

Lessons Learned: UALR William H. Bowen School of law

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**UALR William H. Bowen School of Law
Statement of Educational Outcomes**

A. KNOWLEDGE. Every graduate should have knowledge and understanding of the following at a level sufficient to practice ethically as a lawyer and to pass the bar examination in any United States jurisdiction:

1. The organization, hierarchy and relationships of legal systems;
2. The sources of primary law and the ways they relate to one another;
3. The nature of legal rules and institutions;
4. The fundamental sources and tools of legal research;
5. The principles of the fundamental areas of American substantive law, including civil procedure, constitutional law, contracts, criminal law and procedure, evidence, property, and torts;
6. The nature, sources, and content of ethical standards applicable to lawyers and the practice of law in the United States; and
7. Sound principles of law office management.

B. SKILLS. Every graduate should have the following skills:

1. To engage in effective problem solving by:
 - a. working cooperatively as part of a team;
 - b. identifying and diagnosing problems;
 - c. generating alternative solutions and strategies;
 - d. developing and implementing plans of action; and
 - e. keeping the planning process open to new information and ideas.

2. To comprehend legal texts and apply the legal principles extracted from the texts to new factual circumstances - the two fundamental components of legal reasoning - at a high level of proficiency by:
 - a. comprehending a legal text, such as a case, a statute, an administrative rule, a secondary source, or a contract (for example, graduates should be capable of extracting the governing legal rules from a single judicial decision);
 - b. comprehending a series of legal texts and synthesizing them into a coherent legal narrative, including the ability both to harmonize apparently conflicting authorities and to recognize genuinely conflicting authorities (for example, graduates should be capable of extracting the governing legal rules from a series of judicial decisions on a particular topic); and
 - c. applying governing legal principles to factual situations, including the abilities to spot issues, to formulate issues, to develop potential legal solutions, and to assess their validity (for example, graduates should be capable of reviewing a client's factual narrative, spotting legal issues raised by the narrative, and developing legal solutions to address the situation, such as causes of action and legally operative acts).
3. To conduct effective and efficient legal research by developing a research strategy, identifying potentially relevant sources of law, locating legal texts that provide the governing legal principles for a factual situation, and understanding the role that legal reasoning plays in legal research.
4. To write an objective memorandum predicting the resolution of one or more legal issues.
5. To write a substantial brief advocating a position for a client.
6. To draft a legally effective document other than in the litigation context (for example, a contract or a will).
7. To conduct factual investigation by:
 - a. determining its need;
 - b. planning and implementing an investigative strategy;
 - c. interviewing clients and other persons to obtain information necessary to the fact-gathering process;
 - d. memorializing and organizing information in an accessible form;

- e. deciding whether and when to conclude the fact-gathering process; and
 - f. evaluating the information that has been gathered.
8. To communicate effectively orally and in writing by:
- a. presenting material in a clear, concise, well-organized, and professional manner that is appropriate to the audience and circumstances; and
 - b. using effective listening techniques.
9. To counsel clients about decisions or courses of action by:
- a. establishing an appropriate relationship within the nature and bounds of the lawyer's role;
 - b. identifying the needs, goals, and objectives of a client in a given context;
 - c. developing potential strategies to implement the identified needs, goals, and objectives; and
 - d. assessing with the client potential strategies to meet the identified needs, goals, and objectives.
10. To implement a client's decision by preparing for and conducting:
- a. negotiations;
 - b. litigation at the trial and appellate levels; and
 - c. advocacy in administrative, executive, or other dispute resolution forums.
11. To practice effectively by:
- a. formulating goals and principles for effective practice management;
 - b. developing systems and procedures to ensure the efficient allocation of time, effort, and resources, and the timely performance and completion of work; and
 - c. facilitating effective working relationships.

12. To represent a client consistently with ethical standards by:

- a. recognizing potential ethical issues; and
- b. resolving actual issues in accordance with the applicable rules governing professional conduct.

C. VALUES. Every graduate should understand and exemplify the following values:

1. As a member of a profession dedicated to the service of clients, a commitment to professionalism and to the rules of professional responsibility, including:

- a. attaining and maintaining a level of competence in the lawyer's own field(s) of practice;
- b. representing clients in a competent manner;
- c. increasing the lawyer's knowledge of the law and improving the lawyer's practice skills; and
- d. other aspects of professionalism, including honesty, integrity, reliability, respect for others, diligence and hard work, maturity, and judgment.

2. As a member of a profession that bears special responsibilities for the quality of justice, a commitment to:

- a. promoting justice, fairness, and morality in the lawyer's practice in harmony with the lawyer's ethical duties to clients;
- b. contributing to the profession's fulfillment of its responsibility to ensure that adequate legal services are provided to those who cannot afford to pay for them;
- c. contributing to the profession's fulfillment of its responsibility to enhance the capacity of law and legal institutions to do justice; and
- d. showing respect for all people.

3. As a member of a self-governing profession, a commitment to:

- a. participating in activities designed to improve the profession;
- b. assisting in the training and preparation of new lawyers; and
- c. striving to rid the profession of prejudice based on race, religion, national or ethnic origin, gender, sexual orientation, disability, age, or socio-economic status, and to rectify the effects of those prejudices.

4. As a member of a learned profession, a commitment to:
 - a. selecting and maintaining employment that will allow the lawyer to develop as a professional and to pursue the lawyer's professional and personal goals; and
 - b. living a balanced life.

Embedded Assessment Options

Type	Used to Assess
Essay Test	Analysis, knowledge, communication (can include problem-solving)
Multiple-Choice, True-False, Matching	Knowledge, analysis (some types of questions)
Short-Answer Test	Knowledge, analysis (some types of questions)
Lawyering Documents	Problem-solving, communication
Papers and Research projects	Analysis, research skills, communication (can include problem-solving)
Reflection exercise	Cognitive learning skills development
Chart work	Knowledge and cognitive learning skills development
Journals	Cognitive learning skills development and values
Oral performances	Analysis, knowledge, communication (can include problem-solving)
Peer evaluations	Collaboration skills and values

Other Assessment Options

Type	Used to Assess
Student Learning Portfolios*	Skills and knowledge
Surveys of students and alumni*	Values, skills, knowledge
Performance in capstone courses*	Skills and knowledge
Bar passage rates*	Skills, knowledge, analysis, communication
Placement rates*	Evident skills, knowledge, communication
Assessments by judges, attorneys, law profs. from other schools*	Analysis, research skills, legal problem-solving

* See ABA Standard 315, Interpretation 315-1.

Sample Rubric I: Contract Drafting Rubric

COMPONENTS	APPROACHING	PROFICIENT	EXEMPLARY
FACTUAL DEVELOPMENT			
<i>IDENTIFICATION OF FACTS</i> _____/5	0-1 point <ul style="list-style-type: none"> • Writer failed to identify key facts 	2-3 points <ul style="list-style-type: none"> • Writer identified most, but not all, important facts • Writer identified some but not all other relevant facts 	4-5 points <ul style="list-style-type: none"> • Writer identified all important facts • Writer identified all other relevant facts
<i>IDENTIFICATION OF INFO NEEDED</i> _____/10	0-3 point <ul style="list-style-type: none"> • Writer failed to recognize the need for additional info from client 	4-6 points <ul style="list-style-type: none"> • Writer identified some but not all additional info needed from client 	7-10 points <ul style="list-style-type: none"> • Writer identified all additional info needed from client
LEGAL DEVELOPMENT			
<i>USE OF RELEVANT CONTRACT LAW</i> _____/3	1 point <ul style="list-style-type: none"> • Writer failed to identify or implement relevant contract law 	2 points <ul style="list-style-type: none"> • Writer identified most of the relevant rules of contract law • Writer correctly implemented most of the relevant rules of contract law 	3 points <ul style="list-style-type: none"> • Writer identified the relevant rules of contract law • Writer correctly implemented the relevant rules of contract law
<i>USE OF OTHER RELEVANT LAW</i> _____/5	0-1 point <ul style="list-style-type: none"> • Writer failed to identify other (non-contract) relevant principles of law 	2-3 points <ul style="list-style-type: none"> • Writer identified most relevant non-contract law • Writer correctly implemented most of the relevant non-contract law 	4-5 points <ul style="list-style-type: none"> • Writer identified the relevant rules of non-contract law • Writer correctly implemented the relevant rules of non-contract law
SUBSTANTIVE QUALITY			
<i>VALIDITY</i> _____/5	0-1 point <ul style="list-style-type: none"> • Writer uses language that invalidates contract • Contract is missing necessary elements to establish validity 	2-3 points <ul style="list-style-type: none"> • Contract contains all elements to establish validity of all terms BUT • Writer includes language that could invalidate the contractor certain terms 	4-5 points <ul style="list-style-type: none"> • Writer avoids language that would invalidate contract or certain terms. • Contract contains all necessary elements to establish validity.

<i>PURPOSE</i> _____/15	points • Contract does not adequately consider and address client's goals.	6-10 points • Contract achieves some benefits for client but does not deliver most or all of client's priorities.	11-15 points • Contract achieves most or all of client's priorities
<i>PREVENTION AND ADDING VALUE</i> _____/10	0-3 points ▪ Contract does not adequately consider future problems. ▪ Attorney has not demonstrably added value to the transaction.	4-6 points ▪ Contract attempts but fails to sufficiently guard against identified future problems. OR ▪ Fails to identify all potential future problems. ▪ Attorney has added some evident value to transaction.	7-10 points ▪ Contract considers and is drafted to address all potential future problems. ▪ Attorney has added significant value to the transaction.
DRAFTING CHOICES			
<i>CHOICE AND TECHNICAL DRAFTING ASPECTS OF TYPE OF PROVISION</i> _____/10	0-3 points • Student made multiple incorrect choices of the types of provision to accomplish goals	4-6 points • Student mostly chose the right types of provisions and any errors did not have any negative effect client's goals	7-10 points • Student chose the right types of provisions to accomplish the client's goals
COMPOSITIONAL QUALITY			
<i>CLARITY</i> _____/10	0-3 points • Use of legalese or terms of art interferes with readability • Ambiguous language opens party(ies) up to undesirable liability	4-6 points • Uses legalese and terms of art but use doesn't interfere with readability	7-10 points • Written in plain language • Avoids ambiguous language

<i>CONSISTENCY</i> _____/10	0-3 points <ul style="list-style-type: none"> • Uses inconsistent terms to refer to parties, places, and objects • Does not use consistent language in drafting similar terms 	4-6 points <ul style="list-style-type: none"> • Uses consistent terms to refer to parties, places, and objects • Does not use consistent language in drafting similar terms 	7-10 points <ul style="list-style-type: none"> • Uses consistent terms to refer to parties, places, and objects • Uses consistent language in drafting similar terms
<i>ACTIVE VOICE</i> _____/5	0-2 points <ul style="list-style-type: none"> • Excessive use of passive voice 	3-4 points <ul style="list-style-type: none"> • Minimal use of passive voice 	5 points <ul style="list-style-type: none"> • Passive voice is used only to achieve a specific purpose
<i>GRAMMAR</i> _____/5	0-2 points <ul style="list-style-type: none"> • Grammar mistakes interfere with readability • Grammar mistakes interfere with purpose of contract 	3-4 points <ul style="list-style-type: none"> • Minimal grammar mistakes and mistakes do not interfere with readability or purpose of contract 	5 points <ul style="list-style-type: none"> • Free from grammar mistakes
<i>ORGANIZATION</i> _____/5	0-2 points <ul style="list-style-type: none"> • Organizational aspects of contract, including use of white space and subdivisions significantly interfere with clarity and readability 	3-4 points <ul style="list-style-type: none"> • Organizational aspects of contract, including use of white space and subdivisions make contract less readable but don't interfere with clarity 	5 points <ul style="list-style-type: none"> • Organizational aspects of contract enhance clarity and readability
<i>LABELS</i> _____/2	0 points <ul style="list-style-type: none"> • Terms are not adequately labeled. 	1 point <ul style="list-style-type: none"> • Terms are labeled but, in at least some places, labels are inaccurate or incomplete 	2 points <ul style="list-style-type: none"> • Terms are overwhelmingly appropriately labeled.

_____/100

Sample Rubric II: General Contracts IRAC Rubric

COMPONENTS	APPROACHING	PROFICIENT	EXEMPLARY
ISSUE	<ul style="list-style-type: none"> Misidentifies the issue 	<ul style="list-style-type: none"> Implies correct issue 	<ul style="list-style-type: none"> States correct issue
RULE	<ul style="list-style-type: none"> Gives incorrect rule OR does not give rule 	<ul style="list-style-type: none"> States correct rule but does so imprecisely 	<ul style="list-style-type: none"> States rule correctly
ANALYSIS			
FACTS			
<i>ACCURACY/ COMPLETENESS</i>	<ul style="list-style-type: none"> Does not identify specific, relevant facts from hypothetical 	<ul style="list-style-type: none"> Identifies <u>some</u> specific facts relevant to analyzing issue 	<ul style="list-style-type: none"> Identifies <u>all</u> specific facts relevant to analyzing issue
	<ul style="list-style-type: none"> Does not quote key contract language relevant to analysis 	<ul style="list-style-type: none"> Quotes <u>some</u> key language relevant to analysis 	<ul style="list-style-type: none"> Quotes <u>all</u> key language relevant to analysis, only if necessary
<i>NUANCES</i>	<ul style="list-style-type: none"> Does not identify contextual facts OR Identifies contextual irrelevant to analysis 	<ul style="list-style-type: none"> Identifies <u>some</u> contextual facts that give nuance 	<ul style="list-style-type: none"> Identifies <u>all</u> relevant contextual facts that give nuance
REASONING			
	<ul style="list-style-type: none"> Constructs argument w/out using specific facts 	<ul style="list-style-type: none"> Analyzes specific facts to construct argument for only <u>one</u> side 	<ul style="list-style-type: none"> Analyzes specific facts to construct argument for <u>both</u> sides
	<ul style="list-style-type: none"> Constructs argument w/out quoting key language 	<ul style="list-style-type: none"> Analyzes key language to construct argument for only <u>one</u> side 	<ul style="list-style-type: none"> Analyzes key language to construct argument for <u>both</u> sides
	<ul style="list-style-type: none"> Does not explain issue's impact on larger issues 	<ul style="list-style-type: none"> Draws conclusions about how issue affects larger issues w/in hypothetical 	<ul style="list-style-type: none"> Elaborates on how issue affects larger issues w/in hypothetical
	<ul style="list-style-type: none"> Articulation of thinking process reflects confusion 	<ul style="list-style-type: none"> <u>Incompletely</u> articulates thinking process in applying the rule 	<ul style="list-style-type: none"> <u>Persuasively</u> articulates thinking process in applying the rule t
	<ul style="list-style-type: none"> Does not articulate how contextual facts give nuance 	<ul style="list-style-type: none"> <u>Incompletely</u> articulates how contextual facts give nuance to language 	<ul style="list-style-type: none"> <u>Persuasively</u> articulates how contextual facts give nuance
CONCLUSION	<ul style="list-style-type: none"> Fails to draw conclusion about how a court would rule 	<ul style="list-style-type: none"> Draws conclusion about how a court would rule 	<ul style="list-style-type: none"> Effectively Explains likely court decision including policy

