

# 2022 IU McKinney School of Law PRAC Report

Submitted by: IU McKinney School of Law Teaching, Assessment & Evaluation Committee

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## I. Introduction

### A. Accreditation, Bar Passage, and Assessment Strategy

The IU Robert H. McKinney School of Law is accredited by the American Bar Association (ABA). Traditionally, law schools have used bar passage rates as the primary assessment mechanism for student attainment of program learning outcomes. For this reason, the law school's Teaching, Assessment, and Evaluation Committee has generally adopted a two-pronged assessment strategy that targets the school's bar passage rates as well as assessment of program learning outcomes.

This report will first, in this introduction, overview McKinney Law School's degree programs and the standards for assessment imposed by the ABA, the accrediting institution for the law school. Second, the report review bar passage results and efforts related to assisting students in passing the bar. Third, the report will review the substantial efforts made this year in assessment of program learning outcomes—in both creating a multi-year assessment plan and in performing assessments and obtaining data, both direct and indirect. Finally, the report will review the assessment of Diversity, Equity, and Inclusion (DEI) in the law school's educational program given the ABA's new DEI accreditation standards.

### B. Degree Programs & Learning Outcomes

The IU Robert H. McKinney School of Law offers four degree programs, each of which have stated learning outcomes:

1. The Juris Doctor (J.D.) degree: A three-year full-time or four-year part-time program that requires 90 credits to complete.
  - a. J.D. Learning Outcomes: <https://mckinneylaw.iu.edu/admissions/jd/learning-outcomes.html>
2. A Masters of Jurisprudence (M.J) degree: A 30 credit program designed for working professionals who do not wish to practice law or to pursue a J.D. degree.
  - a. M.J. Learning Outcomes: <https://mckinneylaw.iu.edu/admissions/mj/learning-outcomes.html>
3. A Masters of Law (L.L.M) degree: A 24 credit program designed for three target groups:
  - 1) Individuals who have earned a foreign law degree and would like to improve their knowledge of U.S. law and, in some cases, take a U.S. bar exam;
  - 2) Currently practicing

U.S. lawyers a chance to hone their skills and deepen their knowledge of a specialized area of law; and 3) Legal scholars who hope to proceed to a Ph.D. or S.J.D. degree in hopes of pursuing an academic career.

a. L.L.M. Learning Outcomes:

<https://mckinneylaw.iu.edu/admissions/llm/index.html>

4. A Doctorate in Juridical Science (S.J.D.) degree: A research-based degree culminating in a dissertation.

a. S.J.D. Learning Outcomes: <https://mckinneylaw.iu.edu/admissions/sjd/learning-outcomes.html>

### **C. A.B.A. Assessment Requirements & New Diversity, Equity, & Inclusion Standards**

ABA Standard 302 requires law schools to identify learning outcomes consistent with the law school's stated mission and goals for its J.D. program. Standard 304 requires that law schools:

- (1) identify, define, carry out and disseminate methods used for assessment about the attainment of its learning outcomes and determine the pedagogical effectiveness of the assessment activities;
- (2) employ a variety of assessment methods and activities, consistent with effective pedagogy, systematically and sequentially throughout the curriculum to assess student attainment its learning outcomes; and
- (3) provide feedback to students periodically and throughout their studies about their progress in achieving its learning outcomes.

The interpretation notes for Standard 304 anticipate that law schools will use both internal measures to determine attainment of program learning objectives as well as external methods such as bar passage rates and alumni surveys. For this reason, this report includes information on bar passage success initiatives as well as the law school's work on program assessment.

Notably, the ABA assessment requirements only require law schools to identify learning outcomes for their J.D. program, which is the primary program administered by the law school. Nevertheless, we have developed program learning objectives for our more minor programs, as linked to above, namely: the M.J, L.L.M., and S.J.D. programs.

In February 2022, the ABA adopted new accreditation standards dealing directly with Diversity, Equity & Inclusion. These new standards include the following:

#### ABA Standard 202:

- (a) A law school shall adopt, publish, and adhere to a policy of non-discrimination that prohibits the use of admission policies or other actions to preclude admission of applicants or retention of students on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status.

- (b) A law school shall adopt, publish, and adhere to policies that foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status.

ABA Standard 303:

- (b) A law school shall provide substantial opportunities to students for: . . .
  - (3) the development of a professional identity.

- (c) A law school shall provide education to law students on bias, cross-cultural competency, and racism:

- (1) at the start of the program of legal education, and
- (2) at least once again before graduation.

The interpretation notes for the new Standard 303(b) explain that “[p]rofessional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society,” which involves “an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice.” Further, the standards explained that “students should have frequent opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.”

The interpretive notes for Standard 303(c) explain that “Standard 303(c)’s requirement that law schools provide education on bias, cross-cultural competency, and racism may be satisfied by, among other things, the following: (1) Orientation sessions for incoming students; (2) Lectures on these topics; (3) Courses incorporating these topics; or (4) Other educational experiences incorporating these topics.”

## 2. Bar Passage and Academic Success Programs

In 2022, Indiana and other state bars moved back to in-person bar exams after having used virtual options throughout the Covid-19 pandemic. The law school offered the Practice and Supplemental Strategy (PASS) Program to all students, with students able to take practice bar questions and submit their answers for individual feedback and comment. Additionally, the law school continues to offer a Bar Exam Substance, Strategies, and Tactics course to upper-level students to help them prepare specifically for the bar.

Recently, the National Conference of Bar Examiners announced it will debut the “NextGen” bar exam in July 2026. This updated bar exam will feature fewer substantive topics and focus more on the “skills and knowledge needed in litigation and transactional legal practice.” While we do not know when Indiana might adopt the “NextGen” bar, the eventual shift should benefit the Law School and its focus on practical skills and experiential learning.

Below are the Bar passage results for July 2021 through July 2022:

July 2021 (Comparative)

	Taking (McKinney)	Passing (McKinney)	Passing % (McKinney)	Taking (IN)	Passing (IN)
<b>1st Time Takers</b>	167	130	77.84%	357	78.48%
<b>Repeat Takers</b>	30	7	23.33%	75	26.67%
<b>Total Takers</b>	197	137	69.54%	432	69.44%

February 2022(Comparative)

	Taking (McKinney)	Passing (McKinney)	Passing % (McKinney)	Taking (IN)	Passing (IN)
<b>1st Time Takers</b>	35	22	62.86%	83	71%
<b>Repeat Takers</b>	34	22	35.29%	78	37%
<b>Total Takers</b>	69	34	49.28%	161	55%

July 2022 (Comparative)

	Taking (McKinney)	Passing (McKinney)	Passing % (McKinney)	Taking (IN)	Passing (IN)
<b>1st Time Takers</b>	178	131	73.6%	376	76%
<b>Repeat Takers</b>	37	11	29.73%	72	28%
<b>Total Takers</b>	215	131	66.05%	448	68%

The ultimate bar passage increased 5.75 percentage points between 2017 and 2020 to 91.34%. (ABA Standard 316 requires at least 75% of our graduates who sat for a bar exam to have passed within two years of their date of graduation.) There are several factors that contribute to this increase, including structured academic and bar support.

In September 2022, McKinney Law School asked a faculty member to serve as the Interim Director of Academic and Bar Success. Since then, the office has created new initiatives, including the addition of facilitated study groups for at-risk first year (1L) students. Further, we have uncovered data from practice bar exams showing in what legal subjects our students are deficient and are strategizing ways to increase student proficiency in those areas.

### 3. JD Program Assessment: JD Learning Outcomes & Assessment Plan

#### A. JD Learning Outcomes & Assessment

As part of the law school's reaccreditation effort several years ago, the law faculty adopted a set of eight learning outcomes for the JD program, which are available here:

<https://mckinneylaw.iu.edu/admissions/jd/learning-outcomes.html>

2022 was a major year in furthering the work of assessment at the law school. In prior years, the Committee had worked to create rubrics for assessing the primary learning outcomes that had been adopted by the faculty for the JD Program. These included the following rubrics, which are attached as Exhibit A: 1) Legal Knowledge, Reasoning, and Analysis Rubric; 2) Legal Research Rubric; 3) Legal Writing Rubric; and 4) Experiential Learning Rubric. However, these rubrics largely went unused except by a handful of professors, and the results were not being effectively collected or analyzed. In 2022, the Committee drafted an initial multi-year assessment plan for the law school, which will be presented to the faculty and formally adopted in 2023. Second, the Committee began implementation of that plan by 1) obtaining a growth metric on the Legal Knowledge, Reasoning, and Analysis Rubric of each first year student at the completion of their first year in Spring 2022 and 2) laying the groundwork to obtain a growth metric in Spring 2023 for 1L students as to research and writing, as well as attainment metrics for upper classmen as to legal knowledge and as to research and writing. Third, the Committee obtained new assessment data, including from 1) a graduation survey administered by the law school (indirect); (2) LSSSE survey results (indirect); and (3) MPRE test results (direct).

#### B. The Assessment Plan

During 2022, the Assessment Committee worked on creating a multi-year assessment plan, which will be formalized and presented to the law school faculty for adoption in 2023. Under this plan, different learning outcomes are examined at different steps of the assessment process in rotating years. For a given learning outcome, there is planning and collecting data in year 1, analyzing data and proposing follow up in year 2, and implementing the follow up in year 3. This three-year cycle is then repeated as to each learning outcome on a rotating basis—so that in any given year only one or two learning outcomes are being assessed under the rubrics through direct data collection.

In the following chart, which summarizes this rotating assessment plan, Learning Outcome (LO) 1 represents assessment under the Legal Knowledge, Reasoning, and Analysis Rubric; LO2 represents assessment of Legal Research outcomes; LO3 represents assessment under the Legal Writing Rubric; LO4 represents assessment under an Ethical Responsibilities Rubric (which still needs to be drafted by the committee); and LO5 represents assessment under the Experiential Learning Rubric.

## ANALYSIS AND REPORTING CALENDAR

Indicate (mark with an X) the years in which each Learning Outcome (LO) will be analyzed and reported.

	LO 1: 1L Legal Knowledge	LO 1: 3L Legal Knowledge	LO 2: Research	LO 3: 1L & Upper Level Writing	LO 4: Ethical Resp.	LO 5: Experiential Learning
<b>Year 1: 21-22</b>	<b>PLAN &amp; COLLECT</b>					
<b>Year 2: 22-23</b>	ANALYZE DATA, PROPOSE FOLLOW-UP	<b>PLAN &amp; COLLECT</b>	<b>PLAN &amp; COLLECT</b>	<b>PLAN &amp; COLLECT</b>	MAKE RUBRIC	
<b>Year 3: 23-24</b>	FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW- UP	ANALYZE DATA, PROPOSE FOLLOW-UP	<b>PLAN &amp; COLLECT</b>	<b>PLAN &amp; COLLECT</b>
<b>Year 4: 24-25</b>	<b>PLAN &amp; COLLECT</b>	<b>PLAN &amp; COLLECT</b>	FOLLOW- UP	FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW- UP	ANALYZE DATA, PROPOSE FOLLOW-UP
<b>Year 5: 25-26</b>	ANALYZE DATA, PROPOSE FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	<b>PLAN &amp; COLLECT</b>	<b>PLAN &amp; COLLECT</b>	FOLLOW- UP	FOLLOW-UP
<b>Year 6: 26-27</b>	FOLLOW-UP	FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW- UP	ANALYZE DATA, PROPOSE FOLLOW-UP	<b>PLAN &amp; COLLECT</b>	<b>PLAN &amp; COLLECT</b>

In addition to this rotating plan for collection and analysis of direct data, the assessment committee has worked to identify and obtain other assessment data as to specific learning outcomes. Notably, the MPRE is a standardized test that provides some direct data as to our student's attainment of LO4 above, Ethical Responsibilities. Further, the LSSSE provides indirect data regarding LO1, Legal Knowledge, LO4, Ethical Responsibilities, and LO5, Experiential Learning.

## C. Assessment Measures & Findings

### A. Direct Measures

#### a. Assessment under the Legal Knowledge Rubric for All First Year Students

In Spring 2022, the Teaching, Assessment, & Evaluation Committee worked with the professors who teach the required first year (1L) law courses to try to assess every student in the entire 1L class (242 students) under the Legal Knowledge, Reasoning, and Analysis Rubric (LO1). Each professor assessed a slice of the class they taught under the rubric based on an essay exam response on the final for that class. Each professor assessed a different group of 25-35 students (achieved by assigning each professor to evaluate a specific set of student exam numbers). Because professors worked from exam numbers, the assessments were also anonymous—the professors did not know the identity of the students they were assessing. One professor ended up not completing the rubrics, so in total 209/242 of the 1L class were assessed.

The benchmark for minimum attainment of the learning outcome on the Legal Knowledge, Reasoning, and Analysis Rubric is “proficiency” (a 3/4) or “practice-ready” (a 4/4). However, for 1L students, we do not expect an entire class or even a majority to have attained the benchmark competence for this learning outcome. And we would expect very few to be “practice-ready” (a 4/4) at the conclusion of their 1L year. Instead, this is a growth metric to evaluate the effectiveness of our 1L program and for comparison with an attainment metric, which we will assess by evaluating 3L students on this same rubric for this learning outcome at the conclusion of Spring 2023.

The growth metric from this collection of direct data as to 1L attainment of LO1 (Legal Knowledge, Reasoning, and Analysis) is as follows:

- Issue Spotting (identifying relevant legal issues raised by clients’ legal problems)
  - 10% were practice-ready
  - 41% were proficient
  - 41% were developing
  - 8% were deficient
- Understanding and Analysis of Law
  - 5% were practice-ready
  - 31% were proficient
  - 54% were developing
  - 10% were deficient
- Use of Legally Significant Facts & Recognition of Missing Facts
  - 5% were practice-ready
  - 28% were proficient
  - 58% were developing

- 9% were deficient
- Specific Application of Law to Factual Scenarios
  - 3% were practice-ready
  - 31% were proficient
  - 56% were developing
  - 10% were deficient
- Selecting an Appropriate strategy
  - 4% were practice-ready
  - 22% were proficient
  - 57% were developing
  - 16% were deficient

This data shows that approximately 90% of 1L students are well on their way in developing and/or attaining this learning outcome. This information will be shared with the McKinney Law School faculty and evaluated for follow-up measures during 2023.

## **b. MPRE Data**

The Multistate Professional Responsibility Examination (MPRE) is a standardized test regarding the Rules of Professional Conduct that govern lawyers, and it is required for admission to the bars of all but two USA jurisdictions. States have different required scores for passing, with some states as low as 75, and some as high as an 86. This year, we were able to get the data regarding McKinney Law School students who sat for the March 2022 administration of the MPRE. Of 86 students, 26 (30.2%) did not achieve the passing score required by Indiana and 60 (69.8%) achieved a passing score for Indiana. This data is lower than what we would expect or hope to see. We plan to gather more data from other administrations of the test (it is administered three times a year), and also to work with faculty who teach students in this area and with those who advise students on preparing for and taking this exam to try to improve this metric.

## **B. Indirect Measures**

### **a. 3L Learning Outcomes Survey**

In August 2022, the Teaching, Evaluation, and Assessment Committee sent out to recent graduates a “3L Student Satisfaction Survey,” that asked students to self-assess learning outcomes as to legal knowledge and training they received during their three years of schooling and to identify areas where they felt they had insufficient instruction or experience. Although this is indirect data, it is data that indicates from a student viewpoint whether they achieved specific learning outcomes. From a student perspective, this data indicates that students feel competent in their mastery of issue spotting, legal reasoning and analysis, and legal writing.



Interesting points of data from this survey regarding our Learning Outcomes include:

- 89% of students self-assess that they select “most” or “all” relevant issues, and thus are proficient at “issue spotting.” (LO1-Legal Knowledge)
- 82% of students self-assess that they are proficient at understanding and analyzing law (LO1-Legal Knowledge)
- 91% of students self-assess proficiency in legal research skills (LO2-Research)
- 100% of students self-assess proficiency in organizing their legal writing (LO3-Writing)
- 30% of students reported that they did *not* feel they received sufficient training on evaluating appropriate strategies in a matter and helping the client understand and pursue the strategy that legally is the best for them. (LO5 Experiential Learning)
- 25% of students reported that they did *not* feel they received sufficient training on knowing when and how to make policy arguments. (LO1 Legal Knowledge)

## **b. LSSSE Data**

The Law School Survey of Student Engagement is an external surveying service that surveys current law students and asks about their engagement in the program. Some of the questions asked and reported in the Executive Summary of the LSSSE survey provide indirect data as to achievement of learning outcomes for the JD program. Relevant survey responses of note include:

- McKinney Law students’ self-assessment (for 1L, 2L, & 3L) as to “Learning to Think Like a Lawyer” is comparable to that of peer law schools (LO1-Legal Knowledge)
- 79% of 3Ls responded “very much” or “quite a bit” as to learning to think critically and analytically (LO1-Legal Knowledge)
- 55% of 3Ls responded “very much” or “quite a bit” as to learning to solve complex real-world problems (LO1-Legal Knowledge)
- 52% of 3Ls responded “very much” or “quite a bit” as to acquiring job and work related knowledge and skills (LO1-Legal Knowledge & LO5 Experiential Learning)
- 48% of 3Ls responded “very much” or “quite a bit” as to developing a personal code of values and ethics (LO4-Ethical Responsibilities)

## **5. Action Taken in Response to Findings & Efforts to Expand Collection of Data**

This year was focused primarily on formulating a workable assessment plan and implementing a process to collect direct data. Data regarding bar passage and academic success measures were reported to faculty members at a faculty retreat in November 2022, which has led to both discussions and concrete efforts as to improving student attainment of competencies necessary to pass the bar. These discussions include potentially altering the first year curriculum and moving a 1L class to the second year of law school. Further, facilitated

study groups for identified at-risk 1L students was piloted in Fall 2022 and has been expanded in Spring 2023 based on the bar exam data received.

The direct data from assessing 1L students under the Legal Knowledge Rubric (LO1), as well as the MPRE data and student surveys, will be presented to the entire law faculty at a meeting this Spring semester 2023. From there the faculty will determine what responses and improvements need to be considered and/or implemented.

Further, in Spring 2023, we are expanding our efforts in collecting direct data, as we will be evaluating 1L students as to both legal research (LO2) and writing (LO3) at the conclusion of the first year Legal Communication and Analysis course using the same strategy as we used before—dividing the 1L class up between professors of that course. This will provide us with a growth metric as to these two learning outcomes. Further, we are planning at the same time to assess these same learning outcomes on upper class substantial writing projects and seminar papers to obtain an attainment metric. Finally, we will be assessing a slice of our 3L class on the Legal Knowledge (LO1) rubric to obtain an attainment metric of those who are completing the J.D. Program. This will help us track improvement from the growth metric data in 2022 from 1L students and to assess whether graduating students are in fact attaining benchmark competence as to these core learning outcomes of the JD program.

Finally, the Assessment Committee will be converting paper rubrics to Qualtrics surveys this semester to ease collection of direct data under our rotating assessment plan. Further, the committee needs to draft a rubric that assesses LO5, Ethical Responsibilities, so that it can be assessed and data collected next year in accordance with the assessment plan.

## 6. DEI Assessment for Compliance with New ABA Standards

The new ABA Standards 202 and 303, stated above, require that the law school educate students regarding professional identity, bias, cross-cultural competency, and racism through various educational experiences. Consequently, in Fall 2022, the Academic Affairs Committee of the law school conducted surveys to determine how our law school currently educates about professional identity, bias, cross-cultural competency, and racism. Surveys were emailed to all faculty, administration, and students. Below is a summary of what we learned from those surveys about the educational experiences offered through the law school regarding these topics.

- 19/19 responding professors discuss bias, cross-cultural competency, and racism in their courses
- Certain courses and programs provide extensive opportunities for education on these topics, including: the required Professional Responsibility course, experiential learning courses, study abroad programs & the LLM Program

- Educational experiences regarding bias, cross-cultural competency, and racism are also provided through the following fora:
  - 1L Law School Orientation (mandatory for incoming students)
    - Diversity & Inclusion Canvas session as part of asynchronous portion of 1L orientation, which includes resources and videos
    - Diversity & Inclusion Panel: introduce bias, intersectionality, and intercultural competence in law school classroom and beyond
  - Diversity & Inclusion's *Creating Affirmative Spaces*
    - Lunch and learn workshops for faculty, staff, and students
      - Topics include ableism, issues faced by LGBTQIA+ community, microaggressions, implicit bias, conflict style, difficult conversations
  - Diversity & Inclusion's *Know Your Rights*
    - Partnership with IUPUI Graduate Education Office and UpNGo
    - Informational sessions for students
    - Topics include traffic stops, renter's rights, voter's rights
  - Diversity & Inclusion's *McKinney Conversations*
    - Facilitated conversations with outside facilitators
  - *IUPUI's Tunnel of Oppression*: "an experiential learning program developed by Social Justice Education and Housing and Residence Life that provides IUPUI students a platform to share their narratives while highlighting contemporary social issues"
  - Diversity & Inclusion's *Third Floor Thursdays*
    - D&I led discussions for students from underrepresented backgrounds in the legal profession

After reviewing our current DEI efforts, in December 2022, the McKinney Law School faculty voted to enhance this education by creating asynchronous online courses that will be credit-bearing and required for all entering law students. In addition, 1L Law School Orientation will be broadened with a DEI lens and will require entering students to read the book, *Just Mercy*, and come to Orientation prepared to discuss it.

## Exhibit A

Exam No. \_\_\_\_\_

Shorthand	Competency	Practice-Ready	Proficient	Developing	Deficient
Overarching Issue Spotting	Identifying relevant legal issues raised by clients' legal problems	SELECTS and ANALYZES all relevant legal issues and does not select irrelevant legal issues	SELECTS and ANALYZES most relevant legal issues and rarely selects irrelevant legal issues	SELECTS and ANALYZES some relevant legal issues and some irrelevant legal issues	SELECTS and ANALYZES few relevant legal issues and many irrelevant legal issues
Understanding and Analysis of Law	Identifying relevant legal rules applicable to each issue. Synthesizes multiple authorities into a cohesive rule and understands how statutory, common law, and constitutional law interplay and evolve.	FORMULATES/CONSTRUCTS all relevant legal rules. SYNTHESIZES multiple authorities into a cohesive rule. DEMONSTRATES a thorough understanding of how statutory, common law, and constitutional law interact.	FORMULATES/CONSTRUCTS most relevant legal rules. SYNTHESIZES most authorities into a cohesive rule. DEMONSTRATES an adequate understanding of how statutory, common law, and constitutional law interact.	FORMULATES/CONSTRUCTS some relevant legal rules. SYNTHESIZES some authorities into a cohesive rule. DEMONSTRATES a partial understanding of how statutory, common law, and constitutional law interact	SUMMARIZES/IDENTIFIES some relevant legal rule. Either fails to SYNTHESIZE authorities or does so in a manner that is not cohesive. Poorly understands how statutory, common law, and constitutional law interact.
Use of Legally Significant Facts and Recognition of Missing Facts	Identifying legally significant facts applicable to each issue; recognizing and identifying relevant missing facts, including demonstrating an understanding of methods for discovering such facts and dealing with factual gaps where facts are unavailable.	CHOOSES all legally significant facts and no legally irrelevant facts. IDENTIFIES all relevant missing facts and DEMONSTRATES an understanding of how to discover such facts or appropriately deal with factual gaps.	CHOOSES most legally significant facts and rarely identifies legally irrelevant facts. IDENTIFIES most relevant missing facts and DEMONSTRATES some understanding of how to discover such facts or appropriately deal with factual gaps.	IDENTIFIES many legally significant facts and rarely identifies legally irrelevant facts. IDENTIFIES some relevant missing facts and recognizes the need to discover them.	Fails to DIFFERENTIATE between legally significant and insignificant facts. Fails to identify relevant missing facts and/or assumes missing facts into existence.

COMPETENCIES FOR LEGAL KNOWLEDGE, REASONING, AND ANALYSIS: PROGRAM OBJECTIVE ONE

Shorthand	Competency	Practice-Ready	Proficient	Developing	Deficient	N/A
Specific application of law to factual Scenarios	Applying the relevant legal rules to the legally significant facts and, as necessary, analogizing and distinguishing authorities, and responding to counterarguments.	JUSTIFIES selection of legally significant rules and facts. EVALUATES the strength of opposing viewpoints/arguments. SUPPORTS arguments with persuasive analysis.	Mostly JUSTIFIES selection of legally significant rules and facts. Makes some arguments concerning the strength of opposing viewpoints/arguments. SUPPORTS some arguments with persuasive analysis.	Partially JUSTIFIES selection of legally significant rules and facts. Sometimes makes arguments concerning the strength of opposing viewpoints/arguments. Fails to support arguments with persuasive analysis.	Makes a mostly unsupported statement about the relevant law that is largely devoid of critical analysis.	N/A
Selecting an appropriate Strategy	Drawing and presenting appropriate conclusions based on the facts, taking into account the clients' interests, goals, and objectives.	SELECTS an effective strategy and PRESENTS A CONVINCING OPINION to the client to achieve client's realistic objectives and resources.	SELECTS an appropriate strategy and PRESENTS A GOOD OPINION to the client to achieve client's realistic objectives and resources.	SELECTS a plausible strategy and PRESENTS that recommendation to the client.	RECOMMENDS a course of action to the client that is unrealistic or likely to be ineffective.	N/A

**COURSES:** Doctrinal Courses and any other course focused on legal knowledge, reasoning and analysis.

**Definitions:**

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

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

**Developing:** Could be used in practice with substantial editing/re-writing

**Deficient:** Could not be used in practice

LEGAL RESEARCH RUBRIC: PROGRAM OBJECTIVE THREE

Competency	Practice-Ready	Proficient	Developing	Deficient
Develop legal research questions and appropriate research strategies	DEVELOPS specific legal research questions and strategies that are very likely to identify relevant sources efficiently.	DEVELOPS specific legal research questions and strategies that are somewhat likely to identify relevant sources efficiently.	DEVELOPS vague research questions and strategies that may lead to relevant sources.	Fails to DEVELOP research questions or research strategies are likely to be fruitless or misleading.
Identify appropriate primary and secondary sources for a legal research question.	SELECTS appropriate primary and secondary sources.	Mostly SELECTS appropriate primary and secondary sources.	Sometimes confuses primary and secondary sources, or sometimes fails to SELECT appropriate sources.	Confuses primary and secondary sources, and fails to SELECT appropriate sources.
Use search tools and finding aids to find materials relevant to legal research question.	UTILIZES search tools and finding aids to effectively and efficiently find relevant materials.	Mostly UTILIZES search tools and finding aids to effectively and efficiently find relevant materials.	Sometimes UTILIZES search tools and finding aids to effectively find relevant materials.	Fails to UTILIZE search tools and finding aids to find relevant materials.
Considering jurisdiction and weight of authority, selects relevant and appropriate sources	SELECTS relevant and appropriate sources, and ANALYZES differences in jurisdiction and weight of authority.	Mostly SELECTS relevant and appropriate sources, and ANALYZES differences in jurisdiction and weight of authority.	Sometimes SELECTS relevant and appropriate sources, but fails to ANALYZE articulates differences in jurisdiction and weight of authority.	Fails to SELECT appropriate or relevant sources, or correctly ANALYZE differences in jurisdiction and weight of authority.
Evaluate a source's validity, currentness, and authority	Correctly EVALUATES a source's validity, currentness, and authority.	Mostly correctly EVALUATES a source's validity, currentness, and authority.	Sometimes correctly EVALUATES a source's validity, currentness, and authority.	Fails to EVALUATE or incorrectly EVALUATES a source's validity, currentness, or authority.
Comments				

COURSES:

Baseline	Advanced	Capstone
1L legal research		Advanced writing requirement

Competencies for Legal Writing

*MIN. COMPETENT*

Competency	Practice-Ready	Proficient	Developing	Deficient
<b>Overarching Issue Spotting</b>	SELECTS and ANALYZES all relevant legal issues and does not select irrelevant legal issues.	SELECTS and ANALYZES most relevant legal issues and rarely selects irrelevant legal issues.	SELECTS and ANALYZES some relevant legal issues and some irrelevant legal issues.	SELECTS and ANALYZES few relevant legal issues and many irrelevant legal issues.
<b>Demonstrates Proper Use of Authority</b>	SELECTS AND UTILIZES all sources wisely and appropriately. Properly ATTRIBUTES all ideas to correct sources.	SELECTS AND UTILIZES most sources wisely and appropriately. Properly ATTRIBUTES most ideas to correct sources.	SELECTS AND UTILIZES some sources wisely and appropriately. Properly ATTRIBUTES some ideas to correct sources.	Fails to UTILIZE sources wisely and appropriately. FAILS to properly ATTRIBUTE ideas to correct sources.
<b>Demonstrates Effective Organization</b>	PRESENTS all ideas and supporting information in logical order. Always UTILIZES an appropriate paradigm and without unnecessary repetition.	PRESENTS most ideas and supporting information in logical order. Mostly UTILIZES an appropriate paradigm and without unnecessary repetition.	PRESENTS some ideas and supporting information in logical order. Somewhat UTILIZES an appropriate paradigm and without unnecessary repetition.	PRESENTS few ideas and supporting information in logical order. Fails to UTILIZE an appropriate paradigm or does so with unnecessary repetition.
<b>Understanding and Analysis of Law</b>	FORMULATES/CONSTRUCTS all relevant legal rules. SYNTHESIZES multiple authorities into a cohesive rule. DEMONSTRATES a thorough understanding of how statutory, common law, and constitutional law interact.	FORMULATES/CONSTRUCTS most relevant legal rules. SYNTHESIZES most authorities in to a cohesive rule. DEMONSTRATES an adequate understanding of how statutory, common law, and constitutional law interact.	FORMULATES/CONSTRUCTS some relevant legal rules. SYNTHESIZES some authorities into a cohesive rule. DEMONSTRATES a partial understanding of how statutory, common law, and constitutional law interact.	SUMMARIZES/IDENTIFIES some relevant legal rules. Either fails to SYNTHESIZE authorities or does so in a manner that is not cohesive. Poorly understands how statutory, common law, and constitutional law interact.
<b>Use of Legally Significant Facts and Recognition of Missing Facts</b>	CHOOSES all legally significant facts and no legally irrelevant facts. IDENTIFIES all relevant missing facts and DEMONSTRATES an understanding of how to discover such facts or appropriately deal with factual gaps.	CHOOSES most legally significant facts and rarely identifies legally irrelevant facts. IDENTIFIES most relevant missing facts and DEMONSTRATES some understanding of how to discover such facts or appropriately deal with factual gaps.	IDENTIFIES many legally significant facts and rarely identifies legally irrelevant facts. IDENTIFIES some relevant missing facts and recognizes the need to discover them.	Fails to DIFFERENTIATE between legally significant and insignificant facts. Fails to identify relevant missing facts and/or assumes missing facts into existence.



## Competencies for Legal Writing

<p><b>Specific Application of Law to Factual Scenarios</b></p>	<p>JUSTIFIES selection of legally significant rules and facts. EVALUATES the strength of opposing viewpoints/arguments. SUPPORTS arguments with persuasive analysis.</p>	<p>Mostly JUSTIFIES selection of legally significant rules and facts. Makes some arguments concerning the strength of opposing viewpoints/arguments. SUPPORTS some arguments with persuasive analysis.</p>	<p>Partially JUSTIFIES selection of legally significant rules and facts. Sometimes makes arguments concerning the strength of opposing viewpoints/arguments. Fails to support arguments with persuasive analysis.</p>	<p>Makes a mostly unsupported statement about the relevant law that is largely devoid of critical analysis.</p>
<p><b>Legal Analysis: Policy</b></p>	<p>Always USES policy arguments where applicable.</p>	<p>Sometimes USES policy arguments when applicable.</p>	<p>Rarely USES applicable policy arguments.</p>	<p>Does not MAKE policy arguments.</p>
<p><b>Demonstrates Appropriate Tone</b></p>	<p>Always ADAPTS tone and detail to audience, purpose, and context.</p>	<p>Often ADAPTS tone and detail to audience, purpose, and context.</p>	<p>Sometimes ADAPTS tone and detail to audience, purpose, and context.</p>	<p>Rarely ADAPTS tone and detail to audience, purpose, and context.</p>
<p><b>Demonstrates Appropriate Style</b></p>	<p>Always EMPLOYS clear and precise communication tools. Always DEMONSTRATES attention to detail. Always UTILIZES proper citation, language, grammar, punctuation, and/or style convention.</p>	<p>Often EMPLOYS clear and precise communication tools. Often DEMONSTRATES attention to detail. Often UTILIZES proper citation, language, grammar, punctuation, and/or style conventions.</p>	<p>Sometimes EMPLOYS clear and precise communication tools. Often DEMONSTRATES attention to detail. Often UTILIZES proper citation, language, grammar, punctuation, and/or style conventions.</p>	<p>Rarely EMPLOYS clear and precise communication tools. Rarely DEMONSTRATES attention to detail. Rarely UTILIZES proper citation, language, grammar, punctuation, and/or style conventions.</p>
<p><b>Demonstrates Compliance with Formal Requirements</b></p>	<p>Always MEETS deadlines. Always FOLLOWS provided instructions. Always OBSERVES applicable rules. Always INCLUDES all relevant components.</p>	<p>Consistently MEETS deadlines. Consistently FOLLOWS provided instructions. Consistently OBSERVES applicable rules. Consistently INCLUDES all relevant components.</p>	<p>Often MEETS deadlines. Often FOLLOWS provided instructions. Often OBSERVES applicable rules. Often INCLUDES all relevant components.</p>	<p>MISSES deadlines. Rarely FOLLOWS provided instructions. Rarely OBSERVES applicable rules. Rarely INCLUDES all relevant components.</p>

## Experiential Learning Rubric

Basic Legal Skills	Level 1: Needs considerable development of this competency	Level 2: Needs substantial direction from faculty member or supervising attorney	Level 3: Needs some direction from faculty member or supervising attorney	Level 4: Needs minimal or no direction	N/A
<p><b>Legal Knowledge, Analysis, and Reasoning:</b> <i>Identifies relevant legal issues; synthesizes multiple authorities; identifies legally significant facts and applies law thereto, analogizing to and distinguishing authorities.</i></p>	<p><b>RARELY</b> demonstrates appropriate legal knowledge, analysis, and reasoning.</p>	<p><b>SOMETIMES</b> demonstrates appropriate legal knowledge, analysis, and reasoning.</p>	<p><b>OFTEN</b> demonstrates appropriate legal knowledge, analysis, and reasoning.</p>	<p><b>CONSISTENTLY</b> demonstrates appropriate legal knowledge, analysis, and reasoning.</p>	<p>N/A</p>
<p><b>Legal Research:</b> <i>Uses research tools effectively and efficiently to find relevant materials and evaluates a source's relevance, validity, currentness, and authority.</i></p>	<p><b>RARELY</b> uses research tools effectively to find necessary legal authority.</p>	<p><b>SOMETIMES</b> uses research tools effectively to find necessary legal authority.</p>	<p><b>OFTEN</b> uses research tools effectively to find necessary legal authority.</p>	<p><b>CONSISTENTLY</b> uses research tools effectively to find necessary legal authority.</p>	<p>N/A</p>
<p><b>Legal Writing:</b> <i>Writes clearly and persuasively, relying on relevant law and fact; follows provided instructions; understands and observes applicable rules, formats, and conventions; includes all relevant components; employs appropriate tone.</i></p>	<p><b>RARELY</b> writes clearly, persuasively, and in compliance with instructions, rules, and/or convention.</p>	<p><b>SOMETIMES</b> writes clearly, persuasively, and in compliance with instructions, rules, and/or convention.</p>	<p><b>OFTEN</b> writes clearly, persuasively, and in compliance with instructions, rules, and/or convention.</p>	<p><b>CONSISTENTLY</b> writes clearly, persuasively, and in compliance with instructions, rules, and/or convention.</p>	<p>N/A</p>
<p><b>Ethical Knowledge and Behavior:</b> <i>Understands and able to fulfill core fiduciary duties to clients and ethical responsibilities; identifies and analyzes ethical issues and informs supervisor of such.</i></p>	<p><b>RARELY</b> demonstrates ethical knowledge and behavior.</p>	<p><b>SOMETIMES</b> demonstrates ethical knowledge and behavior.</p>	<p><b>OFTEN</b> demonstrates ethical knowledge and behavior.</p>	<p><b>CONSISTENTLY</b> demonstrates ethical knowledge and behavior.</p>	<p>N/A</p>
<p><b>Problem Solving:</b> <i>Accurately assesses client and/or legal problem; identifies alternative solution strategies; develops and implements workable plan of action and assesses and revises plan as needed.</i></p>	<p><b>RARELY</b> exhibits effective problem solving.</p>	<p><b>SOMETIMES</b> exhibits effective problem solving.</p>	<p><b>OFTEN</b> exhibits effective problem solving.</p>	<p><b>CONSISTENTLY</b> exhibits effective problem solving.</p>	<p>N/A</p>
<p><b>Professional Communication:</b> <i>Interacts effectively and respectfully when speaking, listening, and/or writing to lawyers, clients, staff, adversaries, judges, and others.</i></p>	<p><b>RARELY</b> interacts with others in a professional manner.</p>	<p><b>SOMETIMES</b> interacts with others in a professional manner.</p>	<p><b>OFTEN</b> interacts with others in a professional manner.</p>	<p><b>CONSISTENTLY</b> interacts with others in a professional manner.</p>	<p>N/A</p>

Basic Legal Skills	Level 1: Needs considerable development of this competency	Level 2: Needs substantial direction from faculty member or supervising attorney	Level 3: Needs some direction from faculty member or supervising attorney	Level 4: Needs minimal or no direction	N/A
<b>Active Listening:</b> Listens and responds appropriately during group and individual exchanges by articulating thoughtful responses to questions and discussions.	<b>RARELY</b> employs active listening.	<b>SOMETIMES</b> employs active listening.	<b>OFTEN</b> employs active listening.	<b>CONSISTENTLY</b> employs active listening.	N/A
<b>Time Management:</b> Meets deadlines; keeps regular and dependable hours; is punctual; implements and communicates clear and efficient timelines.	<b>RARELY</b> exhibits ability to manage time.	<b>SOMETIMES</b> exhibits ability to manage time.	<b>OFTEN</b> exhibits ability to manage time.	<b>CONSISTENTLY</b> exhibits ability to manage time.	N/A
<b>Teamwork:</b> Keeps team members informed; listens to others ideas; contributes ideas; accepts feedback; demonstrates self-motivation; substantially contributes to the final work product.	<b>RARELY</b> contributes to team.	<b>SOMETIMES</b> contributes to team.	<b>OFTEN</b> contributes to team.	<b>CONSISTENTLY</b> contributes to team.	N/A
<b>Fact Investigation:</b> Evaluates known facts and applies law to develop legal strategy; effectively obtains, records, and organizes discovery; reassesses strategy and conclusions based on investigation.	<b>RARELY</b> able to perform effective fact investigation.	<b>SOMETIMES</b> performs effective fact investigation.	<b>OFTEN</b> performs effective fact investigation.	<b>CONSISTENTLY</b> performs effective fact investigation.	N/A
<b>Negotiation:</b> Effectively assesses strengths and weaknesses of case; able to leverage strengths to effectively advance client's interests; understands and utilizes various negotiation strategies.	<b>RARELY</b> able to engage in effective negotiation.	<b>SOMETIMES</b> engages in effective negotiation.	<b>OFTEN</b> engages in effective negotiation.	<b>CONSISTENTLY</b> engages in effective negotiation.	N/A