

STARTING FROM THE TOP:  
USING A CAPSTONE COURSE TO BEGIN PROGRAM  
ASSESSMENT IN LEGAL EDUCATION

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*Joe was a first-year law student. In the first week of his legal writing class, he was asked to write a case brief for the following week. He had heard about case briefing in orientation, he had read about it in preparation for class that day, and his writing professor had explained each part of a case brief in detail during class. Nevertheless, Joe agonized over the one-page brief. Figuring out the “holding” and what were and were not “legally significant facts” made Joe extremely anxious. He spent countless hours drafting the document, and he second-guessed himself each step of the way.*

*As Joe’s legal education continued, he completed all four required writing courses. The fourth and final semester was the writing program’s capstone course. The final exam in the capstone course was a simulated performance test taken from the California Bar Exam. The “file” had nine documents, and the “library” had one statute and four cases. Based on the file and the library, Joe was asked to draft a persuasive brief in*

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*support of his “client’s” motion for summary judgment as well as a statement of uncontested facts. He had three hours. Joe performed fairly well on the exam; he produced a solid memorandum of points and authorities using the majority of the legally significant facts from the file and all of the relevant precedent from the library. He also produced a statement of uncontested facts, something that he had never written before. Long gone were the days of struggling for a week over a single-page case brief.*

*Joe’s learning experience inspired this Article.<sup>1</sup>*

## I. INTRODUCTION

Program assessment is a “best practice in higher education.”<sup>2</sup> The purpose behind program assessment is simple: to improve student learning. If you improve your program, you in turn improve student learning. This should be every educator’s ultimate goal. The real question is not *why* you should assess your program—especially if the ultimate goal of the assessment is to improve student learning—but *how* you would get started actually doing it. Program assessment can be a daunting task. Inspired by our fictional student, Joe, we decided to start our legal writing program assessment at the top, beginning with our capstone course.

Capstone courses have long been used in higher education for program assessment. Examining student work from a capstone course allows faculty to determine students’ strengths and weaknesses at the end of a program, when students can demonstrate cumulative learning, and such capstone work provides a comprehensive view of what students have learned throughout the program. In legal education, we propose that we can use our capstone course the same way.

This Article presents how to begin the process of program assessment by using a capstone course. First, the Article describes the history of assessment generally. Second, the Article discusses the evolution of assessment in legal education specifically. Third, the Article provides a primer on assessment of student learning. Fourth, the Article presents the study we conducted on our capstone course and our findings.

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1. Joe is a fictional law student who represents any number of graduates.

2. MARY J. ALLEN, *ASSESSING ACADEMIC PROGRAMS IN HIGHER EDUCATION* 2 (2004).

The Article concludes that using a capstone course is one model to begin program assessment. It is, however, just the tip of the iceberg.

## II. ASSESSMENT

*What teachers value—what they deem important and essential for students to learn—can be ascertained most directly by what they assess—what they require students to know and be able to do.*<sup>3</sup>

### A. *The History of Educational Assessment*

The evolution of educational assessment stems from the call to reform undergraduate education in the United States in the 1970s—a backlash against colleges and universities as research institutions.<sup>4</sup> Between 1952 and 1975, college enrollment rose as a result of the baby boom, state and federal incentives (Civil Rights legislation and the GI Bill), and the enhanced value of a college education.<sup>5</sup> At the same time, higher education began to focus more heavily on research and scholarly publication than teaching and student learning.<sup>6</sup>

In the late 1970s, state legislatures began to question whether the American educational system was adequately preparing its students to begin jobs in the work force.<sup>7</sup> In 1983, the National Commission on Excellence in Education issued a report, *A Nation at Risk*, which decried the state of American education, using such phrases as “the rising tide of mediocrity” and “unilateral educational disarmament.”<sup>8</sup> This report brought the issue to light and some states responded by requiring

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3. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 163 (2007) [hereinafter CARNegie REPORT].

4. GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS 22 (2000).

5. SERBRENIA J. SIMS, STUDENT OUTCOMES ASSESSMENT: A HISTORICAL REVIEW AND GUIDE TO PROGRAM DEVELOPMENT 35 (1992) (noting that college enrollment tripled during this time period).

6. MUNRO, *supra* note 4, at 22; ZELDA F. GAMSON, AN ACADEMIC COUNTER-REVOLUTION: THE ROOTS OF THE CURRENT MOVEMENT TO REFORM UNDERGRADUATE EDUCATION 5 (1987), available at <http://www.eric.ed.go/contentdelivery/servlet/ERICServlet?accno=ED293386>.

7. MUNRO, *supra* note 4, at 22.

8. NAT'L COMM'N ON EXCELLENCE IN EDUC., A NATION AT RISK: THE IMPERATIVE FOR EDUCATIONAL REFORM 9 (1983), available at [http://datacenter.spps.org/uploads/SOTW\\_A\\_Nation\\_at\\_Risk\\_1983.pdf](http://datacenter.spps.org/uploads/SOTW_A_Nation_at_Risk_1983.pdf).

formalized assessment of student learning.<sup>9</sup>

In 1985, the American Association of Higher Education held the first annual national Assessment Conference, and the current “assessment movement” grew out of that conference.<sup>10</sup> In the late 1990s, regional higher-education accrediting organizations began moving from an input-based to an outcome-based system of accreditation, and currently all six of the regional accreditors now require accredited colleges and universities to focus on student learning outcomes and to “demonstrate through multiple direct and indirect measures” that the institution is accomplishing its “goals and objectives.”<sup>11</sup>

### B. *The Evolution of Assessment in Legal Education*

#### 1. Calls for Reform

Beginning in the late 1970s, a series of studies was initiated to examine the legal education system. These studies have advocated that law schools should better prepare students for the legal profession: the *Cramton Report*,<sup>12</sup> the *MacCrate Report*,<sup>13</sup> the *Carnegie Report*,<sup>14</sup> and the *Best Practices Report*.<sup>15</sup> Each of these studies makes recommendations regarding the skills and values important to success in the profession that should be part of a well-rounded education.

##### a. *Cramton Report*

In 1978, the ABA created the *Task Force on Lawyer Competency: The Role of Law Schools*.<sup>16</sup> The task force evaluated the strengths and

9. *Id.* at 22–23.

10. See generally GAMSON, *supra* note 6.

11. See Catherine L. Carpenter et al., *Report of the Outcome Measures Committee*, 2008 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO B. 47 [hereinafter *Outcome Measures Report*], available at <http://apps.americanbar.org/legaled/committees/subcomm/Outcome%20Measures%20Final%20Report.pdf>.

12. See generally *Lawyer Competency: The Role of the Law Schools*, 1979 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO B. [hereinafter *Cramton Report*].

13. See generally *Legal Education and Professional Development—An Educational Continuum*, 1992 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO B. [hereinafter *MacCrate Report*].

14. See generally CARNegie REPORT, *supra* note 3.

15. See generally ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* (2007) [hereinafter *BEST PRACTICES*].

16. See generally *Cramton Report*, *supra* note 12.

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weaknesses of legal education, and the resulting *Cramton Report* made twenty-eight recommendations to improve legal education, including broadening the skills taught and teaching methods used in law schools.<sup>17</sup> Specifically, the *Cramton Report* recommended that “[l]aw schools and law teachers should develop and use more comprehensive methods of measuring law student performance than the typical end-of-the-term examination. Students should be given detailed critiques of their performance.”<sup>18</sup>

*b. MacCrate Report*

A decade later, in 1989, the ABA formed the *Task Force on Law Schools and the Profession: Narrowing the Gap*.<sup>19</sup> This task force addressed the role of law schools and the bar in educating competent lawyers.<sup>20</sup> In the *MacCrate Report*, issued in 1992, the task force included a “Statement of Fundamental Lawyering Skills and Professional Values” in order to set out “what it takes to practice law competently and professionally.”<sup>21</sup> The report’s statement has been described as “an explicit statement of outcomes for legal education.”<sup>22</sup>

*c. Carnegie Report*

More than a decade passed before the 2007 *Carnegie Report*, prepared by the Carnegie Foundation for the Advancement of Teaching, an independent research and policy center, noted that “assessment of student learning remains underdeveloped.”<sup>23</sup> American law schools are still using “[h]igh-stakes, summative assessment” through the LSAT, single-exam law school finals, and the bar exam.<sup>24</sup> The *Carnegie Report* called for teaching the use of legal doctrine and analysis in the context of the complexity of law practice and developing the ethical and social skills necessary to be a responsible legal professional.<sup>25</sup>

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17. *See id.* at 3–7.

18. *Id.* at 4.

19. *MacCrate Report*, *supra* note 13, at xi.

20. *Id.* at 3.

21. *Id.* at 7, 125, 138–41.

22. MUNRO, *supra* note 4, at 28.

23. CARNEGIE REPORT, *supra* note 3, at 188.

24. *Id.* at 188–89.

25. *See id.* at 187–88.

*d. Best Practices Report*

Also in 2007, the Clinical Legal Education Association's *Best Practices for Legal Education* project, initiated in 2001, came to fruition, and the book by the same name was published.<sup>26</sup> The *Best Practices Report* critiqued the predominant existing methods of assessing law students and suggested alternatives.<sup>27</sup> It called for using formative assessment, criterion-referenced assessment, and multiple modes of assessment.<sup>28</sup> The *Best Practices Report* encouraged law schools to develop and disclose criteria-referenced assessments because the use of clear criteria increases the reliability of assessment.<sup>29</sup>

## 2. The ABA's Proposed Shift to an Assessment Approach for Accreditation Standards

In September 2008, the Council of the Section of Legal Education and Admissions to the Bar began working on a comprehensive review of its standards governing legal education, as required by the United States Department of Education.<sup>30</sup> The Student Learning Outcomes Committee, a subcommittee of the ABA's Section of Legal Education and Admissions to the Bar's Standards Review Committee, has been tasked with drafting student learning outcome revisions to the current standards, and in doing so, the subcommittee has been influenced by the Report of the Outcome Measures Committee, which was published in July 2008.<sup>31</sup>

The Outcome Measures Committee was charged with considering "whether and how we can use output measures, other than bar passage and job placement, in the accreditation process."<sup>32</sup> In preparing its report,

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26. BEST PRACTICES, *supra* note 15, at ix.

27. *Id.* at 238–39.

28. *Id.* at 243, 253, 255.

29. *See id.* at 243.

30. 34 C.F.R. § 602.21 (2011) (requiring each agency approved by the Department of Education to regularly review its standards in such a way that "demonstrates that its standards are adequate to evaluate the quality of the education or training provided by the institutions and programs it accredits and relevant to the educational or training needs of students").

31. Susan Hanley Duncan, *The New Accreditation Standards Are Coming to a Law School Near You—What You Need to Know About Learning Outcomes & Assessment*, 16 LEGAL WRITING: J. LEGAL WRITING INST. 605, 608 (2010); *Standards Review Committee*, A.B.A., [http://www.americanbar.org/groups/legal\\_education/committees/standardsreview.html](http://www.americanbar.org/groups/legal_education/committees/standardsreview.html) (last visited Oct. 1, 2012).

32. *Outcome Measures Report*, *supra* note 11, at 4.

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the Committee studied the educational accreditation processes used in ten other professions to see how those disciplines (e.g., medicine, pharmacy, and architecture) use outcome measures in their accreditation processes.<sup>33</sup> It found that all the professional accrediting bodies reviewed use standards based on outcome measures.<sup>34</sup> Finally, after a thorough review of the approach taken in each of the ten professions, the Committee concluded:

[T]he other disciplines allow schools to play a significant role in defining the nature of the professional education they will deliver to students and then demand that the schools produce outcome evidence of their educational efforts to insure they have delivered to graduates what they promised to deliver. The focus clearly is on student performance outcomes as opposed to input measures such as the human and other resources schools are investing in the educational enterprise.<sup>35</sup>

The Committee also reviewed legal education in other common-law countries, finding evidence of a movement towards an emphasis on outcomes;<sup>36</sup> reviewed the legal education literature, including the *Carnegie Report* and *Best Practices Report*; and examined the use of outcome measures by regional accreditation commissions and the Council for Higher Education Accreditation.<sup>37</sup> The Committee ultimately recommended that the standards be revised “to reduce their reliance on input measures and instead adopt a greater and more overt reliance on outcome measures.”<sup>38</sup>

Relying in part on the *Outcome Measures Report*, the Student Learning Outcomes Subcommittee currently proposes revising the standards to change the focus from evaluating law schools based on “inputs”—both human and financial resources—to an evaluation based on “outcome” measures.<sup>39</sup> The proposed standards seek to have law

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33. *Id.* at 20.

34. *Id.*

35. *Id.* at 46.

36. *Id.* at 12 (noting that England, Wales, Scotland, and Australia are all in the process of reforming their systems of legal education to focus more on outcomes).

37. *Id.* at 1–2.

38. *Id.* at 1.

39. James Podgers, *Sweeping Accreditation Review May Prompt ‘Sea Change’ in Law School Evals*, A.B.A. J. (June 3, 2009, 9:57 AM), [http://www.abajournal.com/news/article/review\\_of\\_accreditation\\_standards\\_likely\\_to\\_bring\\_sea\\_change\\_to\\_how\\_law\\_sch](http://www.abajournal.com/news/article/review_of_accreditation_standards_likely_to_bring_sea_change_to_how_law_sch).

schools “define learning outcomes that are consistent with their missions and to offer curricula that will achieve those outcomes.”<sup>40</sup> As a result, each law school would have to create an assessment plan to determine how well students are achieving the school’s student learning goals.<sup>41</sup> The shift in focus from input measures to outcome measures could have a major effect on how the Section of Legal Education evaluates law schools.<sup>42</sup> The proposed revisions were an intensely debated topic at the Association of American Law Schools Conference in early 2010.<sup>43</sup>

In response to the *MacCrate Report*, the *Carnegie Report*, the *Best Practices Report*, and the increased focus by the ABA on student learning outcomes and their assessment, law schools are exploring how to re-focus curricula on student learning outcomes and how to assess those outcomes. Moreover, due to the economic downturn that has led to salary cuts, layoffs, and hiring freezes throughout the legal industry, there appears to be strong support in favor of an overhaul of the legal education system to ensure that law schools are doing all they can to prepare students to meet the demands expected of them and hit the ground running upon graduation.<sup>44</sup> Although the proposed standards are not without their critics,<sup>45</sup> the ABA is prepared to make a change, and

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40. Katherine Mangan, *Law Schools Resist Proposal to Assess Them Based on What Students Learn*, CHRON. HIGHER EDUC. (Jan. 10, 2010), <http://chronicle.com/article/Law-Schools-Resist-Proposal-to/63494/>.

41. *Id.*

42. See Podgers, *supra* note 39.

43. Mangan, *supra* note 40. The article states that although several law school deans oppose the proposed revisions because “they have enough to worry about with budget cuts, a tough job market for their graduates, and the soaring cost of legal education without adding a potentially expensive assessment overhaul,” supporters of the outcome measures proposal maintain that “law schools can no longer afford to churn out graduates who lack the skills employers want, especially when jobs are so hard to come by.” *Id.*

44. See Katherine Mangan, *Law Schools Could Take a Hint from Medical Schools on Curriculum Reform, Experts Advise*, CHRON. HIGHER EDUC. (Apr. 27, 2010), <http://chronicle.com/article/Law-Schools-Could-Take-a-Hint/65264/> (reporting that the “consensus of most of the nearly 100 judges and law-firm partners” at the National Forum on the Future of Legal Education was that the “legal-education system needs a major overhaul so that students graduating with more than \$100,000 in debt can find jobs in a shrinking market and graduate ready to practice”); see also Hannah Hayes, *Recession Places Law School Reform in the Eye of the Storm*, PERSP., Spring 2010, at 8, 8 (reporting that “[a]t a recent conference on legal education, Thomas Guernsey, president and dean of Albany Law School in New York,” stated that law schools are experiencing “the perfect storm” of issues, including employer expectations, job market/economy, and debt load, “that will ultimately lead to drastic changes in legal education”).

45. See Katherine Mangan, *As They Ponder Reforms, Law Deans Find Schools ‘Remarkably Resistant to Change,’* CHRON. HIGHER EDUC. (Feb. 27, 2011),



law schools are beginning to engage in a critical examination of how to comply.

*C. Assessment 101: What Is Assessment of Student Learning?*

Because assessment is relatively new in the field of legal education (although conducted in a variety of other disciplines), there is no standardized assessment vocabulary.<sup>46</sup> In fact, the term “assessment” itself can mean different things to different people because one can assess any goal or outcome in any activity or field of study. For the purposes of this Article, the term assessment is used to refer to the assessment of student learning.

Assessment of student learning has been defined as “the systematic collection of information about student learning, using the time, knowledge, expertise, and resources available, in order to inform decisions that affect student learning.”<sup>47</sup> Assessment is often depicted as a circular process, involving the following steps: 1) developing student learning goals; 2) collecting assessment evidence (empirical data) to determine whether and how well the goals are met; 3) analyzing the evidence and creating a plan to improve the program; and 4) using the results to improve the program (using the information may be called “closing the loop”).<sup>48</sup>

Then the assessment process begins again, either to determine whether the changes introduced have been successful, or to assess another goal.<sup>49</sup> Assessment does not require that every goal be assessed

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<http://chronicle.com/article/As-They-Ponder-Reforms-Law/126536/> (noting that although law schools are “taking small steps to incorporate more experiential learning,” they remain resistant to change due to the higher costs associated with the teaching of clinical classes and simulations, which require low student-faculty ratios).

46. LINDA SUSKIE, *ASSESSING STUDENT LEARNING: A COMMON SENSE GUIDE* 3 (2d ed. 2009); ALLEN, *supra* note 2, at 6.

47. BARBARA E. WALVOORD, *ASSESSMENT CLEAR AND SIMPLE: A PRACTICAL GUIDE FOR INSTITUTIONS, DEPARTMENTS, AND GENERAL EDUCATION* 2 (2d ed. 2010).

48. ANDREA LESKES & BARBARA D. WRIGHT, *THE ART & SCIENCE OF ASSESSING GENERAL EDUCATION OUTCOMES: A PRACTICAL GUIDE* 5–6 (2005).

49. *Id.* at 6. As Leskes and Wright note, “more elaborate definitions include . . . planning, mapping, reporting, or assessing-the-assessment steps, [but] all versions [of the assessment process] follow this basic outline.” *Id.*; see Peggy L. Maki, *Developing an Assessment Plan to Learn about Student Learning*, 28 J. ACAD. LIBRARIANSHIP 8, 8–13 (2002); see generally CATHERINE A. PALOMBA & TRUDY W. BANTA, *ASSESSMENT ESSENTIALS: PLANNING, IMPLEMENTING, AND IMPROVING ASSESSMENT IN HIGHER EDUCATION* (1999).

every year.<sup>50</sup> To “keep . . . assessment manageable,” an institution can “cycle through” goals and “assess each [goal] periodically, such as every fourth year.”<sup>51</sup>

The purpose of assessment is to improve student learning. Educational institutions pay attention to assessment when accrediting bodies require it, but assessment “should be implemented because it promotes student learning, not because an external agency requires it.”<sup>52</sup> In other words, the central concept is that assessment can and should serve the goal of student learning, not merely satisfy external mandates.

### 1. How Does Assessment Differ from Grading?

As newcomers to assessment, many law school faculty members are confused about how assessment differs from grading. Faculty members hear the word “assessment” and naturally assume that it refers to grading. Faculty “point out that they assess their students when they assign grades at the end of every semester; why is further assessment called for, they ask.”<sup>53</sup> Although grades are a form of assessment, grades alone do not usually provide meaningful evidence of what exactly students have learned because “grades focus on individual students, while assessment focuses on entire cohorts of students and how effectively everyone, not an individual faculty member, is helping them learn.”<sup>54</sup> For example, an average grade of 3.0 on a student assignment can lead to the conclusion that students learned the material; however, more specific information is needed to determine what aspects of the assignment were mastered and what were not, in order to improve student learning overall.<sup>55</sup> Thus, beyond just grading, law schools need to assess whether students are prepared to practice law by measuring their overall mastery of course material.<sup>56</sup>

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50. MARY J. ALLEN, *ASSESSING GENERAL EDUCATION PROGRAMS* 132 (2006).

51. *Id.*

52. *Id.* at 2.

53. Mary Crossley & Lu-in Wang, *Learning by Doing: An Experience with Outcomes Assessment*, 41 U. TOL. L. REV. 269, 269 (2010).

54. SUSKIE, *supra* note 46, at 10.

55. *Id.*

56. Jerry R. Foxhoven, *Beyond Grading: Assessing Student Readiness to Practice Law*, 16 CLINICAL L. REV. 335, 336 (2010).

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## 2. Assessment Terminology

### *a. Mission, Goals, Objectives, and Outcomes*

Learning goals are stated at various levels of generality.<sup>57</sup> The most broad level is the *mission* statement, a holistic vision of the values and philosophy of the institution.<sup>58</sup> Related to the mission are a set of *goals*, statements about general expectations for students, such as, “Students will demonstrate knowledge of law and its role in society.” *Learning outcomes* (sometimes also called *objectives*) make the goals explicit, and they describe, in concrete terms, observable behaviors that allow faculty to know if students have mastered the goals.<sup>59</sup> Student learning outcomes “describe the knowledge, skills, and values that students should [show] when they complete the [course or] program.”<sup>60</sup>

Some assessment scholars use the term “goals” throughout the literature, but other terms such as “objectives” and “outcomes” are also used. For purposes of this Article, we will refer to goals and outcomes, rather than objectives, with goals being more general than outcomes, as discussed in Part III below.<sup>61</sup>

### *b. Direct and Indirect Assessment*

There are many ways to assess student learning, including both *direct* and *indirect* evidence of student learning.<sup>62</sup> Direct measures require students to demonstrate their achievement in a tangible, visible way, such as providing an exam answer or completing a written assignment. In contrast, indirect measures are based on opinions, either the student’s own opinion or the opinion of an observer, such as a student survey.<sup>63</sup>

Direct assessments can be “embedded” as in-class activities or assignments, such as a written memoranda or final exam.<sup>64</sup> They “do double duty, providing information . . . on what students have learned in

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57. LESKES & WRIGHT, *supra* note 48, at 12.

58. ALLEN, *supra* note 50, at 35.

59. *Id.*

60. *Id.*

61. *See infra* Part III. In further support, ABA Proposed Standard 302 is entitled “Learning Outcomes.” *See Standards Review Committee, supra* note 31.

62. ALLEN, *supra* note 2, at 6.

63. *Id.* at 7.

64. *See id.* at 85–86.

the course” as well as on student “progress in achieving program or institutional goals.”<sup>65</sup> The work is graded by the professor, who can either do the assessment as he or she grades or collect a sample for later assessment.<sup>66</sup> Students’ identifying information should be removed for assessment purposes.<sup>67</sup>

*c. Summative and Formative Assessment*

Direct assessment measures can be either summative or formative.<sup>68</sup> Summative assessment is obtained at the end of a course or program and evaluates performance, such as a final score or grade.<sup>69</sup> Formative assessment is undertaken while student learning is taking place during the course and provides information in the form of feedback on strengths and weaknesses to improve what is being assessed, such as written comments on a draft of a paper.<sup>70</sup> Feedback is most effective when it follows soon after the work is performed “so that the student knows [what to do] to improve.”<sup>71</sup>

*d. Absolute and Value-Added Benchmarks*

Learning outcomes can use either *absolute* standards or *value-added* standards, sometimes known as absolute or value-added benchmarks.<sup>72</sup> An absolute benchmark measures the level that students have reached upon graduation.<sup>73</sup> For example, “[g]raduates are able to think critically” sets an absolute benchmark.<sup>74</sup> Value-added benchmarks specify improvement, such as “[s]tudents become better critical thinkers.”<sup>75</sup> Using value-added benchmarks, student learning is measured by determining how much students have improved while participating in a

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65. SUSKIE, *supra* note 46, at 27.

66. ALLEN, *supra* note 2, at 88.

67. *Id.*

68. Greg Sergienko, *New Modes of Assessment*, 38 SAN DIEGO L. REV. 463, 465 (2001) (citing LUCY CHESER JACOBS & CLINTON I. CHASE, DEVELOPING AND USING TESTS EFFECTIVELY: A GUIDE FOR FACULTY 13 (1992)).

69. *Id.* (citing JACOBS & CHASE, *supra* note 68, at 13).

70. *Id.*; ALLEN, *supra* note 2, at 9; see JACOBS & CHASE, *supra* note 68, at 13.

71. MUNRO, *supra* note 4, at 151.

72. ALLEN, *supra* note 50, at 36.

73. *See id.*

74. *Id.* The terms “benchmark” and “standard” are often used interchangeably in the literature. SUSKIE, *supra* note 46, at 233–34.

75. ALLEN, *supra* note 50, at 36.

course or program by assessing students' abilities at the beginning and end.<sup>76</sup> However, what may be more important is the absolute level that students reach upon graduation.<sup>77</sup> Thus, in order to assess how well learning outcomes have been achieved upon graduation, assessors can examine students who are about to graduate to see if they meet absolute benchmarks.

### 3. Course, Program, and Institutional Assessment

Assessment can focus at the course, program, or institutional level.<sup>78</sup> *Classroom assessment* takes place in one course, whereas *program assessment* takes place at the department, program, or institutional level.<sup>79</sup> "A course assessment might examine whether students can solve a specific kind of problem, for example, while a program assessment might examine whether students can design appropriate approaches to solving a variety of problems in the discipline."<sup>80</sup>

Because program-level assessment targets the entire program, such assessment can address broad program-level goals, rather than only course-level goals.<sup>81</sup> The use of a capstone course for program assessment can be particularly useful for assessment purposes.<sup>82</sup> A capstone course is a culminating experience completed near the end of a student's course of study, in which students "synthesize" subject-matter knowledge they have acquired.<sup>83</sup> "[Capstone] experiences provide a wonderful venue for program assessment because they provide a holistic portrait of what students have learned throughout their program."<sup>84</sup>

When designed to truly "cap" prior learning, the [capstone] experience does not so much teach new material as allow students to review, make connections, and apply their knowledge to new problems or in new environments. . . .

For assessment purposes, a program's faculty can collectively

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76. *Id.* at 36.

77. SUSKIE, *supra* note 46, at 240.

78. *See* WALVOORD, *supra* note 47, at 4.

79. *Id.*

80. SUSKIE, *supra* note 46, at 7.

81. ALLEN, *supra* note 50, at 131.

82. *See* LESKES & WRIGHT, *supra* note 48, at 32 (listing the advantages and disadvantages of assessing a capstone experience).

83. *Id.*; SUSKIE, *supra* note 46, at 7.

84. SUSKIE, *supra* note 46, at 7.

survey the work produced (or samples thereof), looking for evidence of the complex, integrated learning expected of all graduates. Taken as a whole, the year's "vintage" provides information about the program's strengths and weaknesses.<sup>85</sup>

#### 4. Effective Assessment Methods

##### *a. Reliability, Validity, and Fairness*

For any assessment method to be effective it must be valid, reliable, and fair.<sup>86</sup> Validity refers to how well a process assesses what it is supposed to be assessing, and reliability means that the assessment tool produces "the same results [during] repeated trials."<sup>87</sup> "Fairness requires that the assessment be equitable in both process and results."<sup>88</sup>

##### *b. Multiple Measures of Assessment*

Comparing assessment findings to other sources of information increases confidence in the validity of the findings. "[I]f multiple approaches to examining an outcome lead to the same conclusion, we have more confidence in that conclusion. If results are consistent across multiple measures, they *triangulate*."<sup>89</sup> Assessors should look at multiple types of evidence so they can ascertain triangulation.<sup>90</sup>

In order to triangulate results, assessors should collect more than one kind of evidence of what students have learned.<sup>91</sup> "The greater the variety of evidence, the more confidently you can infer that students have indeed learned what you want them to."<sup>92</sup> One way to triangulate results is to collect both direct and indirect data.<sup>93</sup> For example, assessors might evaluate actual samples of student work (direct assessment) and also conduct a student survey to obtain students' opinions about their own abilities or survey internship supervisors and ask them to rate students' skills (indirect assessment).

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85. LESKES & WRIGHT, *supra* note 48, at 32.

86. BEST PRACTICES, *supra* note 15, at 239.

87. *Id.*

88. MUNRO, *supra* note 4, at 109.

89. ALLEN, *supra* note 50, at 133.

90. *Id.*

91. *Id.*

92. SUSKIE, *supra* note 46, at 38–39.

93. ALLEN, *supra* note 50, at 133.

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*c. Rubrics*

When directly assessing student work, assessors can use a rubric, or scoring guide. A rubric is a checklist or chart containing the criteria and standards that a faculty member uses to evaluate student work.<sup>94</sup> Faculty engaged in assessment can use rubrics for both grading and assessment, and rubrics should be shared with students before they begin the assignment or exam.<sup>95</sup>

A rubric contains both criteria and performance standards, or rating scales.<sup>96</sup> As such, a rubric describes each level of performance, using a performance standard such as exemplary, competent, or developing.<sup>97</sup> “Rubrics are tools that merge the criteria for the goal (the ‘what’) with a rating scale (the ‘how well’). Rubrics offer consistent sets of descriptors to which student work can be compared by both professors and students themselves.”<sup>98</sup> Although assessments based on rubrics often involve professional judgments, they follow consistent guidelines.<sup>99</sup>

*d. Inter-Rater Reliability*

Effective assessment methods should also involve inter-rater reliability, which indicates how well two or more different reviewers agree.<sup>100</sup> This is especially important because assessment frequently involves decisions based on professional judgments of student work.<sup>101</sup> Consistent ratings among reviewers indicate that the findings are reliable.<sup>102</sup> However, inconsistent ratings cast doubt on the dependability of the results.<sup>103</sup> Two or more reviewers should each independently assess an assignment (e.g., a set of documents) and then compare their

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94. SUSKIE, *supra* note 46, at 137.

95. Victoria L. VanZandt, *Creating Assessment Plans for Introductory Legal Research and Writing Courses*, 16 LEGAL WRITING: J. LEGAL WRITING INST. 313, 350–51 (2010).

96. WALVOORD, *supra* note 47, at 18.

97. See LESKES & WRIGHT, *supra* note 48, at 13.

98. *Id.*

99. *Id.*; see generally Sophie M. Sparrow, *Describing the Ball: Improve Teaching by Using Rubrics—Explicit Grading Criteria*, 2004 MICH. ST. L. REV. 1 (discussing the use of rubrics in law school).

100. ALLEN, *supra* note 2, at 145.

101. ALLEN, *supra* note 50, at 124.

102. *Id.*

103. *Id.*

ratings.<sup>104</sup> “[T]he percentage of agreements is a good indicator of inter-rater reliability.”<sup>105</sup> If “the raters agree 10% of the time . . . [it] is too low”; whereas “90% is acceptable, although even higher would be better.”<sup>106</sup>

Course assessment can be done by the faculty member teaching the course.<sup>107</sup> Faculty are in the best position to assess their own courses or programs, especially when using an embedded assignment for the purposes of both grading and assessment because they understand what they are reading.<sup>108</sup> Because the assignments are read only one time, by the faculty member, this is the least time-consuming way to collect embedded assessment data.<sup>109</sup> Moreover, faculty conducting assessment “are likely to be interested in the results and willing to use them,” and “if they jointly review student work, their discussion of results and their implications for change can occur with the evidence immediately in mind and available to them.”<sup>110</sup>

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104. ALLEN, *supra* note 2, at 146.

105. *Id.*

106. *Id.*

107. VanZandt, *supra* note 95, at 350.

108. See WALVOORD, *supra* note 47, at 20–21.

109. *Id.* at 21.

110. ALLEN, *supra* note 2, at 88.



## III. THE STUDY

*[F]aculty today are being asked to provide empirical evidence of the learning we facilitate. "To assess or not to assess" is no longer a question . . . ; it has become a political imperative.<sup>111</sup>*

## A. Summary

The purpose of our study was to begin to assess our legal writing program by using our capstone writing course as a starting point. The goal of the writing program is to have the students acquire the skills necessary to practice law successfully. To that end, Whittier Law School has four required semesters of legal writing. The fourth semester, Professional Skills II, is our capstone course. This course provides the opportunity for students to use the skills acquired in their prior three semesters of writing to prepare documents that a new lawyer should be able to produce.

For our assessment, the study focused on two of the six capstone course goals: ability to solve a problem or accomplish an objective, and ability to organize and manage a legal task.<sup>112</sup> These two goals together have five student learning outcomes: correctly identify the problem to be solved or objective to be accomplished, effectively use the law and facts provided, prepare a document that solves the problem or accomplishes the objective successfully, complete the legal task within time constraints, and effectively complete the legal task. We used the Professional Skills II final exam to determine how students performed on all five student learning outcomes.<sup>113</sup> In our evaluation, these two goals of the capstone course were achieved when students met or exceeded performance standards in four of the five student learning outcomes. A reasonable interpretation of the data we collected shows that students who completed the writing program were able to perform well on key skills necessary to practice law successfully.

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111. Jeanne Cameron et al., *Assessment as Critical Praxis: A Community College Experience*, 30 TEACHING SOC. 414, 414 (2002).

112. See Appendix 1. All six course goals are fundamental lawyering skills. See *MacCrate Report*, *supra* note 13, at 138–40.

113. During the 2010–2011 academic year, there were four sections of Professional Skills II, two in the fall and two in the spring. There were 125 total students in all four sections.

*B. Background*

Whittier Law School's writing program has four required semesters of legal writing and professional skills. The first two semesters, Legal Writing I and Legal Writing II, are designed to teach new law students the fundamentals of legal writing, legal analysis and reasoning, legal research, citation usage, and oral advocacy. The third semester is Professional Skills I, which features the use of a single, semester-long simulation involving a legal dispute or a business transaction. Each student represents one client throughout the semester. Professional Skills I incorporates the skills that real lawyers have to use: substantive knowledge of the law, problem solving, written and oral communication, legal analysis and reasoning, interviewing, factual investigation, counseling, negotiation, knowledge of the litigation or transactional process, organization and management of legal work, and recognizing and resolving ethical dilemmas. The fourth semester is Professional Skills II, the program's capstone course, which must be taken by all graduating students in either the fall or spring semester of their final year.<sup>114</sup>

## 1. The Writing Program's Goals

Over a decade ago, the writing program adopted MacCrate's ten fundamental lawyer's skills<sup>115</sup>—"an explicit statement of outcomes for legal education"<sup>116</sup>—as its program goals. The program goals are: Problem Solving, Legal Analysis and Reasoning, Legal Research, Factual Investigation, Communication, Counseling, Negotiation, Litigation and Alternative Dispute Resolution Procedures, Organization and Management of Legal Work, and Recognizing and Resolving Ethical Dilemmas.<sup>117</sup> The writing program addresses these goals as follows:

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114. The idea behind the Professional Skills II course originated in late 2005 and was added to our curriculum in Fall 2006 as an advanced legal writing course. Christine Kelton, Professor of Legal Writing at Whittier Law School, was tasked with researching and designing the original course curriculum.

115. See *MacCrate Report*, *supra* note 13, at 138–40.

116. MUNRO, *supra* note 4, at 28.

117. See *MacCrate Report*, *supra* note 13, at 138–40.

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Program Goals	Legal Writing I	Legal Writing II	Prof. Skills I	Prof. Skills II
Problem Solving	√	√	√	√
Legal Analysis and Reasoning	√	√	√	√
Legal Research	√	√		
Factual Investigation			√	√
Communication	√	√	√	√
Counseling			√	
Negotiation			√	
Litigation and ADR Procedures			√	
Organization and Management of Legal Work	√	√	√	√
Recognizing and Resolving Ethical Dilemmas			√	√

## 2. The Capstone Course

The Professional Skills II course is designed to apply students' lawyering skills—those learned in the first three semesters of the program—to specific “real world” situations. Students use performance tests to learn how to read critically and quickly, to follow directions, and to timely complete assignments.<sup>118</sup> The Professional Skills II course features both in-class and out-of-class writing assignments similar to the type of writing tasks that a beginning lawyer would be given and would be expected to accomplish. The course focuses on a student's ability to produce a written product that satisfactorily—or “competently”—responds to the task assigned.

Each writing assignment includes a File and a Library. The File consists of source documents containing all the facts of the case. The specific assignment that students are asked to complete is described in a memorandum from a supervising attorney. The File might include, for example: transcripts of interviews, depositions, hearings, or trials; pleadings; correspondence; client documents; contracts; newspaper articles; medical records; police reports; and lawyers' notes. The File

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118. A performance test is a three-hour written exam used on the California Bar Examination. Our course uses past performance tests and model answers as part of our course materials. In addition, the professors who teach the course have attended numerous calibration sessions offered by the California State Bar that specifically review performance tests.

includes both relevant and irrelevant facts. Facts are sometimes ambiguous, incomplete, or even conflicting. As in practice, a client's or supervising attorney's version of events may be incomplete or unreliable. Students must develop skills to recognize when facts are inconsistent or missing and to identify sources of additional facts, if necessary.

The Library contains cases, statutes, regulations, and rules, some of which may not be relevant to the assigned writing task. Students must extract from the Library the legal principles necessary to analyze the problem and perform the assigned task. While the problems may arise in any area of substantive law, the writing tasks do not require students to conduct any outside legal research. The Library materials provide all the law needed to complete the task.

Students are given three hours to complete each writing assignment. This includes reviewing both the File and the Library. The time constraints are challenging, especially at the beginning of the semester. Over the course of the semester, however, students develop skills to work effectively within these constraints. They learn and, most importantly, practice strategies to process information quickly but critically. As lawyers—which many of these students will be six to twelve months after taking the course—they must possess this skill.

### 3. Course Goals and Student Learning Outcomes

While Professional Skills II has six course goals, our study examined only two. The two course goals are at the heart of what lawyers do: solving problems and organizing and managing a legal task. Each of these two goals has specific and corresponding student learning outcomes; here, there are five.<sup>119</sup> The first goal is that students have demonstrated the ability to solve a problem or accomplish an objective. This goal has three related outcomes: students have correctly identified the problem to be solved or the objective to be accomplished, students have effectively used the law and facts provided to solve the problem or accomplish the objective, and students have prepared a written document that solves the problem or accomplishes the objective successfully. The second goal is that students have demonstrated the ability to organize and manage a legal task. This goal has two related outcomes: students have completed the legal task within time constraints, and students have effectively completed the legal task.

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119. See Appendix 1 for Professional Skills II Goals and Student Learning Outcomes.

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During the 2010–2011 academic year, 125 students were enrolled in Professional Skills II and took the final exam. Each exam was assessed on how well the student accomplished each of the five student learning outcomes. For our assessment of each of the student learning outcomes, we used the following four performance standards: Exemplary (worth 5 points); Competent (worth 3 points); Developing (worth 1 point); and Inadequate (worth 0 points). Each performance standard was defined individually using criteria for each student learning outcome.<sup>120</sup>

*C. Methodology*

The objective, scope, and methodology of our study are set forth here.

## 1. Objective

The objective of the evaluation was to assess the performance of students enrolled in the capstone course, Professional Skills II, at Whittier Law School in the 2010–2011 academic year in accomplishing two course goals.

## 2. Scope

Our study analyzed the performance of all 125 students who were enrolled in the Professional Skills II course and who completed the final exam.

## 3. Methodology

Content analysis was our method of research to assess the performance of students in accomplishing course goals. Content analysis examines textual information in a standardized way that allows researchers to determine the results of a program, goal, or metric.<sup>121</sup> In content analysis, researchers classify the principal ideas described in an essay, article, or report.<sup>122</sup> In our research, we utilized a classification process, called “coding,” to mark text passages with numeric values on final exams completed by students enrolled in the Professional Skills II

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120. See Appendix 2 for our rubrics used for Professional Skills II Goal 1 and Goal 2.

121. See ALLEN, *supra* note 2, at 133.

122. See *id.*

course. The coding, in turn, was used for subsequent statistical analysis. To classify a student exam's key ideas, we identified specific writing themes. Themes include several sentences or paragraphs that respond to specific questions. The boundary of the theme is focused on a single idea. We used structured forms to extract relevant information uniformly and consistently to safeguard against distortion of the evidence.

The two evaluators, the authors, possessed the legal knowledge and experience necessary to score the final exams, carefully read the final exams, and code the passages. We coded the 125 final exams submitted by students (with names redacted) enrolled in the Professional Skills II course for each of the five student learning outcomes, as shown below. Our observed agreement rate was 92%.<sup>123</sup> For coding that differed between us, we met to agree on appropriate coding.

Each outcome was coded a numerical value of "5," "3," "1," or "0" depending on the ability demonstrated by the student in accomplishing the outcome on the exam.<sup>124</sup> This scale, corresponding with our stated performance standards, was used for all assessment. An average score of 3.0 or better was necessary to assess competency. Using Microsoft Excel, the data was analyzed to compute class averages in accomplishing each of the course goals and outcomes. The data was also analyzed to determine the percentage of students who successfully accomplished each of the five student learning outcomes.

The study was not designed to quantitatively identify the factors that influenced student performance on the final exams.

The study was conducted between May and August 2011.

#### *D. Results*

Our findings are presented in three sections. First, we will focus on class performance on both course goals. Second, we will focus on class performance on each of the two individual course goals. Third, we will focus on class performance on each of the five student learning outcomes.

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123. Inter-rater reliability of "90% is acceptable." *Id.* at 146.

124. A value of 5 is exemplary, 3 is competent, 1 is developing, and 0 is inadequate.

**1. Finding 1: The Class Performed Satisfactorily in Accomplishing Both Course Goals (Figure 1)**

The class performed satisfactorily in accomplishing both course goals: (1) ability to solve a problem or accomplish an objective and (2) ability to organize and manage a legal task. The total class average for all five student learning outcomes was 3.5. Students showed the best performance on the second goal, organizing and managing a legal task, followed by the first goal, solving a problem or accomplishing an objective.

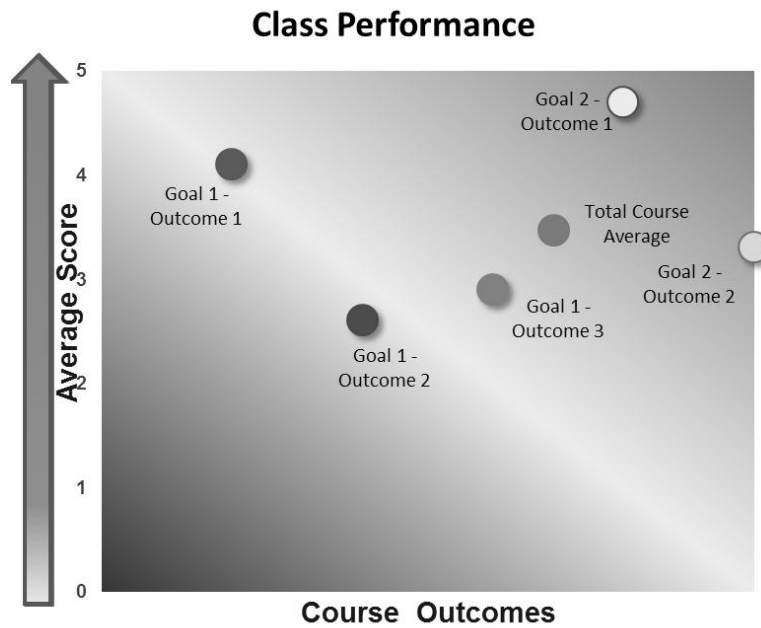


Figure 1

2. Finding 2: The Class Performed Satisfactorily in Accomplishing Each Course Goal (Figures 2 and 3)

a. The Class Performed Satisfactorily in Its Ability to Solve a Problem or Accomplish an Objective (Figure 2)

The class performed satisfactorily in its ability to solve a problem or accomplish an objective, although performance was generally lower in effectively using the law and facts provided to accomplish this goal. The overall class performance on the first course goal was 3.2. The class score was 4.1 for correctly identifying the problem to be solved or the objective to be accomplished, but 2.6 for effectively using the law and facts provided to solve the problem or accomplish the objective and 2.9 for preparing a written document that solves the problem or accomplishes the objective successfully.<sup>125</sup>

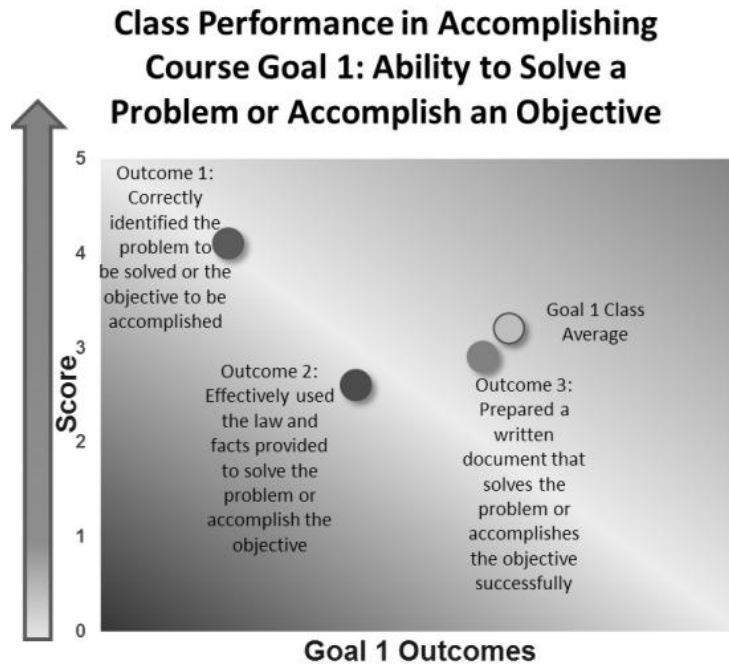


Figure 2

125. The average score of 2.9 for Outcome 3 under Goal 1 could reasonably be interpreted as meeting the competency standard because 4 of 125 students received a 0 on this component of the exam and that dropped the class average slightly below 3.



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*b. The Class Performed Well in Organizing  
and Managing a Legal Task (Figure 3)*

The class performed well in organizing and managing a legal task. The overall class performance on the second course goal was 3.9. The class scored 4.7 in completing the legal task within time constraints and 3.3 for effectively completing the legal task.<sup>126</sup>

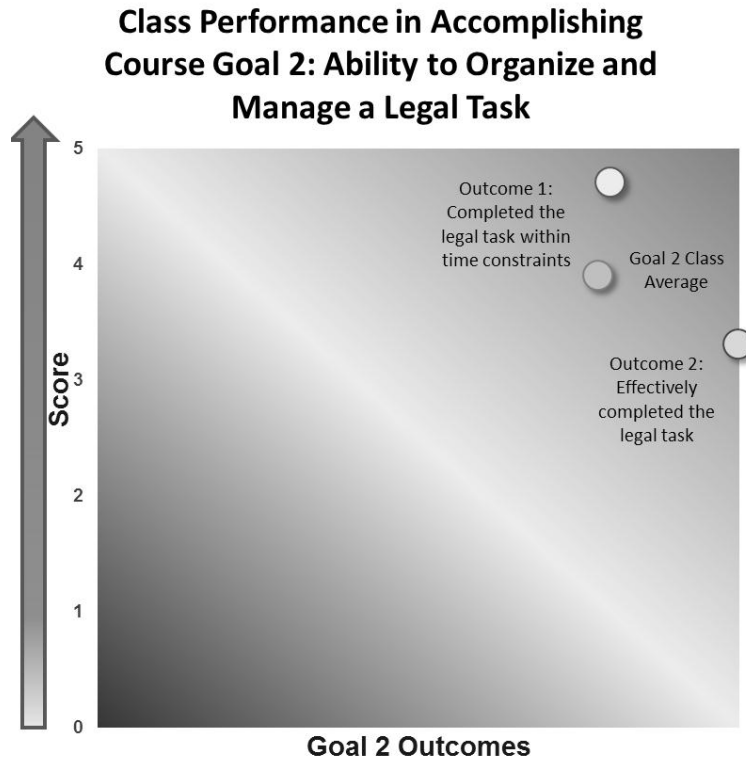


Figure 3

<sup>126</sup> The purpose behind Goal 2 – Outcome 2 was to ensure that students did not just finish the exam, but that they finished the exam while producing an effective written product.

3. Finding 3: Class Performance on Each Student Learning Outcome (Figures 4–8)

Below are the findings for each of the five student learning outcomes.

*a. Most Students Correctly Identified the Problem to Be Solved or the Objective to Be Accomplished (Figure 4)*

For Goal 1 – Outcome 1, most of the students enrolled in the course performed competently in identifying the problem to be solved or the objective to be accomplished. Specifically, 81% of the students who took the final exam either correctly or adequately identified the problem to be solved or the objective to be accomplished (exemplary and competent). The remaining 18% either responded correctly to some but not all of the assigned tasks, or they responded inadequately (developing and inadequate).<sup>127</sup>

**Percentage of Students Correctly Identifying the Problem to Be Solved or Objective to Be Accomplished (Goal 1 - Outcome 1)**

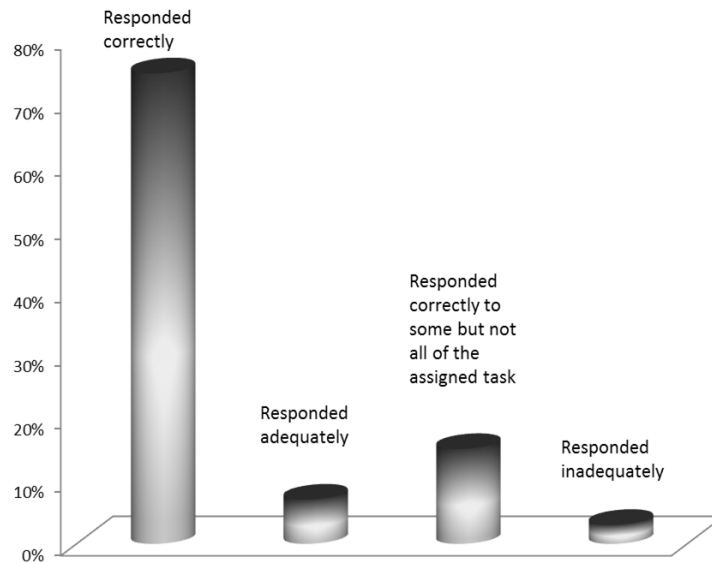


Figure 4

127. When combined, this total does not equal 100% due to rounding of the data.

*b. Students Differed in Their Ability to Effectively Use the Law and Facts Provided to Solve the Problem or Accomplish the Objective (Figure 5)*

For Goal 1 – Outcome 2, students enrolled in the course differed in their ability to effectively use the law and facts provided to solve the problem or accomplish the objective. Specifically, 60% of the students who took the final exam either used all or the majority of the relevant law and legally significant facts effectively (exemplary and competent). The remaining 40% of the students either missed some of the relevant law and/or legally significant facts or they inadequately used them (developing and inadequate).

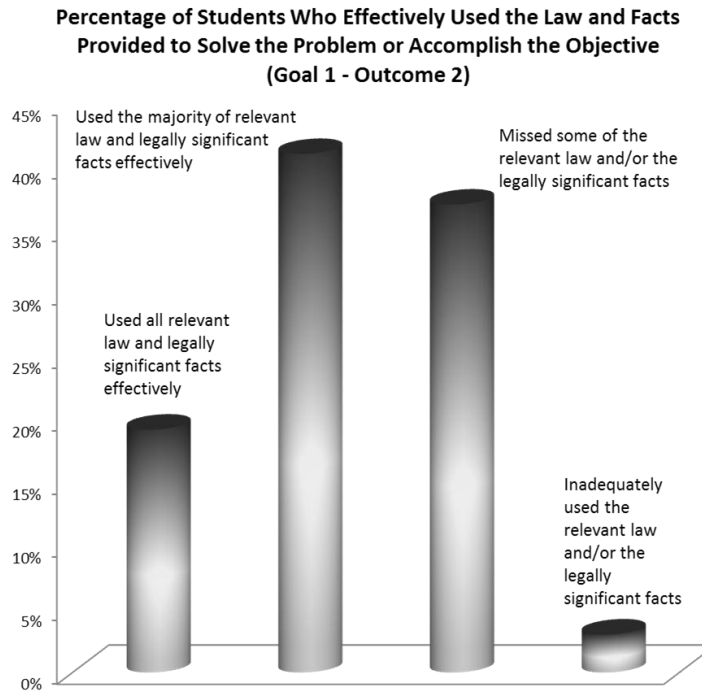


Figure 5

*c. Most Students Prepared a Written Document that Solved the Problem or Objective Successfully (Figure 6)*

For Goal 1 – Outcome 3, most of the students enrolled in the course performed competently in preparing a written document that solved the problem or objective successfully. Specifically, 76% of the students who took the final exam prepared a document that would require little, no, or some revision by a supervising attorney (exemplary and competent). The remaining 24% prepared a document that would require substantial revision by a supervising attorney or that was inadequate and could not be used (developing and inadequate).

**Percentage of Students Who Prepared a Written Document that Solved the Problem or Objective Successfully (Goal 1 - Outcome 3)**

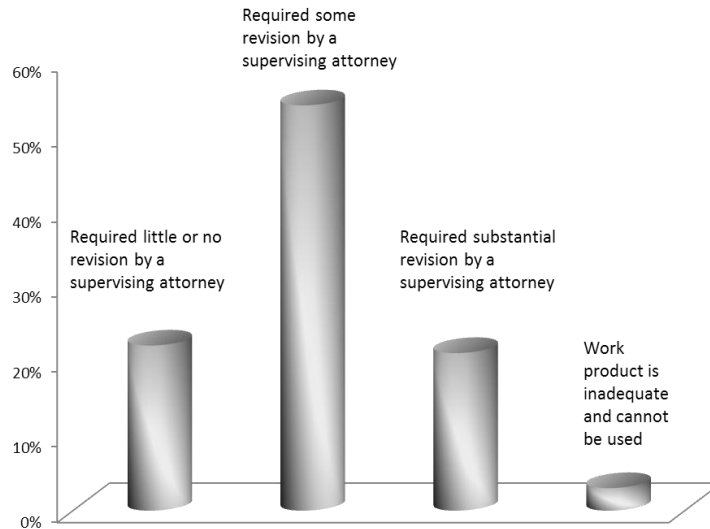


Figure 6

*d. Most Students Completed the Legal Task Within Time Constraints (Figure 7)*

For Goal 2 – Outcome 1, most of the students enrolled in the course performed competently in completing the legal task within time constraints. Specifically, 97% of the students who took the final exam completed all or the majority of the assigned task within the time allotted (exemplary and competent). The remaining 3% completed some of the assigned task within the time allotted, and none of the students failed to complete the assigned task within the time allotted (developing and inadequate).

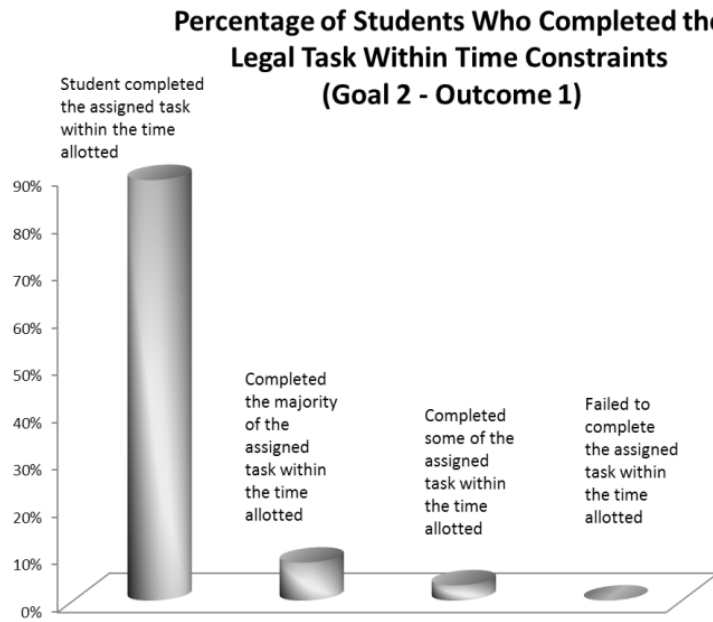


Figure 7

*e. Most Students Effectively Completed the Legal Task (Figure 8)*

For Goal 2 – Outcome 2, most of the students enrolled in the course performed competently in effectively completing the legal task. Specifically, 79% of the students who took the final exam submitted a complete and thorough work product or a complete and satisfactory work product (exemplary and competent). The remaining 21% either submitted work that was insufficient, incomplete, or unsatisfactory (developing and inadequate).

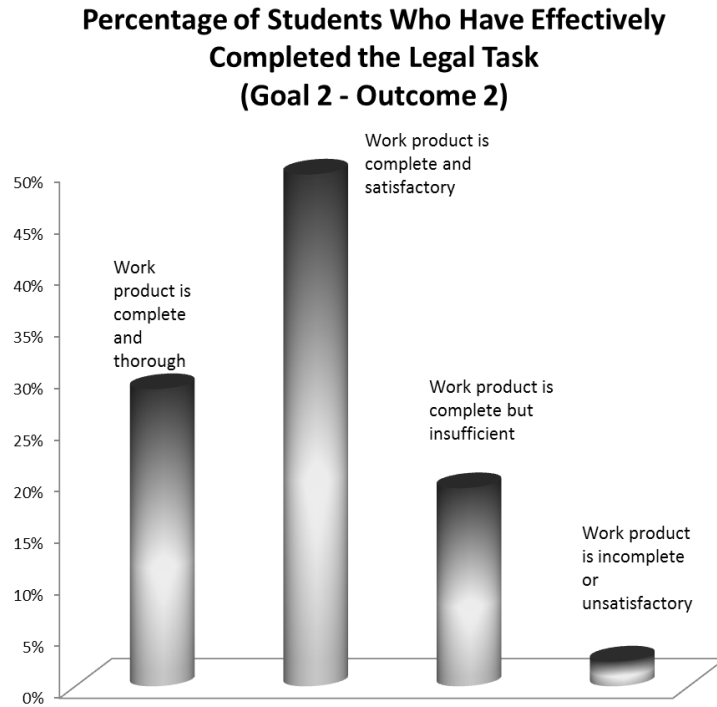


Figure 8

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## IV. CONCLUSION

Program assessment need not be an overwhelming task. The question we posed in the beginning of this Article was not *why* you should assess your program, but *how* you would get started actually doing it. We began with our capstone course. The results of our study show that at the completion of the program—by assessing the final exam in the capstone course—the class generally proved to be competent as to several of the key skills necessary to practice law successfully. Of course, we only studied two of our six course goals, which are also two of our ten program goals. There is much more to be done.

Because the original purpose of the study was to improve our program to promote student learning, we have identified one area to focus on. The results show additional instruction may be needed so that more students can effectively use the law and facts provided to solve a problem or accomplish an objective (Goal 1 – Outcome 2). We plan to use these results to inform and modify our curriculum—over all four semesters—to focus on this student learning outcome.

In the future, as we examine additional goals, we plan to use both direct and indirect assessment measures (e.g., perhaps a student survey in addition to an embedded assignment) to determine whether the results of each measure lead to the same conclusion (whether they “triangulate”). We appreciate that we have a long way to go, but we have taken the first step. We hope that we have provided inspiration to others to find a way to get started.

## Appendix 1

**Professional Skills II  
Goals and Student Learning Outcomes****Goal No. 1**

Students have demonstrated the ability to solve a problem or accomplish an objective.

**Student Learning Outcomes (3)**

1. Students have correctly identified the problem to be solved or the objective to be accomplished.

**Criteria**

- The student responded correctly to the assigned task. (5 points)
- The student responded adequately to the assigned task. (3 points)
- The student responded correctly or adequately to some, but not all, of the assigned task. (1 point)
- The student responded inadequately to the assigned task. (0 points)

2. Students have effectively used the law and facts provided to solve the problem or accomplish the objective.

**Criteria**

- The student used all relevant law and legally significant facts effectively. (5 points)
- The student used the majority of relevant law and legally significant facts effectively. (3 points)
- The student missed some of the relevant law and/or the legally significant facts. (1 point)
- The student inadequately used the relevant law and/or the legally significant facts. (0 points)

3. Students have prepared a written document that solves the problem or accomplishes the objective successfully.



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- The work product requires little or no revision by a supervising attorney. (5 points)
- The work product requires some revision by a supervising attorney. (3 points)
- The work product requires substantial revision by a supervising attorney. (1 point)
- The work product is inadequate and cannot be used. (0 points)

**Goal No. 2**

Students have demonstrated the ability to organize and manage a legal task.

**Student Learning Outcomes (2)**

1. Students have completed the legal task within time constraints.

**Criteria**

- The student completed the assigned task within the time allotted. (5 points)
- The student completed the majority of the assigned task within the time allotted. (3 points)
- The student completed some of the assigned task within the time allotted. (1 point)
- The student failed to complete the assigned task within the time allotted. (0 points)

2. Students have effectively completed the legal task.

**Criteria**

- The work product is complete and thorough. (5 points)
- The work product is complete and satisfactory. (3 points)
- The work product is complete but insufficient. (1 point)
- The work product is incomplete or unsatisfactory. (0 points)

Appendix 2

**PROFESSIONAL SKILLS II**

**GOAL NO. 1:  
STUDENTS HAVE DEMONSTRATED THE ABILITY TO  
SOLVE A PROBLEM OR ACCOMPLISH AN OBJECTIVE.**

	<b>Exemplary</b>	<b>Competent</b>	<b>Developing</b>	<b>Inadequate</b>
<b>Student has correctly identified the problem to be solved or the objective to be accomplished</b>	The student responded correctly to the assigned task.	The student responded adequately to the assigned task.	The student responded correctly or adequately to some, but not all, of the assigned task.	The student responded inadequately to the assigned task.
<b>Student has effectively used the law and facts provided to solve the problem or accomplish the objective.</b>	The student used all relevant law and legally significant facts effectively.	The student used the majority of relevant law and legally significant facts effectively.	The student missed some of the relevant law and/or the legally significant facts.	The student inadequately used the relevant law and/or the legally significant facts.
<b>Student has prepared a written document that solves the problem or accomplishes the objective successfully.</b>	The work product requires little or no revision by a supervising attorney.	The work product requires some revision by a supervising attorney.	The work product requires substantial revision by a supervising attorney.	The work product is inadequate and cannot be used.

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**PROFESSIONAL SKILLS II**

**GOAL NO. 2:  
STUDENTS HAVE DEMONSTRATED THE ABILITY TO  
ORGANIZE AND MANAGE A LEGAL TASK.**

	<b>Exemplary</b>	<b>Competent</b>	<b>Developing</b>	<b>Inadequate</b>
<b>Student has completed the legal task within time constraints.</b>	The student completed the assigned task within the time allotted.	The student completed the majority of the assigned task within the time allotted.	The student completed some of the assigned task within the time allotted.	The student failed to complete the assigned task within the time allotted.
<b>Student has effectively completed the legal task.</b>	The work product is complete and thorough.	The work product is complete and satisfactory.	The work product is complete but insufficient.	The work product is incomplete or unsatisfactory.