

Plenary: *Revision: Improving Assessment*

By:

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A. OVERVIEW OF ASSESSMENT

1. The meaning of Assessment:
2. Institutional or program assessment
3. Student assessment or "student assessment-as-learning"

B. EDUCATIONAL ASSUMPTIONS UNDERLYING ASSESSMENT

Assessment for legal education is based on four underlying assumptions:¹

1. Law students should not just know; they should be able to do what they know.
2. Law faculty must articulate and make known their student learning outcomes.
3. Law students' abilities must relate to what their professional life in service to society will require.
4. Assessment is integral to law student learning.

C. MISSION STATEMENT AND ASSESSMENT

1. Law School Constituencies
 - a. The public that is served by the social order process
 - b. Students
 - c. Employers of law graduates
 - d. Law faculty
 - e. Applicants for admission
 - f. Potential clients of graduates
 - g. Taxpayers
 - h. Alumni
 - i. Courts
 - j. The entire licensed profession
 - k. The university to which the law school is attached
 - l. The entire life process

(from Mixon and Otto, 43 Emory L.J. 393)

2. Topics to discuss in developing mission statement:

¹ **Adapted from educational assumptions of the Alverno College Faculty, STUDENT ASSESSMENT-AS-LEARNING, AT ALVERNO COLLEGE 3-4 (1994).**

- Necessary knowledge, skills and values for serving society
- Technology preparation
- Generalists or specialists
- Role of faculty scholarship
- Prioritization of teaching, research and service
- Law school's legal specialties
- Global, national, regional, or state focus
- Law school's niche in the admissions market
- Think like lawyers? Pass bar exam? Practice law? Be legal policy makers?
- Law school as center for legal policy for the geographic or political region
- Society's need in numbers and specialty for lawyers in the future
- Law school role in continuing education of lawyers
- Multi-disciplinary practice

D. STUDENT OUTCOMES

1. Student outcomes are the:

Abilities
 Knowledge base
 Skills
 Perspective
 Personal attributes

which the school desires the students to exhibit on graduation.

2. The MacCrate Report² as a statement of outcomes for law schools:

Skill 1: Problem Solving
 Skill 2: Legal Analysis and Reasoning
 Skill 3: Legal Research
 Skill 4: Factual Investigation
 Skill 5: Communication
 Skill 6: Counseling
 Skill 7: Negotiation
 Skill 8: Litigation and Alternative Dispute Resolution Procedures
 Skill 9: Organization and Management of Legal Work
 Skill 10: Recognizing and Resolving Ethical Dilemmas

² ABA Section of Legal Education and Admissions to the Bar—An Education Continuum, REPORT ON THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP(1992) [hereinafter MacCrate Report].

3. MacCrate Fundamental Values of the Profession as outcomes:

- Value 1: Provision of Competent Representation
- Value 2: Striving to Promote Justice, Fairness, and Morality
- Value 3: Striving to Improve the Profession
- Value 4: Professional Self Development

E. CURRICULUM

A curriculum that serves the school's mission and outcomes must have certain characteristics:

- (1) Focus
- (2) Coherence and coordination
- (3) Incremental and developmental
- (4) Required core
- (6) Integral assessment

F. TEACHING METHOD

"Education goes beyond knowing to being able to do what one knows."

"Learning must be active and collaborative."

G. ASSESSMENT

- 1. Summative Assessment
- 2. Formative Assessment
- 3. Quantitative Assessment Methods

- Cognitive Assessment
 - Behavioral Assessment
 - Performance assessment.
 - Attitudinal assessment

- 4. Requirements for Effective Methods of Assessment
 - a. Validity
 - b. Reliability
 - c. Fairness
 - d. Usefulness

(From MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS [2000], *citing* JOSEPHSON, LEARNING AND EVALUATION IN LAW SCHOOL [1984])