Legal Education in a New, Different World: Learning Outcomes and Assessment Under the ABA Standards

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THE HISTORY
Why?

- Others are doing it (last to the party)
- May be required to do it anyway (do it on our terms)
- Fulfill responsibility to public, state supreme courts, and the profession to assure sound program of legal education (refocus; take advantage of new ways of thinking about teaching and learning)
Outcome Measures Committee (2007-2008)

Considered “whether and how” outcome measures beyond bar pass and employment could be utilized in the accreditation process.
Outcome Measures Committee

Committee concluded:

Do not lose focus on bar passage as an outcome measure ...
Outcome Measures Committee

... but add focus on matters such as:

- program objectives
- curriculum
- academic standards
- employment outcomes
Council and Standards Review Committee

- 2008: Council begins comprehensive review process

- 2009: Standards Review Committee statement on principles and goals to guide the review:

  “Applying the lessons learned and practiced in other disciplines’ accreditation review processes, legal education programs and institutions should be measured both by essential program quality indicators … and by the learning achieved by their students....”

  “Accreditation review in law … must move law schools toward articulation and assessment of student learning goals and achievement levels.”
Comprehensive Review of the Standards (2009-2014)

- 2009-2014:
  - Broad distribution of proposals; 23 open meetings of Standards Review Committee
  - Notice and comment periods; multiple public hearings
  - Hundreds of written comments
  - Staff, Council, and Committee presentations and participation in programs and on panels

- First half of 2014: Council adopts Standards

- August 2014: ABA House of Delegates “concurs”
STANDARDS 301, 302, 314 & 315
Transition Memorandum
August, 2014

Effective date for some standards delayed until Fall 2016 term:

- Standard 301(b) and 302
- Standard 303
- Standard 314
- Standard 315
Standard 301

(a) School shall maintain rigorous program that prepares students for admission to the bar and for effective, ethical and responsible participation in the profession

(b) A law school shall establish and publish learning outcomes designed to achieve objectives

- On website and in publications where mission described
- For certificates and specialty tracks where described
- For courses, in syllabi
Standard 302

- Applicable to entire program of legal education
- Minimum knowledge, skills and values outlined in (a)-(d)
- Interpretation 302-1 lists some skills that may be identified
- Other knowledge, skills and values applicable depending upon the mission of the school
Learning Outcomes
Standard 302

At a minimum, include competency in:

- Knowledge/understanding of substantive/procedural law
- Legal analysis/legal reasoning/legal research/problem-solving/written communication in the legal context/oral communication in the legal context
- Professional and ethical responsibilities to clients and to the legal system; and
- Other professional skills needed for competent and ethical participation as a member of the legal profession

- Interpretation 302-1 states that other professional skills are determined by the law school and may include a number of specifically listed skills
Assessments
Standard 314

- Requires formative and summative assessment methods; must use both
  - To measure and improve student learning
  - To provide feedback to students
- Assessment measures level of attainment
  - Interpretation 314-1 describes
  - Interpretation 314-2 states that multiple assessment methods not necessary in a course
Evaluation
Standard 315

- Requires dean and faculty to conduct ongoing evaluation of program of legal education, learning outcomes and assessment methods

- Use results to determine attainment of competencies and make appropriate changes

- ... Begin again

- Interpretation 315-1 gives examples of methods
Other References in the Standards to Learning Outcomes and Assessments

Standard 305(f) Field Placements

- Law school shall develop, publish, and communicate to students and site supervisors a statement describing educational objectives...

Standard 306 (d)(3) Distance Education

- May award credit if learning outcomes consistent with Standard 302....
DOING THE HARD* WORK OF COMING INTO COMPLIANCE

*IMPORTANT, APPROPRIATE, AND INTERESTING
Getting Started

- Understand what the Standards require
- Connect to your school’s mission
- Understand the transition period: not an invitation to delay, but an opportunity to develop your own local culture and approach
Getting Started

- Buy-in of dean and faculty leaders is critical
- Develop a coalition of the willing
- Embrace/involve all faculty
Getting Started

- Establish timelines and structure
- Use university resources and expertise
- Use external resources – outside experts, web, conferences, books
Getting Started

- Backward design – what does it take to be successful in the careers/jobs your graduates find?

- Start small, learn, rebuild/refine, expand

- May be more internal at first, but eventually professional reports (NCBE, ELT), employer surveys, graduate surveys, etc.
What Is **Not** Required

- Particular approach/template
- Particular number of outcomes
- Particular assessment scheme
- Blizzard of paperwork
- Considerable expense
Finding Your Way

- It’s your school’s plan; no one-size-fits-all approach
- Where to start – program or course level?
- Too many, too few, just right (how many?)
- Take assessment/evaluation plan into account as outcomes are developed
- Continuously assess your planning process and tweak it as necessary
How This Will Work in the ABA Process

- Ultimately, the responsibility rests with the Council and Accreditation Committee.
- Staff will do its best to keep schools informed along the way.
- In 2016-2017, some report on process/progress may be required of all schools, not just those up for review.
- In the early years, showing substantial and serious efforts is essential.
What Will Come From This Work?

Your law school will be operating in compliance with Standards 301, 301, 314, & 315!
What Could Come From This Work?

- Sharpen and increase the focus on student learning as the fundamental job of a law school J.D. program
- More collaboration among the “community of teachers” on the program of legal education
- Progressivity and coherency in the curriculum
What Could Come From This Work?

- Clearer messaging to students and applicants about the school’s mission and programs

- Actual understanding about what’s working, what isn’t working, and how well it’s working at your school

- Increased ability to work with bench and bar on bigger picture issues about the appropriate role of law schools in the career-long education and professional development needs of legal professionals
THANK YOU