

Revisions to the ABA Standards for Approved Law Schools Related to Learning Outcomes and Experiential Learning

Below find those portions of the new Standards directly relating to learning outcomes or experiential education.

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

- (a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.
- (b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

Standard 302. LEARNING OUTCOMES

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

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Interpretation 302-1 For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Interpretation 302-2

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

Standard 314. ASSESSMENT OF STUDENT LEARNING

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

Interpretation 314-1 Formative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student's legal education that measure the degree of student learning.

Interpretation 314-2 A law school need not apply multiple assessment methods in any particular course. Assessment methods are likely to be different from school to school. Law schools are not required by Standard 314 to use any particular assessment method.

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

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

Interpretation 315-1 Examples of methods that may be used to measure the degree to which students have attained competency in the school's student learning outcomes include review of the records the law school maintains to measure individual student achievement pursuant to Standard 314; evaluation of student learning portfolios; student evaluation of the sufficiency of their education; student performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge; bar exam passage rates; placement rates; surveys of attorneys, judges, and alumni; and assessment of student performance by judges, attorneys, or law professors from other schools. The methods used to measure the degree of student achievement of learning outcomes are likely to differ from school to school and law schools are not required by this standard to use any particular methods.

Standard 204. SELF STUDY

Before each site evaluation visit the law school shall prepare a self-study comprised of (a) a completed site evaluation questionnaire, (b) a statement of the law school's mission and of its educational objectives in support of that mission, (c) an assessment of the educational quality of the law school's program, (d) an assessment of the school's continuing efforts to improve educational quality, (e) an evaluation of the school's effectiveness in achieving its stated educational objectives, and (f) a description of the strengths and weaknesses of the law school's program of legal education.

Implementation of Learning Outcomes and Assessment at an Institutional Level Some Suggestions and Potential Structures

1. Educate faculty (and if necessary the Dean and Academic Dean) on the mandate of the revised Standards. Remember the power of framing the issue and make sure to clarify that the Learning Outcomes selected by the school will guide the curriculum. This is critical and should be a continuous part of the process (see #9 below).
2. Determine who will lead the process. Consider who is already doing formative assessment, who understands the importance of learning outcomes, who routinely teaches experientially and assesses lawyering skills other than legal analysis and reasoning.
3. Create a working group of likeminded faculty and administrators. Review potential sources of recommended lawyering skills and outcomes (e.g., MacCrate, Best Practices, The Carnegie Report, Shultz & Zedeck's Lawyering Effectiveness Factors). Review the 2008 Report of the Outcome Measures Committee and Gregory S. Munro's Outcomes Assessment for Law Schools. If you are part of a larger university consider seeking outside input from other colleges and departments who have already implemented outcomes and assessments pursuant to their accrediting agencies.
4. Evaluate the Law School Mission. Does it reflect values that can be directly linked to specific learning outcomes or lawyering skills and competencies? Learning Outcomes adopted by the school should serve the school's mission.
5. Determine which learning outcomes the law school is already teaching and where in the curriculum these outcomes are being taught. One mechanism for this would be curriculum mapping. Pay close attention to outcomes mandated by the Standards:
Knowledge and understanding of substantive and procedural law; legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; exercise of proper professional and ethical responsibilities to clients and the legal system; and other professional skills needed for competent and ethical participation as a member of the legal profession.
6. Determine what other legal skills are routinely being taught at the law school and where in the curriculum these skills are being taught. This could be done through the curriculum mapping process as well.
7. Create a process for seeking input from the local bench and bar concerning potential learning outcomes the school should adopt.
8. Select any additional Outcomes the school will adopt (other than those required) if any, keeping in mind they should be easily stated, measurable (not necessarily with mathematical precision), reasonable in light of faculty and student capacity, and will be governing the curriculum as a whole.
9. Return to the full faculty as needed to create dialogue, understanding, transparency and buy-in.

Worksheet

Potential Obstacles:

Individuals in positions of power disinclined to change: (Administrators or Faculty)

Preconceived notions about teaching:

Inertia:

Competing Interests (scholarship / establishment of new programs):

Other:

Potential Opportunities for overcoming those obstacles:

People likely to embrace Outcomes and Assessment: (Administration, Faculty, Community Members, Students) especially those with formal and/or informal power within the school.

Already Established Courses and Assessment Tools:

Internal Structures: (teaching circles / rounds, curriculum committee, reading groups, site visit preparation teams)

Bibliography

Below is a short non-comprehensive bibliography for assisting in implementing the Outcomes and Assessment process at an institutional level. Note that there are many articles and books on implementing Outcomes and Assessment at the course or programmatic level (e.g., within a legal writing program).

Articles:

Mary Crossley and Lu-in Wang, *Learning By Doing: An Experience With Outcomes Assessment*, 41 U. Toledo L. Rev. 269 (2010) (describes U Pitt Law's introduction of Outcomes into their program).

Gregory Munro, *Integrating Theory and Practice in a Competency Based Curriculum: Academic Planning at the University of Montana School of Law*, 52 Mont. L. Rev. 345 (1991) (discusses establishing Outcomes and Assessment at Montana School of Law in the late 1980's).

Carolyn Plumb, *Lessons For Legal Education From The Engineering Profession's Experience With Outcomes-Based Accreditation*, 38 WM. MITCHELL L. REV. 1017 (2012) (provides overview of Outcomes and Assessment in education theory and then describes how engineering schools adapted to their accrediting bodies move to require Outcomes and Assessment).

ABA Reports:

ABA Sec. Leg. Educ. & Admis. To Bar, *Report of the Outcomes Measures Committee* (July 27, 2008) (excellent review of the thought and purpose behind the new Standards) available at <http://apps.americanbar.org/legaled/committees/subcomm/Outcome%20Measures%20Final%20Report.pdf>

Books:

Gregory S. Munro, *OUTCOMES ASSESSMENT FOR LAW SCHOOLS* (2000) (provides step by step implementation guide for effective assessment at institutional and course levels) available at: <http://lawteaching.org/publications/books/outcomesassessment/>

Roy Stuckey et al., *BEST PRACTICES FOR LEGAL EDUCATION* (2007) (contains several chapters on assessment at institutional and course level).

William M. Sullivan et al., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) (discusses importance of setting school and course wide outcomes and developing effective assessment).

Curricular Reform Process Generally:

REFORMING LEGAL EDUCATION: LAW SCHOOLS AT THE CROSSROADS (David M. Moss & Debra Moss Curtis eds., 2012) (multiple narratives of curricular reform at several law schools most of which follow a process which could be adapted for implementing Outcomes and Assessment).