



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

**BARRY CURRIER**

MANAGING DIRECTOR'S OFFICE

SECTION OF LEGAL EDUCATION & ADMISSIONS TO THE BAR

AMERICAN BAR ASSOCIATION

# 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 “concur”



# 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

\*BUT 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**