</td>
</tr>
<tr>
<td></td>
<td><strong>Critical Deficiencies:</strong> Student's work product demonstrates insufficient progress toward developing the necessary skills to perform independently in a professional setting even with employer supervision.</td>
</tr>
<tr>
<td></td>
<td><strong>N/A:</strong> Not a significant component of the experiences</td>
</tr>
</tbody>
</table>

**Rubric: Outcome 4**

<table>
<thead>
<tr>
<th>Competency</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to demonstrate appropriate style</td>
<td>CONSISTENTLY employs clear &amp; precise communication tools, demonstrating attention to detail &amp; utilizing proper language, grammar, punctuation, &amp;/or style conventions</td>
<td>OFTEN employs clear &amp; precise communication tools, demonstrating attention to detail &amp; utilizing proper language, grammar, punctuation, &amp;/or style conventions</td>
<td>SOMETIMES employs clear &amp; precise communication tools, demonstrating attention to detail &amp; utilizing proper language, grammar, punctuation, &amp;/or style conventions</td>
<td>RARELY employs clear &amp; precise communication tools, demonstrating attention to detail &amp; utilizing proper language, grammar, punctuation, &amp;/or style conventions</td>
<td>N/A</td>
</tr>
</tbody>
</table>

108. This rubric was initially developed by Professor Heather Slovensky and Dean Roy Sobelso.
<table>
<thead>
<tr>
<th>Competency</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to demonstrate rules compliance</td>
<td>CONSISTENTLY meets deadlines, follows provided directions, observes applicable rules, includes all required components, &amp; employs professional appearance</td>
<td>OFTEN meets deadlines, follows provided directions, observes applicable rules, includes all required components, &amp; employs professional appearance</td>
<td>SOMETIMES meets deadlines, follows provided directions, observes applicable rules, includes all required components, &amp; employs professional appearance</td>
<td>RARELY meets deadlines, follows provided directions, observes applicable rules, includes all required components, &amp; employs professional appearance</td>
<td>N/A</td>
</tr>
<tr>
<td>Ability to demonstrate effective organization</td>
<td>CONSISTENTLY presents ideas &amp; supporting information in logical order, utilizing an appropriate paradigm &amp; without unnecessary repetition</td>
<td>OFTEN presents ideas &amp; supporting information in logical order, utilizing an appropriate paradigm &amp; without unnecessary repetition</td>
<td>SOMETIMES presents ideas &amp; supporting information in logical order, utilizing an appropriate paradigm &amp; without unnecessary repetition</td>
<td>RARELY presents ideas &amp; supporting information in logical order, utilizing an appropriate paradigm &amp; without unnecessary repetition</td>
<td>N/A</td>
</tr>
<tr>
<td>Ability to demonstrate appropriate tone</td>
<td>CONSISTENTLY adapts tone &amp; detail to audience, purpose, &amp; context</td>
<td>OFTEN adapts tone &amp; detail to audience, purpose, &amp; context</td>
<td>SOMETIMES adapts tone &amp; detail to audience, purpose, &amp; context</td>
<td>RARELY adapts tone &amp; detail to audience, purpose, &amp; context</td>
<td>N/A</td>
</tr>
<tr>
<td>Ability to demonstrate proper use of authority</td>
<td>CONSISTENTLY selects &amp; utilizes sources wisely &amp; appropriately; properly attributes MOST ideas to relevant sources</td>
<td>OFTEN selects &amp; utilizes sources wisely &amp; appropriately; properly attributes MOST ideas to relevant sources</td>
<td>SOMETIMES selects &amp; utilizes sources wisely &amp; appropriately; properly attributes SOME ideas to relevant sources</td>
<td>RARELY selects &amp; utilizes sources wisely &amp; appropriately; properly attributes FEW ideas to relevant sources</td>
<td>N/A</td>
</tr>
<tr>
<td>Ability to recognize &amp; include necessary content</td>
<td>CONSISTENTLY demonstrates an understanding of proper scope of issue(s) or topic(s) addressed; articulates relevant concepts accurately &amp; comprehensively; supports observations, conclusions, &amp;/or arguments with a meaningful, thorough, &amp; focused discussion or analysis</td>
<td>OFTEN demonstrates an understanding of proper scope of issue(s) or topic(s) addressed; articulates relevant concepts accurately &amp; comprehensively; supports observations, conclusions, &amp;/or arguments with a meaningful, thorough, &amp; focused discussion or analysis</td>
<td>SOMETIMES demonstrates an understanding of proper scope of issue(s) or topic(s) addressed; articulates relevant concepts accurately &amp; comprehensively; supports observations, conclusions, &amp;/or arguments with a meaningful, thorough, &amp; focused discussion or analysis</td>
<td>RARELY demonstrates an understanding of proper scope of issue(s) or topic(s) addressed; articulates relevant concepts accurately &amp; comprehensively; supports observations, conclusions, &amp;/or arguments with a meaningful, thorough, &amp; focused discussion or analysis</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**Outcome 5:** Graduates will engage in active self-reflection and take ownership of their professional development.

**Criterion 1:** Listen actively and respond appropriately during group and one-on-one exchanges.

**Criterion 2:** Critically assess one's own contributions and take responsibility for individual work product and group outcomes.

**Criterion 3:** Manage projects by developing and implementing clear plans and efficient timelines.

<table>
<thead>
<tr>
<th>Where are we Measuring These Outcomes:</th>
<th>General Guidance for Evaluators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyering Advocacy, Clinics and Simulation Courses</td>
<td><strong>Aspirational:</strong> Student produces superior work product demonstrating likely success in performing independently in a professional setting with minimal supervision.</td>
</tr>
<tr>
<td></td>
<td><strong>Competent:</strong> Student produces competent work product demonstrating likely success in performing independently in a professional setting with some employer supervision and some additional training.</td>
</tr>
<tr>
<td></td>
<td><strong>Developing:</strong> Student produces satisfactory work product demonstrating progress toward developing the necessary skills to perform independently in a professional setting, but also demonstrating the need for additional skills development and substantial employer supervision.</td>
</tr>
<tr>
<td></td>
<td><strong>Critical Deficiencies:</strong> Student's work product demonstrates insufficient progress toward developing the necessary skills to perform independently in a professional setting even with employer supervision.</td>
</tr>
<tr>
<td></td>
<td><strong>N/A:</strong> Not a significant component of the experiences</td>
</tr>
</tbody>
</table>
Rubric: Outcome 5

<table>
<thead>
<tr>
<th>Criterion Competence</th>
<th>Proficiency Level</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aspirational</td>
<td>Competent</td>
<td>Developing</td>
</tr>
<tr>
<td>Criterion 1: Listen actively and respond appropriately during group and one-on-one exchanges</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to listen actively &amp; respond appropriately during group exchanges</td>
<td>ALWAYS articulates thoughtful responses to questions/ discussion</td>
<td>USUALLY articulates thoughtful responses to questions/ discussion</td>
<td>SOMETIMES articulates thoughtful responses to questions/ discussion</td>
</tr>
<tr>
<td>Ability to listen actively &amp; respond appropriately during one-on-one exchanges</td>
<td>ALWAYS articulates thoughtful responses to questions/ discussion</td>
<td>USUALLY articulates thoughtful responses to questions/ discussion</td>
<td>SOMETIMES articulates thoughtful responses to questions/ discussion</td>
</tr>
<tr>
<td>Criterion 2: Critically assess one’s own contributions and take responsibility for individual work product and group outcomes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to critically assess one’s own contributions to individual work product &amp; group outcomes (Part 1)</td>
<td>ALWAYS acknowledges &amp; identifies shortcomings, strengths, &amp; challenges</td>
<td>USUALLY acknowledges &amp; identifies shortcomings, strengths, &amp; challenges</td>
<td>SOMETIMES acknowledges &amp; identifies shortcomings, strengths, &amp; challenges</td>
</tr>
<tr>
<td>Ability to critically assess one’s own contributions to individual work product &amp; group outcomes (Part 2)</td>
<td>ALWAYS shows insight about personal areas of strength &amp; weakness, &amp; expresses how learning may be applied in future situations to build on strengths &amp; address weaknesses</td>
<td>USUALLY shows insight about personal areas of strength &amp; weakness, &amp; expresses how learning may be applied in future situations to build on strengths &amp; address weaknesses</td>
<td>SOMETIMES shows insight about personal areas of strength &amp; weakness, &amp; expresses how learning may be applied in future situations to build on strengths &amp; address weaknesses</td>
</tr>
<tr>
<td>Ability to critically assess one’s own contributions to individual work product &amp; group outcomes (Part 3)</td>
<td>ALWAYS compares assignment expectations to assignment outcomes &amp; critically assesses any differences</td>
<td>USUALLY compares assignment expectations to assignment outcomes &amp; critically assesses any differences</td>
<td>SOMETIMES compares assignment expectations to assignment outcomes &amp; critically assesses any differences</td>
</tr>
</tbody>
</table>

109. This outcome was initially drafted by Professors Lisa Bliss and Robert Weber.
<table>
<thead>
<tr>
<th>Ability to manage projects by developing &amp; implementing clear plans</th>
<th>ALWAYS</th>
<th>USUALLY</th>
<th>SOMETIMES</th>
<th>RARELY</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>identifies tasks appropriate to scope &amp; demands of project, formulates &amp; tracks progress with respect to plans for executing assignments</td>
<td>identifies tasks appropriate to scope &amp; demands of project, formulates &amp; tracks progress with respect to plans for executing assignments</td>
<td>identifies tasks appropriate to scope &amp; demands of project, formulates &amp; tracks progress with respect to plans for executing assignments</td>
<td>identifies tasks appropriate to scope &amp; demands of project, formulates &amp; tracks progress with respect to plans for executing assignments</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ability to manage projects by developing &amp; implementing efficient timelines</th>
<th>ALWAYS</th>
<th>USUALLY</th>
<th>SOMETIMES</th>
<th>RARELY</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>develops realistic assignment deadlines &amp; meets them</td>
<td>develops realistic assignment deadlines &amp; meets them</td>
<td>develops realistic assignment deadlines &amp; meets them</td>
<td>develops realistic assignment deadlines &amp; meets them</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
Outcome 6: Graduates will demonstrate effective and professional engagement with clients, colleagues, opposing counsel, judges, and others.

Criterion 1: Demonstrate respect for clients, colleagues, opposing counsel, judges and others.

Criterion 2: Demonstrate the ability to work effectively as a member of a team.

<table>
<thead>
<tr>
<th>Where are we Measuring These Outcomes:</th>
<th>General Guidance for Evaluation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-house Clinics, Experiential Courses; Externships</td>
<td><strong>Aspirational:</strong> Student successfully employs strategies and practices, on own initiative, in most new circumstances.</td>
</tr>
<tr>
<td></td>
<td><strong>Competent:</strong> Student successfully employs strategies and practices, as coached by supervising attorney or faculty member, in most new circumstances.</td>
</tr>
<tr>
<td></td>
<td><strong>Developing:</strong> Student successfully employs strategies and practices, as coached by supervising attorney or faculty member, in some new circumstances.</td>
</tr>
<tr>
<td></td>
<td><strong>Critical Deficiencies:</strong> Student does not successfully employing strategies and practices in new circumstances even with guidance and coaching.</td>
</tr>
<tr>
<td></td>
<td>N/A: Not a significant component of the experience.</td>
</tr>
</tbody>
</table>

Rubric: Outcome 6110
Please identify which of the following criteria apply to your course (check all that apply)

<table>
<thead>
<tr>
<th></th>
<th>Experiential [includes externships and experiential learning not covered in categories 2-4]</th>
<th>Students work with live clients</th>
<th>Course involves simulations of live-client representations</th>
<th>Students gain experience in a pro bono setting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ability to demonstrate respect for clients</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keeps client informed, understands &amp; inquires about client objectives, utilizes appropriate tone &amp; deals with difficult circumstances in ALL or MOST circumstances on own initiative</td>
<td>Keeps client informed, understands &amp; inquires about client objectives, utilizes appropriate tone &amp; deals with difficult circumstances in MOST new circumstances with appropriate coaching</td>
<td>Keeps client informed, understands &amp; inquires about client objectives, utilizes appropriate tone &amp; deals with difficult circumstances in SOME new circumstances with appropriate coaching</td>
<td>DOES NOT keep client informed, understand or inquire about client objectives, utilize appropriate tone or deal with difficult circumstances in MOST circumstances with coaching</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to demonstrate</td>
<td>Is prepared, contributes to final work product, communicates in a timely &amp;</td>
<td>Is prepared, contributes to final work product, communicates in a timely</td>
<td>IS NOT prepared, contributing to final work product, or communicating in</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>respect for colleagues</td>
<td>respectful manner in ALL or MOST circumstances on own initiative</td>
<td>respectful manner in MOST new circumstances with appropriate coaching</td>
<td>a timely &amp; respectful manner in MOST circumstances on own initiative</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to demonstrate</td>
<td>Is prepared, communicates in a timely manner, &amp; uses appropriate business</td>
<td>Is prepared, communicates in a timely manner, &amp; uses appropriate business</td>
<td>IS NOT prepared, communicating in a timely manner, or using an appropriate</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>respect for opposing counsel</td>
<td>professional tone &amp; respectful manner in ALL or MOST circumstances on own</td>
<td>professional tone &amp; respectful manner in MOST new circumstances with</td>
<td>professional tone &amp; respectful manner in MOST circumstances with</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>initiative</td>
<td>appropriate coaching</td>
<td>coaching</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to demonstrate</td>
<td>Is prepared, meets deadlines, observes appropriate procedures &amp; uses a</td>
<td>Is prepared, meets deadlines, observes appropriate procedures &amp; uses a</td>
<td>IS NOT prepared, does not meet deadlines, does not observe appropriate</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>respect for adjudicative</td>
<td>professional &amp; deferential tone in ALL or MOST circumstances on own</td>
<td>professional &amp; deferential tone in MOST new circumstances with appropriate</td>
<td>professional &amp; deferential tone in MOST circumstances with</td>
<td></td>
<td></td>
</tr>
<tr>
<td>tribunals/judges</td>
<td>initiative</td>
<td>coaching</td>
<td>coaching</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ability to work effectively</td>
<td>Keeps team members informed, follows office/course procedures, accepts</td>
<td>Keeps team members informed, follows office/course procedures, accepts</td>
<td>DOES NOT keep team members informed, follow office/course procedures,</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>as a team member</td>
<td>feedback well &amp; listens thoughtfully, is responsive to requests &amp; team needs,</td>
<td>feedback well &amp; listens thoughtfully, is responsive to requests &amp; team</td>
<td>feedback well &amp; listens thoughtfully, respond to requests &amp; team needs, or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>&amp; substantively contributes to final work product in ALL or MOST</td>
<td>needs, &amp; substantively contributes to final work product in MOST new</td>
<td>substantively contribute to final work product in MOST</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>circumstances on own initiative</td>
<td>circumstances with appropriate coaching</td>
<td>circumstances with appropriate coaching</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Outcome 7:** Graduates will demonstrate professionalism through conduct consistent with their ethical obligations and professional responsibilities.

**Criterion 1:** Explain and apply the rules and standards of professional conduct.

**Criterion 2:** Recognize the leadership role and responsibility that attorneys play in maintaining the rule of law and upholding justice.

<table>
<thead>
<tr>
<th>Where are we Measuring These Outcomes:</th>
<th>General Guidance for Evaluators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All courses that satisfy the Professional Responsibility requirement</td>
<td>Evaluate all students based upon the skill level our new graduates should possess</td>
</tr>
<tr>
<td>All Clinics</td>
<td></td>
</tr>
<tr>
<td>Experiential courses TBD</td>
<td></td>
</tr>
<tr>
<td>Fundamentals of Law Practice</td>
<td></td>
</tr>
</tbody>
</table>

**Rubric: Outcome 7**

<table>
<thead>
<tr>
<th>Competency</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognizes and understands the fundamental precepts of a successful lawyer-client relationship</td>
<td>Always/almost always recognizes and fully articulates the elements of the formation and continuation of a successful attorney client relationship</td>
<td>Often recognizes and adequately articulates the elements of the formation and continuation of a successful attorney client relationship</td>
<td>Sometimes recognizes and articulates the basic elements of the formation and continuation of a successful attorney client relationship</td>
<td>Seldom or never recognizes or understands the basic elements of the formation and continuation of a successful attorney client relationship</td>
<td>N/A</td>
</tr>
<tr>
<td>Demonstrates ability to employ fundamental precepts of a successful lawyer client relationship</td>
<td>Always/almost always demonstrates a commitment to conforming to high standards of lawyer competence</td>
<td>Usually demonstrates a commitment to conforming to high standards of lawyer competence</td>
<td>Sometimes demonstrates a commitment to conforming to high standards of lawyer competence</td>
<td>Seldom demonstrates a commitment to conforming to high standards of lawyer competence</td>
<td>N/A</td>
</tr>
<tr>
<td>Demonstrates knowledge of the duty of confidentiality and attorney client privilege</td>
<td>Always/almost always recognizes confidentiality issues of all types</td>
<td>Usually recognizes confidentiality issues of all types</td>
<td>Sometimes recognizes confidentiality issues of all types</td>
<td>Rarely or never recognizes confidentiality issues of all types</td>
<td>N/A</td>
</tr>
</tbody>
</table>

---

This rubric was initially drafted by Professors William (Ted) Aifield, Kris Niedringhaus, Caren Morrison, and Dean Roy Sobelson.
<table>
<thead>
<tr>
<th>Competency</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demonstrates ability to act in accordance with duty of confidentiality and attorney-client privilege</td>
<td>Always/ almost always fully explains implications of the duty and privilege and takes or articulates appropriate action under the circumstance</td>
<td>Usually fully explains implications of the duty and privilege and takes or articulates appropriate action under the circumstance</td>
<td>Sometimes adequately explains implications of the duty and privilege and takes or articulates appropriate action under the circumstance</td>
<td>Seldom adequately explains implications of the duty and privilege and takes or articulates appropriate action under the circumstance</td>
<td>N/A</td>
</tr>
<tr>
<td>Demonstrates knowledge of conflicts of interest</td>
<td>Always/ almost always recognizes conflicts of interest</td>
<td>Usually recognizes conflicts of interest</td>
<td>Sometimes recognizes conflicts of interest</td>
<td>Seldom recognizes conflicts of interest</td>
<td>N/A</td>
</tr>
<tr>
<td>Demonstrates ability to explain and take appropriate action if conflict of interest exists</td>
<td>Always/ almost always demonstrates ability to fully explain consequences of conflicts of interest and take or articulate appropriate actions under the circumstances</td>
<td>Usually demonstrates ability to adequately explain consequences of conflicts of interest and take or articulate appropriate actions under the circumstances</td>
<td>Sometimes demonstrates ability to adequately explain consequences of conflicts of interest and take or articulate appropriate actions under the circumstances</td>
<td>Rarely demonstrates ability to explain consequences of conflicts of interest and take or articulate appropriate actions under the circumstances</td>
<td>N/A</td>
</tr>
<tr>
<td>Demonstrates knowledge of lawyer's responsibilities in handling client funds and other property</td>
<td>Demonstrates full and nuanced understanding of how to properly handle client funds and other property</td>
<td>Demonstrates adequate understanding of how to properly handle client funds and other property</td>
<td>Demonstrates basic understanding of how to properly handle client funds and other property</td>
<td>Demonstrates little or no understanding of how to properly handle client funds and other property</td>
<td>N/A</td>
</tr>
<tr>
<td>Demonstrates knowledge and understanding of the need to balance duties to clients, tribunals and third parties</td>
<td>Demonstrates full and nuanced ability to recognize and conform one's behaviors to the requirements of diligent representation in both litigation and/or transactional settings</td>
<td>Demonstrates adequate ability to recognize and conform one's behaviors to the requirements of diligent representation in both litigation and/or transactional settings</td>
<td>Demonstrates basic ability to recognize and conform one's behaviors to the requirements of diligent representation in both litigation and/or transactional settings</td>
<td>Demonstrates little if any ability to recognize and conform one's behaviors to the requirements of diligent representation in both litigation and/or transactional settings</td>
<td>N/A</td>
</tr>
<tr>
<td>Demonstrates knowledge and understanding of the leadership role and responsibilities attorneys have in maintaining the rule of law and upholding justice</td>
<td>Demonstrates full and nuanced understanding of lawyers' leadership roles and their role in maintaining the rule of law and upholding justice</td>
<td>Demonstrates adequate understanding of lawyers' leadership roles and their role in maintaining the rule of law and upholding justice</td>
<td>Demonstrates basic understanding of lawyers' leadership roles and their role in maintaining the rule of law and upholding justice</td>
<td>Demonstrates little, if any, understanding of lawyers' leadership roles and their role in maintaining the rule of law and upholding justice</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**Outcome 8:** Graduates will demonstrate awareness of their responsibility to promote access to justice and to provide pro-bono services.

**Criterion:** Articulate the challenges inherent in securing affordable, quality legal representation in the United States.

<table>
<thead>
<tr>
<th>Where are we Measuring These Outcomes:</th>
<th>General Guidance for Evaluators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All courses that satisfy the Professional Responsibility requirement</td>
<td>Evaluate all students based upon the skill level our new graduates should possess</td>
</tr>
<tr>
<td>These outcomes may also be measured by tracking student self-reported pro-bono hours and potentially tracking attendance at law school events that focus on pro-bono or access to justice issues</td>
<td></td>
</tr>
</tbody>
</table>

**Rubric: Outcome 8**

<table>
<thead>
<tr>
<th>Competency</th>
<th>Aspirational</th>
<th>Competent</th>
<th>Developing</th>
<th>Critical Deficiencies</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demonstrates knowledge of structural barriers to quality legal representation</td>
<td>Demonstrates in-depth familiarity with many challenges that limit access to competent, affordable representation such as resource constraints, lack of Legal Aid offices or public defenders; fee caps; lack of right to counsel in civil cases; politically unpopular clients or cases; etc.</td>
<td>Demonstrates adequate familiarity with the many challenges that limit access to competent, affordable representation such as resource constraints, lack of Legal Aid offices or public defenders; fee caps; lack of right to counsel in civil cases; politically unpopular clients or cases; etc.</td>
<td>Demonstrates basic familiarity with the many challenges that limit access to competent, affordable representation such as resource constraints, lack of Legal Aid offices or public defenders; fee caps; lack of right to counsel in civil cases; politically unpopular clients or cases; etc.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Demonstrates awareness of a lawyer's duty to engage in pro-bono work; the societal value of pro-bono work and what pro-bono work encompasses</td>
<td>Demonstrates in-depth understanding of what constitutes pro-bono; its societal value; lawyer's pro-bono duties; and how pro-bono work can be incorporated into one's professional life</td>
<td>Demonstrates adequate understanding of what constitutes pro-bono; its societal value; lawyer's pro-bono duties; and how pro-bono work can be incorporated into one's professional life</td>
<td>Demonstrates some understanding of what constitutes pro-bono; its societal value; lawyer's pro-bono duties; and how pro-bono work can be incorporated into one's professional life</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Identifies concrete steps to enhance access to justice and legal representation</td>
<td>Demonstrates complex and nuanced awareness of specific steps that could be taken to enhance access to justice</td>
<td>Demonstrates adequate awareness of specific steps that could be taken to enhance access to justice</td>
<td>Demonstrates some awareness of specific steps that could be taken to enhance access to justice</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

N/A
TIMETABLE FOR ASSESSMENT

2017  Outcomes 1, 2 data collected
2018  Outcomes 1, 2 data reviewed; Outcomes 3, 4 data collected
2019  Outcomes 3, 4 data reviewed; Outcomes 5, 6 data collected
2020  Outcomes 5, 6 data reviewed; Outcomes 7, 8 data collected
2021  Outcomes 7, 8 data reviewed; Outcomes 1, 2 data collected
Georgia State University College of Law
Externship Program
Student Performance Evaluation Form

<table>
<thead>
<tr>
<th>Name of Student</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Supervising Attorney</td>
<td></td>
</tr>
<tr>
<td>Signature of Supervising Attorney</td>
<td></td>
</tr>
<tr>
<td>Externship Site</td>
<td></td>
</tr>
<tr>
<td>Supervising Attorney Phone/Email</td>
<td></td>
</tr>
<tr>
<td>Semester and Calendar Year</td>
<td></td>
</tr>
</tbody>
</table>

Assessment Categories

<table>
<thead>
<tr>
<th>Exemplary (Practice Ready)</th>
<th>Competent</th>
<th>Developing</th>
<th>Needs Significant Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excellent work for a law student. The student has the skills necessary to excel as a new lawyer. In practice, the student would perform well with minimal supervision.</td>
<td>Proficient work for a law student. The student has sufficient skills to be competent as a new lawyer. In practice, the student would need some input from an experienced attorney.</td>
<td>Adequate work for a law student. The student needs to develop skills to be competent as a new lawyer. In practice, the student would need substantial input from an experienced attorney.</td>
<td>Unsatisfactory work for a law student. The student's work is not helpful. The student is not prepared to work as a new lawyer. The student needs substantial development of skills to be competent as a new lawyer.</td>
</tr>
</tbody>
</table>

As applied to the professionalism component of this evaluation, the student acted in a manner that comports with the level of professionalism expected of an attorney working in your office.

As applied to the professionalism component of this evaluation, the student acted in a manner expected of a law student. The student would need to increase minimally the level of professionalism if working as an attorney.

As applied to the professionalism component of this evaluation, the student acted in a manner that minimally satisfied your expectations of a law student. The student would need to increase substantially his or her level of professionalism if working as an attorney.

As applied to the professionalism component of this evaluation, the student's performance was not what you would expect of a law student.
<table>
<thead>
<tr>
<th>Research and Analysis Skills</th>
<th>N/A</th>
<th>Exemplary</th>
<th>Competent</th>
<th>Developing</th>
<th>Needs Significant Work</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal Research Skills:</strong> found correct sources; stated relevant law from appropriate authorities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Legal Analytical Ability:</strong> correctly identified and analyzed legal issues based upon relevant law and policy; made appropriate comparisons and distinctions to the case at hand based upon the applicable law and policy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Problem Solving Skills:</strong> identified the relevant facts and issues and explored all potentially viable options given the facts, issues, and law</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transactional Drafting:</strong> drafted agreements carefully, used proper word choice, and edited to ensure that agreements accurately reflected the parties’ understandings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Factual Research Skills:</strong> identified and used the appropriate factual research skills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Organization of Written Work:</strong> clearly and logically organized and easy to follow</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Writing Style:</strong> used clear, concise, active language and had few if any grammatical errors or typos</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Formal Oral Presentation Skills (Presentations, Courtroom performance, etc.)</th>
<th>N/A</th>
<th>Exemplary</th>
<th>Competent</th>
<th>Developing</th>
<th>Needs Significant Work</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use of Law and Facts:</strong> used the relevant facts and law and made reasonable inferences and, where applicable, clearly explained the law and how it applied to the problem/case</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Organization: examination or presentation was structured logically, easy to follow, and had clear transitions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wording: used the active voice and persuasive language; avoided legalese; when examining witnesses, had appropriate use of leading and non-leading questions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling of questions: answered questions with ease; elaborated and explained when answering all questions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delivery: tone, pacing, physical gestures, and voice modulation contributed to the presentation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Informal Oral Presentations Skills (Oral reports, Discussion of legal issues, etc.)</th>
<th>N/A</th>
<th>Exemplary</th>
<th>Competent</th>
<th>Developing</th>
<th>Needs Significant Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wording: used the active voice and persuasive language; avoided legalese; when examining witnesses, had appropriate use of leading and non-leading questions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handling of questions: answered questions with ease; elaborated and explained when answering all questions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delivery: tone, pacing, physical gestures, and voice modulation contributed to the presentation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professionalism and Ethics</td>
<td>N/A</td>
<td>Exemplary</td>
<td>Competent</td>
<td>Developing</td>
<td>Needs Significant Work</td>
</tr>
<tr>
<td>==========================================================================================</td>
<td>-----</td>
<td>-----------</td>
<td>-----------</td>
<td>------------</td>
<td>------------------------</td>
</tr>
<tr>
<td><strong>Ethical Knowledge and Behavior:</strong> identified and analyzed ethical issues and informed supervisor of such; observed client confidentiality and other ethical rules</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Office Demeanor:</strong> followed office procedures; kept regular and dependable hours; was punctual; acted in a professional manner while at the externship site</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Time Management:</strong> met deadlines; managed time effectively</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Interaction with Others:</strong> interacted effectively and respectfully with lawyers, clients, staff, adversaries, and others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Learning from experience:</strong> asked appropriate questions; learned from feedback, critique, observations, and experience; reflected critically and honestly about own performance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Narrative Comments:**

1. For any area in which you marked "developing" or "needs significant work" as your assessment, please briefly explain your assessment.
2. Did the student produce any work that you felt was particularly superior or inferior? Please briefly explain.

3. What are this student's strengths?

4. What should this student work to improve?
REPORT ON COOLEY'S PROGRAM OF LEGAL EDUCATION THROUGH THE LENS OF THE EXTERNSHIP EXPERIENCE

The externship program is limited to students in their third year of law school to allow students to experience a “capstone” skills experience. The capstone experience integrates the knowledge, skills and ethics taught throughout the Cooley program of legal education.

In Michaelemas 2013, the externship office redrafted both the evaluation of the extern by their supervisor and the extern self-assessment. We have collected this data for nearly two years. We have responses from 665 externs and 657 site supervisors over a 5 term period (September 2013 through May 2015). The results of the final evaluations by the field supervisors and the final self-assessment by the students demonstrate that our students are performing well in practice settings, that they have been properly prepared to enter practice, and that they are genuinely satisfied with their legal education.

1. **Success of the Curriculum**

The final assessment, completed by 665 externs, confirms the success of our plan of legal education. The required first year curriculum is foundational, and teaches the basics to prepare our students for practice. Students were asked, “*As you prepare to enter the practice of law, which Cooley courses were the most helpful in your externship?*” The courses chosen were predominantly first year required courses. Every first year course was mentioned by more than one student.

Our upper level required courses build upon the foundational knowledge in the first year curriculum, and prepare our students for the rigor of practice. Students were asked, “*As you prepare to enter the practice of law, which courses have been most beneficial to your professional development?*” The courses chosen were predominantly upper level required courses with Personal and Professional Responsibility, Advanced Writing and Evidence receiving the highest number of responses. Interestingly, Business Organizations, Equity and Remedies, Tax, Wills and Secured Transactions were all specifically mentioned.

Our Skills curriculum is also seen by the students as important for the externship experience and for the students’ professional development. Skills classes figured strongly in the students’ responses to both questions, particularly Trial Skills and Pretrial Skills. When asked “*Which course do you wish you had taken – whether Cooley currently offers it or not?*” the class mentioned most was Trial Skills.

a. **KNOWLEDGE DEVELOPMENT**

As a capstone experience, it is expected that our externs will expand their knowledge in a field of law by working in a practice setting. The goal is being achieved. Students were asked, “*Did you expand your knowledge in a field of law?*” Ninety-five percent of the students chose “Greatly Expanded” or “Expanded.”
b. SKILL DEVELOPMENT

Students were asked which lawyering skills they had observed during their externship and which lawyering skills they developed or practiced during their externship. Every single student identified at least one skill in each category, and most students identified multiple skills.

When evaluating our externs' writing skills, 96% of the site supervisors reported that the extern produced a written work product. When asked to rate the quality of the externs' written work, the supervisors could choose between OUTSTANDING (Consistently Superior and Excellent Performance), VERY GOOD (Consistently better than Satisfactory Performance), SATISFACTORY (Consistently Acceptable Performance), FAIR (Generally satisfactory but sometimes unacceptable performance) and UNSATISFACTORY.

When rating the quality of our students' written work, 92% of the supervisors rated their writing as either Outstanding or Very Good. In five terms, not a single student has received an Unsatisfactory rating.

![Site Supervisors Rating Externs' Written Work]

- Outstanding
- Very Good
- Satisfactory
- Fair or Poor


c. ETHICS/PROFESSIONALISM DEVELOPMENT

Our field supervisors were asked questions about our students’ professionalism. There were four questions:

- *Is the extern timely when scheduled to work?*
- *Does the extern dress in appropriate attire?*
- *Does the extern speak and act in a professional manner?*
- *Overall, does the extern demonstrate professionalism in your office?*

Between 98% and 99% of 657 site supervisors (100%) answered YES to all four questions.
The externs were asked, "Did you expand your knowledge of professionalism – both good and bad lawyering?" The chart below reflects the answers, with 74% of the students reporting that they had greatly expanded and an additional 20% reporting that they had expanded their knowledge of professionalism.

2. Meeting the Goals of the Externship Program.

The clinical externship program at Cooley has several educational goals for its externs. These can be briefly described as:

1) Developing lawyering skills;
2) Gaining insight into various aspects of the legal system and profession;
3) Developing a sense of professional responsibility and professionalism; and
4) Improving the ability to reflect on and learn from their experience.

The extern, the site supervisor, and the professor are partners in the externship experience. They work together to help the extern achieve these goals.

Our externs are generally very happy with the level of supervision at their field placements. When asked, "How would you describe the level of supervision at your placement?" 88% reported that the supervision was Outstanding or Excellent. The students’ comments about their supervisors were glowing.

Our supervisors are also very happy with the performance of our externs. When they were asked, "Overall, how would you rate the extern’s performance?" 60% rated the students as OUTSTANDING (Consistently Superior and Excellent Performance) and 34% as VERY GOOD (Consistently better than
Satisfactory Performance). Only 34 students out of 657 were rated as SATISFACTORY (Consistently Acceptable Performance), only 4 received a rating of FAIR.

Gaining insights and the ability to reflect are related goals. When asked "do you have greater insight into your strengths and weaknesses as a lawyer?" 98% answered "yes." We asked, "What is the most important lesson you've learned about yourself and your lawyering skills as a result of your supervisor's feedback?" Students repeatedly responded that they had gained confidence in themselves, in their abilities and in their judgment. Many commented on how well WMU-Cooley had prepared them for practice. Some interesting comments follow.

- I've learned to think outside the box. Must research concrete answers on short notice. I've also learned to stay as human as possible. You deal with lots of people and must remember to treat everyone like a person.
- Legal philosophy/theory always comes second to practicality. A legally sound argument is bad if it makes your client look like a jerk.
- I began knowing I wasn't ready to practice. I now know that I am ready to practice.
- I have learned a lot more throughout my time in Law School then I originally believed. Having the opportunity to put to use the knowledge I have acquired really helped me to see what I have learned and what I can accomplish.
- It's not about knowing all the answers; it's about knowing the right questions to ask.
- The most important lesson I learned is that this profession is a practice and it takes time to grow, you don't learn everything all at once. I want to be able to do what the lawyers in our office do but I have to remind myself that I'm still a student and the lawyers I have been working with have years of experience.
- I was worried that the skills I learned in class wouldn't transfer over into real life practice. After finishing my first set of assignments, my supervising attorney told me that I wasn't lacking in competence, I was lacking in confidence. I've learned that I need to have faith in myself and my abilities, because I can do this.
- The most important lesson I have learned about myself and my lawyering skills as a result of my supervisor's feedback is that I have a shot at being really good in this field. Furthermore, I have the solid foundation and my potential is limitless. It is so easy for negativity to cloud the mind of a soon-to-be graduate law student. However, this externship and the Judge have reassured me that I am prepared and I will be fine.
Field Supervisor End-of-Term Evaluation of Extern

This is the final evaluation we ask that you complete as an assessment tool for your extern.

* Required

1. Your name *
   If you are not the attorney who works directly with the extern, please send an e-mail to externs@cooley.edu with the e-mail address of the correct supervisor.

2. Your extern's name *

The Extern's Overall Professional Demeanor

3. Is the extern timely when scheduled to work? *
   Check all that apply.
   
   [ ] Yes
   [ ] Sometimes
   [ ] We are having a problem in this area

4. Does the extern dress in appropriate attire? *
   Check all that apply.
   
   [ ] Yes
   [ ] Sometimes
   [ ] We are having a problem in this area

5. Does the extern speak and act in a professional manner? *
   Check all that apply.
   
   [ ] Yes
   [ ] Sometimes
   [ ] We are having a problem in this area

6. Overall, does the extern demonstrate professionalism in your office? *
   Check all that apply.
   
   [ ] Yes
   [ ] Sometimes
The Extern's Overall Work Quality

7. Has the extern had direct client contact? *
   This can include observing client interviews, it can also include watching you interact with clients.
   Check all that apply.
   □ Yes
   □ No

8. Has the extern appeared in court? *
   This applies to only those students who are eligible to practice under the student practice rule as permitted by the court rules.
   Check all that apply.
   □ Yes
   □ No

9. Has the extern produced any written work for you? *
   Mark only one oval.
   □ Yes  Skip to question 10.
   □ No  Skip to question 12.

Written Work

10. What kind of written materials have been produced by the extern?
   Please check all that apply
   Check all that apply.
   □ Legal Memorandum
   □ Client Correspondence
   □ Pleadings
   □ Motions
   □ Briefs
   □ Interrogatories
   □ Deposition Summaries
   □ Other
11. How would you rate the quality of the extern's written work?  
   This is for written work only.  
   Check all that apply.  
   ☐ OUTSTANDING - Consistently superior and excellent performance  
   ☐ VERY GOOD - Consistently better than satisfactory performance  
   ☐ SATISFACTORY - Consistently acceptable performance  
   ☐ FAIR - Generally satisfactory, but sometimes unacceptable performance  
   ☐ POOR - Consistently unsatisfactory performance  

Learning & Mentoring  

12. On average, how many hours per week do you spend supervising or mentoring the extern? *  
   Mark only one oval.  
   ○ 1 to 5 hours  
   ○ 5 to 10 hours  
   ○ 10 to 15 hours  
   ○ more than 15 hours  

13. What would you describe as the most important lesson learned by the extern?  
   This could be lessons learned or what they are doing well.  
   ________________________________________________________________  
   ________________________________________________________________  
   ________________________________________________________________  
   ________________________________________________________________  

14. What would you recommend that the extern continue to work on? *  
   Where does he or she need more development? We encourage you to have an exit interview and discuss this with the extern.  
   ________________________________________________________________  
   ________________________________________________________________  
   ________________________________________________________________  
   ________________________________________________________________
15. **Overall, how would you rate the extern's performance overall?**

   *Check all that apply.*

   - [ ] OUTSTANDING - Consistently superior and excellent performance
   - [ ] VERY GOOD - Consistently better than satisfactory performance
   - [ ] SATISFACTORY - Consistently acceptable performance
   - [ ] FAIR - Generally satisfactory, but sometimes unacceptable performance
   - [ ] POOR - Consistently unsatisfactory performance

16. **Do you have any additional comments or feedback for the student or for the externship program?**

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

17. **Do you have any suggestions for the extern about networking or employment?**

   Please feel free to share specific information with your extern. We are also interested in any advice you might have for externs in our program.

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

18. **Is your office interested in hosting another Cooley extern?**

   We are not asking that you commit to take an extern. Answering yes to this question means you may receive a cover letter and resume from a student interested in an externship with your firm. We cannot guarantee that you will regularly receive applications.

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

Powered by

[Google Forms](https://docs.google.com/forms/d/1JF0dA0opZld5vAtxUKn3QvT3cT1Rn_1zdxPpl/t/edit)
Extern Final Assessment

As part of your externship requirement, please complete this brief evaluation.

Your email address (churcchc@cooley.edu) will be recorded when you submit this form. Not churcchc? Sign out
* Required

1. Mark only one oval.
   - Option 1

2. How would you describe the level of supervision at your placement? *
   - Mark only one oval.
     - OUTSTANDING
     - EXCELLENT
     - GOOD
     - FAIR
     - POOR

Resources and Supervision

3. Describe the type of feedback you received from your supervisor *
   Check all that apply
   - face-to-face
   - email
   - written comments on drafts
   - reviewed final draft which was used in practice
   - group meetings
   - Other:

4. What is the most important lesson you've learned about yourself and your lawyering skills as a result of your supervisor's feedback? *

https://docs.google.com/forms/d/1WY6TJuLmUGFnsvDW0pL-mbVzyFvuj5SUx0MyjbeCAUeCo/edit
5. Do you have any comments about your supervisor?  
What would you like the externship office to know?

6. Did you expand your knowledge in a field of law?  
This question refers to a substantive area of the law, such as family law, criminal law, business transactions, regulation, etc.  
Mark only one oval.
- GREATLY EXPANDED
- EXPANDED
- SOMewhat EXPANDED
- I DON'T KNOW MORE NOW THAN WHEN I BEGAN

7. Did you expand your knowledge of professionalism — both good and bad lawyering?  
This question refers to professionalism issues such as collegiality, preparedness, timeliness, reputation, civility  
Mark only one oval.
- GREATLY EXPANDED
- EXPANDED
- SOMewhat EXPANDED
- I DON'T KNOW MORE NOW THAN WHEN I BEGAN

8. Did you expand your knowledge of the rules of professional responsibility?  
This question refers to issues such as conflict of interest, confidentiality, and duties to clients and the tribunal.  
Mark only one oval.
- GREATLY EXPANDED
- EXPANDED
- SOMewhat EXPANDED
- I DON'T KNOW MORE NOW THAN WHEN I BEGAN
9. What lawyering skills have you observed during your externship? *
   Things you have been able to SEE.
   Check all that apply.
   ☐ Fact Investigation
   ☐ Interviewing and Counseling
   ☐ Research
   ☐ Drafting
   ☐ Case Planning
   ☐ Problem-solving
   ☐ Negotiation
   ☐ Court Proceeding
   ☐ Other:

10. What lawyering skills have you developed during your externship? *
    Things you have been able to DO.
    Check all that apply.
    ☐ Fact Investigation
    ☐ Interviewing and Counseling
    ☐ Research
    ☐ Drafting
    ☐ Case Planning
    ☐ Problem-solving
    ☐ Negotiation
    ☐ On the record in court
    ☐ Other:

11. Did you advocate on behalf of a client, and participate in at least one legal process to resolve a dispute?
    Mark only one oval.
    ☐ Yes
    ☐ No

12. Do you have greater insight into your strengths and weaknesses as a lawyer? *
    These lessons should be shared with your faculty supervisor in your final journal.
    Mark only one oval.
    ☐ Yes
    ☐ No

Looking to the Future
13. Have you networked at your externship to help you get a job? *
Check all that apply.
☐ No -- I already have a job
☐ Talked with my supervisor about referrals for job openings
☐ Attended legal functions (example: bar meeting) to meet local lawyers
☐ Communicated with Cooley alumni in my area
☐ Introduced myself to local attorneys
☐ Other:

14. Were you offered a job at your externship placement? *
Mark only one oval.
☐ Yes
☐ No

15. Did you receive a job offer as a result of your externship experience? *
From somewhere other than your placement
Mark only one oval.
☐ Yes
☐ No

16. Which bar exam do you plan to take? *

Learning and Endorsement

17. Would you recommend this placement to your classmates? *
Mark only one oval.
☐ Yes.
☐ No.

18. As you prepare to enter the practice of law, which Cooley courses were the most helpful in your externship? *
List one or two courses that have been most helpful.
19. **As you prepare to enter the practice of law, which courses have been most beneficial to your professional development?**
   List one or two courses that have been most helpful.

20. **Which course do you wish you had taken -- whether Cooley currently offers it or not.**

21. **Do you have feedback on the externship program you would like to share?**
    We welcome your thoughts on how to improve the program.

22. **What is the best piece of advice you would give to a student who will be starting their externship next term?**

☐ Send me a copy of my responses.
Externship Faculty End-of-Term Assessment Form

Each of your students needs a separate assessment. Please send a separate evaluation for each extern.

Your email address (churchc@cooley.edu) will be recorded when you submit this form. Not churchc? Sign out
* Required

1. Your extern's first name. *

2. Your extern's last name. *
   If you have more than one extern, please complete an assessment for each student.

3. Have you received a goals memo from this student? *
   Mark only one oval.
   - Yes
   - No

4. Have you received journals as scheduled? *
   Mark only one oval.
   - Yes
   - No
   - I have received some journals, but not as directed.

5. One J.D. Program Outcome is that our students have the ability to engage in professional reflection and self-assessment. Please rate your extern's ability to reflect and self-assess based upon their journals? *
   Mark only one oval.

   1 2 3 4 5

   Not reflective -- only descriptive of work
   Very reflective, aware of strengths and weaknesses
6. Have you had contact with your student's site supervisor? *
This could be by email, phone or in person. The new ABA standard requires some contact with the site supervisor, and we would like to begin documenting the contact.
Mark only one oval.

☐ Yes
☐ No

7. Should your extern pass his or her externship? *
Mark only one oval.

☐ YES
☐ NO

8. Do you have any questions for the externship office? If so, please use the space below.

__________________________________________________________________________

__________________________________________________________________________

☐ Send me a copy of my responses.

Powered by

Google Forms
EXERCISE: USING EVIDENCE FROM EXTERNSHIP COURSES TO MEASURE ATTAINMENT OF INSTITUTIONAL LEARNING OUTCOMES

<table>
<thead>
<tr>
<th>INSTITUTIONAL LEARNING OUTCOME</th>
<th>DIRECT EVIDENCE FROM YOUR EXTERNSHIP COURSE</th>
<th>INDIRECT EVIDENCE FROM YOUR EXTERNSHIP COURSE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Selected Bibliography of Assessment Resources

Trudy Banta and Catherine Palomba, ASSESSMENT ESSENTIALS: PLANNING, IMPLEMENTING, AND IMPROVING ASSESSMENT IN HIGHER EDUCATION

Andrea Susnir Funk, THE ART OF ASSESSMENT: MAKING OUTCOMES ASSESSMENT ACCESSIBLE, SUSTAINABLE, AND MEANINGFUL

Lori Shaw and Victoria VanZandt, STUDENT LEARNING OUTCOMES AND LAW SCHOOL ASSESSMENT: A PRACTICAL GUIDE TO MEASURING INSTITUTIONAL EFFECTIVENESS

Linda Suskie, ASSESSING STUDENT LEARNING: A COMMON SENSE GUIDE (2d edition)