

Stuart H. Smith Law Clinic and Center for Social Justice

Assessment 1: [Date] \_\_\_\_\_

Student: \_\_\_\_\_

Definitions:    Highly Proficient:    A thorough mastery of technique in the necessary skills needed to effectively represent the client

                    Proficient:                Has an advanced knowledge of the skills necessary needed to represent the client

                    Developing:                Has a basic understanding of the skills necessary to effectively represent the client but has not fully mastered and/or implemented those skills

                    Beginning:                    Understands or comprehends legal concepts by restating in their own words, paraphrasing, summarizing, memorizing or translating but is still developing to apply the information to solve problems, transfer to abstract or theoretical ideas and apply to practical situations

                    Insufficient:                Lacks a basic understanding of the skills needed to effectively represent the client

1. Interviewing and Counseling	Highly Proficient/Proficient/Developing/Insufficient/Not Available
1a. Can identify and understands interviewing skills necessary for the interaction with client	
1b. Understands the difference between interviewing (eliciting facts) and counseling (educating the client)	
1c. Effectively foster an attorney-client relationship	

2. Fact investigation	Highly Proficient/Proficient/Developing/Insufficient/Not Available
2a. Extracts and synthesizes facts from interviews to formulate an investigation plan and execution of plan	
2b. Understands concept of material and necessary facts to properly identify legal issues in client's case; properly identifies non-essential facts	
2c. Categorizes facts in terms of concepts and the language of law.	

3. Problem solving skills	Highly Proficient/Proficient/Developing/Insufficient/Not Available
3a. Identification of legal and factual issues in client's case	
3b. Can identify client's objectives/priorities	
3c. Identifies obstacles and facilitating factors that impact accomplishment of client objectives	
3d. Can creatively develop alternate theories to meet the client's objective	
3e. Can articulate strengths and challenges for purposes of strategic decisions in litigation and settlement.	
3f. In Court appearances: Can respond to challenges and/or objections by judge and	

opposing counsel; ability to spot and make objections in court.	
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4. Legal research	Highly Proficient/Proficient/Developing/Insufficient/Not Available
4a. Appropriate identification of facts and legal issue(s) to be researched	
4b. Applies accepted methods of research in substantive and procedural areas of law	

5. Legal analysis and reasoning-Legal Theories	Highly Proficient/Proficient/Developing/Insufficient/Not Available
5a. Identifies relevant and non-relevant facts	
5b. Develops strategies to minimize the impact of adverse facts.	
5c. Identifies inconsistencies among facts and whether facts are reliable.	
5d. Distinguishes facts from factual conclusions; distinguishes facts from conclusions of law	
5e. Determines rules of law relevant to framing legal issues;	
5f. Determines trends in interpretation or application of laws	
5g. Legal reasoning in client's case - analyzes the	

application of law correctly and identifies discrete legal issues as necessary; understands need for extension, limitation or rejection of rule; arranges facts and legal arguments to formulate a theory of the case.	
5h. Evaluates legal theories in the context of the decision-maker, identifies equities recognized by law or culture; determines likely effectiveness of the theory	

6. Communication	Highly Proficient/Proficient/Developing/Insufficient/Not Available
6a. Listens to client's needs, keeps client informed and involved in the decision making process	
6b. Presents an appropriate demeanor to the court - organizes an effective argument and anticipates rebuttals <i>See legal analysis above.</i>	
6c. Presents an appropriate demeanor with opposing counsel and colleagues -class mates, supervisor, etc. (professional relationships)	
6d. Keeps supervisor informed of progress of case; initiates appropriate case discussions.	
6e. Communicates with staff appropriately	
6f. Written communication is appropriate for the audience, clear, precise, advances a short/long term objective of the client and properly uses the	

mechanics of language.	
6g. Oral communication expresses thoughts that are clear, organized, appropriate, advances client's objectives and uses appropriate mechanics of language.	

7. Negotiation	Highly Proficient/Proficient/Developing/Insufficient/Not Available
7a. Identifies the strengths and challenges of the client's legal position in anticipation of settlement	
7b. Formulate strategies for negotiation purposes which may achieve client's objectives.	

8. Litigation Time Management	Highly Proficient/Proficient/Developing/Insufficient/Not Available
8a. Understands and uses appropriate time management which takes into consideration client's goals and court deadlines.	
8b. Understands the use of internal guidelines to manage case objectives; takes actions to carry out the formulated work plan and anticipates issues.	
8c. Uses litigation skills (oral, written, investigatory) appropriately and seeks additional resources as necessary to develop such skills.	
8d. Keeps contemporaneous records of time spent	

working on the case.	
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9. Recognizing and resolving ethical issues	Highly Proficient/Proficient/Developing/Insufficient/Not Available
9a. Recognition of situations which pose ethical issues in light of the Code of Professional Responsibility.	
9b. Legal analysis of and plan for resolution of ethical issue(s)	

10. Organization and Management of Legal Work	Highly Proficient/Proficient/Developing/Insufficient/Not Available
10a. Case management: Self initiation regarding research and application of facts and law; ability to proceed without undue reliance on supervisor, but seeks and uses supervisor in a timely fashion when necessary; maintains an appropriate level of productivity.	
10b. Promptness, or lack of, in completing work; submits work to superv. in time for edits and improvement. Properly communicates regarding documents to be reviewed (where found, nature of doc. etc.) Appropriately follows up on editing process.	
10c. Time management-allocates sufficient time and resources to case work; ability to balance	

work in all cases with classes and personal life. Ability to prioritize and plan case appropriate tasks. Constancy in maintaining record of events taking into consideration ease of retrieval. Appropriate follow up.	
10d. Class participation: understands and completes assignments; reads assigned material. Asks relevant questions.	

11. Personal Development	Highly Proficient/Proficient/Developing/Insufficient/Not Available
11a. Reflective skills in the learning process: Takes an opportunity to discuss challenges and ways to improve.	
11b. Identified and addressed all possible ideological and personal considerations.	

Other Considerations & Suggested Grade:
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