2023 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 reviews bar passage results and efforts related to assisting students in passing the bar. Third, the report reviews the substantial efforts made in assessment of program learning outcomes—in both implementing a multi-year assessment plan and in performing assessments and obtaining data, both direct and indirect.

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 June 2023 the Office of Academic and Bar Success hired a new director with 22 years of experience in academic teaching, coaching and student success. In September 2023 a new Associate Director joined the office with over 25 years of experience working with law students and new attorneys. With the addition of an entirely new staff, the office has many new initiatives in place or planned.

A. Bar Exam

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. After a thorough review of past course outcomes and student bar success perimeters, the course was shifted to an entirely new learning platform. Course enrollment is now limited to students most at risk of not passing the bar exam—those with a law school GPA under 3.3. The new course will launch in January 2024 with 30 students in a face-to-face course and 30 students in an asynchronous online course. The decision to run two courses will help us determine the effectiveness of each modality and allow us to possibly scale the course for a larger student population.

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 February 2023 and July 2023:

February 2023	Taking (McKinney)	Passing (McKinney)	Passing % (McKinney)	Taking (IN)	Passing % (IN)
1st Time Takers	36	23	63.8%	65	62%
Repeat Takers	54	27	50%	104	42%
Total Takers	90	50	55%	169	50%

July 2023	Taking (McKinney)	Passing (McKinney)	Passing % (McKinney)	Taking (IN)	Passing % (IN)
1st Time Takers	168	129	76.79%	341	77%
Repeat Takers	38	12	31.58%	67	33%
Total Takers	206	141	68.45%	408	70%

The Office of Academic and Bar Success is working to collect better data to uncover trends around who passes the bar. This data will help us to better shape our programming, classes, and support. We are also integrating bar success skills into pre-orientation, orientation, and programing for all our first-year law students. Students will continue to prepare for the bar exam in their 2nd and 3rd years.

B. Academic Success

The office evaluated all programming and made substantial changes to the student workshops offered in Fall 2023. Workshops provided students with the tools to be successful in law school, while allowing them space to practice outlining, essay writing, and law school multiple choice questions with feedback from our office.

First year students participated in a program called JD Edge developed by AccessLex. Students completed module-based learning programs before law school to help develop notetaking, outlining, and exam skills.

The office continued to support students with one on one and group tutoring. It continued the Facilitated Study Groups for students that our faculty and admission committee identified as at risk during the first semester of law school. Students in the groups worked with a professor identified upper division student on guided learning exercises. The students in these groups performed well in the class compared to students who did not participate in the groups.

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

2023 was a major year in furthering the work of assessment at the law school. First, the faculty adopted a multi-year assessment plan for the law school. Second, the Committee continued implementation of that plan by (1) obtaining data on the 1L & Upper Level Writing Rubric in Spring 2022 and (2) laying the groundwork to obtain a metric in Spring 2024 for Experiential Learning and for Ethical Responsibilities. Third, the Committee obtained a graduation survey administered by the law school (indirect).

B. The Assessment Plan

In 2023, the faculty formally adopted the Assessment Committee's multi-year assessment plan. 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
Year 1: 21-22	**PLAN & COLLECT**					
Year 2: 22-23	ANALYZE DATA, PROPOSE FOLLOW-UP	**PLAN & COLLECT**	**PLAN & COLLECT**	**PLAN & COLLECT**	MAKE RUBRIC	
Year 3: 23-24	FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	**PLAN & COLLECT**	**PLAN & COLLECT**
Year 4: 24-25	**PLAN & COLLECT**	**PLAN & COLLECT**	FOLLOW-UP	FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP
Year 5: 25-26	ANALYZE DATA, PROPOSE FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	**PLAN & COLLECT**	**PLAN & COLLECT**	FOLLOW-UP	FOLLOW-UP
Year 6: 26-27	FOLLOW-UP	FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	ANALYZE DATA, PROPOSE FOLLOW-UP	**PLAN & COLLECT**	**PLAN & COLLECT**

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. For example, 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 2023, 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 under the 1L & Upper Level Writing Rubric (LO3). Each professor assessed their students under the rubric based on a final paper for that class. Each professor assessed a different group of 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.

The benchmark for minimum attainment of the learning outcome on the 1L & Upper Level Writing 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 Upper Level Writing, which we assessed by evaluating papers from upper level students. This was done by evaluating students completing their required Advanced Research and Writing Requirement through a law review note or completion of a paper without reference to a particular course.

The growth metric from this collection of direct data as to 1L attainment of LO3 (1L & Upper Level Writing Rubric s) is as follows:

- Student's understanding of the terms, rules, and principles of law
    - 29% were practice-ready
    - 42% were proficient
    - 20% were developing
    - 9% were deficient
- Student's ability to identify legal rules and to synthesize those rules into a logical framework for analysis
    - 32% were practice-ready
    - 40% were proficient
    - 21% were developing
    - 7% were deficient
- Student's understanding of organization, hierarchy, and relationships within the legal system
    - 32% were practice-ready
    - 40% were proficient
    - 21% were developing

- 7% were deficient
- Student's understanding of primary and secondary sources of law and how they relate to each other
  - 31% were practice-ready
  - 50% were proficient
  - 13% were developing
  - 6% were deficient
- Student's ability to apply controlling legal principles
  - 25% were practice-ready
  - 39% were proficient
  - 26% were developing
  - 10% were deficient

This data shows that approximately 80% 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 2024.

In addition, the collection of direct data as to upper level attainment of LO3 (1L & Upper Level Writing Rubric s) is as follows:

- Student's understanding of the terms, rules, and principles of law
  - 56% were practice-ready
  - 31% were proficient
  - 12% were developing
  - 2% were deficient
- Student's ability to identify legal rules and to synthesize those rules into a logical framework for analysis
  - 50% were practice-ready
  - 31% were proficient
  - 15% were developing
  - 4% were deficient
- Student's understanding of organization, hierarchy, and relationships within the legal system
  - 64% were practice-ready
  - 23% were proficient
  - 12% were developing
  - 0% were deficient
- Student's understanding of primary and secondary sources of law and how they relate to each other
  - 46% were practice-ready
  - 37% were proficient
  - 16% were developing
  - 1% were deficient

- Student's ability to apply controlling legal principles
  - 48% were practice-ready
  - 32% were proficient
  - 15% were developing
  - 6% were deficient

Therefore, upper level students did far superior than their 1L peers, with either a majority or plurality of students being practice-ready in each category.

B. Indirect Measures
a. 3L Learning Outcomes Survey

In August 2023, 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:
- 75% of students self-assess that they select "most" or "all" relevant issues, and thus are proficient at "issue spotting." (LO1-Legal Knowledge)
- 72% of students self-assess that they are proficient at understanding and analyzing law (LO1-Legal Knowledge)
- 64% of students self-assess proficiency in legal research skills (LO2-Research)
- 71% of students self-assess proficiency in organizing their legal writing (LO3-Writing)
- 32% 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)
- 23% of students reported that they did *not* feel they received sufficient training on knowing when and how to make policy arguments. (LO1 Legal Knowledge)

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

This year was focused primarily on begin to implement a workable assessment plan. Data regarding bar passage and academic success measures were reported to faculty members at faculty meetings. Previous discussions have led to the Academic Affairs Committee reviewing the first year curriculum and considering moving a 1L class to the second year of law school.

The direct data from assessing 1L & Upper Level Writing will be presented at a meeting this Spring semester 2024. From there the faculty will determine what responses and improvements need to be considered and/or implemented.

Further, in Spring 2024, we are expanding our efforts in collecting direct data, as we will be evaluating Ethical Responsibility (LO4) rubric at the conclusion our required Professional Responsibility courses as an attainment metric. Further, we will be assessing upper level students participating in externships and experiential courses through the Experiential Learning (LO5) rubric.