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Outcomes & Assessment: A Golden Opportunity for LRW Professors

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The American Bar Association is currently discussing drafts of a proposal to shift the law school accreditation standards from inputs measurements (such as numbers of books, faculty student ratios, etc.) to outcomes assessment. While still in discussion, this shift has the potential to create profound change in legal education. For the first time, law schools may be held accountable – beyond the bar exam – for what and how they teach their students. Law schools all across the country are busy trying to determine what this will mean, and how to go about meeting the new ABA standard.

An outcomes assessment process inevitably will begin by requiring law schools to articulate their goals for their graduates and measure how they are doing at achieving those goals. While such discussions necessarily should include the traditional goal of "thinking like a lawyer," they should also include – particularly in the post-Carnegie report era – educational goals that are specific to lawyering skills. Of course, it is the faculty in the LRW program in most law schools who currently teach these skills, and prepare the foundation for the rest of our students' legal education. Indeed, we are usually the only ones teaching these skills in the first year.

As a result, the discussions that are already beginning at law schools on this subject are generally healthy. They are important for LRW faculty because we will need to understand what outcomes assessment means for our teaching. But these discussions are also important for us because they potentially open up an opportunity for legal writing programs to have a more visible and influential role in the education of our students. The challenge for law school faculties involved in discussions about assessment is that the language of assessment – and for many, even thinking of law teaching in this way – is fairly foreign to much of the legal academy.

But those of us who teach legal writing are generally quite well versed in thinking about our teaching in these sorts of ways. Indeed, whether we called it "outcomes assessment" or not, most of us have been doing this for many years. For example, many of us have long articulated our student learning outcomes to our students, and many also use rubrics for our grading that match up to those outcomes. Indeed, without perhaps realizing it, most of us are experts in *formative assessment*, where students are given feedback on many assignments for the explicit purpose of improving on the next assignment. The Carnegie report stresses the value of formative assessment, but outside the legal writing and clinical departments, it remains fairly rare in law schools, which typically depend heavily on final exams (known as *summative assessment*).

When LRW faculty learn the language and methodology of assessment, we can stay ahead, improve the process, and perhaps even offer our expertise to our law schools. For example, at the University of Denver, our LRW faculty has been working on a comprehensive assessment effort. The first step was to refresh our Mission Statement and Program Goals. This document summarized our "core values" and the teaching and learning goals that we all share. Next, we defined our "measurable student learning outcomes," which lists what we believe our students will learn in the first-year course.

Recently we started the final step, which is to "align" the student learning outcomes with the "evidence" that we currently collect, such as grading rubrics, memo feedback forms, or oral argument grading sheets. In this step, we connect the learning outcome we profess to be teaching our students with the "evidence" that measures whether the student is achieving that learning outcome, allowing us to identify any "gaps." For example, we discovered we needed to work on measurements for our defined learning outcome of "professionalism," which we are now doing. Each of these steps took a full day of committed effort, but what we learned the going through the programmatic assessment process was well worth it.

What we have learned so far is something that many – if not most – LRW programs across the country would (I suspect) also discover if they went through this process. Our program is already on the right track with assessment, and indeed, well ahead of the rest of the law school. We may not have used the appropriate assessment language, but we have been doing a lot of the right things for years.