

Program-Level Assessment: Annual Report

Program: Juris Doctor (J.D.)	Department: Law
Degree or Certificate Level: Professional	College/School: School of Law
Date (Month/Year): May 2023	Primary Assessment Contact: Dana Malkus (Associate Dean)
In what year was the data upon which this report is based collected? 2022-23	
In what year was the program's assessment plan most recently reviewed/updated? May 2023	

1. Student Learning Outcomes

Which of the program's student learning outcomes were assessed in this annual assessment cycle?

Learning Outcome #2: Graduates will demonstrate an effective ability to resolve legal issues.

Performance Criteria:

- 2.1 Graduates will identify the relevant facts and the legal issues as they arise in a variety of contexts.
- 2.2 Graduates will read legal authorities critically and synthesize the applicable rules, standards, and policies from those authorities.
- 2.3 Graduates will thoroughly apply the relevant legal authorities to the relevant facts, including evaluating potential counterarguments, to determine the likely outcome.
- 2.4 Graduates will assess and appropriately take into account the policy implications of the legal authorities applicable to the relevant facts.
- 2.5 Graduates will develop and evaluate potential solutions to resolve legal problems that advance the client's goals.

2. Assessment Methods: Student Artifacts

Which student artifacts were used to determine if students achieved this outcome? Please identify the course(s) in which these artifacts were collected. Clarify if any such courses were offered a) online, b) at the Madrid campus, or c) at any other off-campus location.

Artifacts were identified and collected from the following law school courses offered in the Fall 2022 semester:

Civil Procedure (Petroski, Scarlett)

Artifact: 5 quiz questions and 1 final exam essay question (Petroski); 7 final exam essay questions (Scarlett)

Enrollment: 49 (Petroski); 69 (Scarlett)

Type: 1L required

Criminal Law (Flanders, McCormick, Walker)

Artifact: 6 final exam multiple choice questions (Flanders); 1 final exam essay question (McCormick); 1 final exam essay question (Walker)

Enrollment: 69 (Flanders); 51 (McCormick); 50 (Walker)

Type: 1L required

LARC (12 sections)

Artifact: two written assignments, drafts, in-class assignments, and research assignments

Enrollment: 182

Type: 1L required

Torts (Duff, Wilson)

Artifact: 1 final exam essay question (Duff); 2 final exam multiple choice questions (Wilson)

Enrollment: 48 (Duff); 51 (Wilson)

Type: 1L required

Business Associations (Scarlett)

Artifact: 6 final exam essay questions

Enrollment: 74

Type: 2L/3L elective

Constitutional Law II (Walker)

Artifact: 1 final exam essay question

Enrollment: 90

Type: 2L/3L elective

Criminal Procedure Adjudication (Flanders)

Artifact: 4 final exam multiple choice questions and 1 final exam essay question

Enrollment: 34

Type: 2L/3L elective

Employment Law (McCormick)

Artifact: 1 final exam essay question

Enrollment: 54

Type: 2L/3L elective

Estate Planning (Ryan)

Artifact: will drafting assignment

Enrollment: 11

Type: 2L/3L elective

3. Assessment Methods: Evaluation Process

What process was used to evaluate the student artifacts, and by whom? Please identify the tools(s) (e.g., a rubric) used in the process and include them in/with this report.

A faculty task force consisting of four faculty members was assembled to evaluate the student artifacts. The task force took the following steps:

- Identified courses taught in Fall 2022 that potentially included assessments relating to Learning Outcome 2
- Reached out to relevant faculty members teaching those courses to understand whether the course addressed the relevant learning outcome and the type of artifact that might be collected (e.g., rubric from an exam or assignment)
- Determined which courses to collect artifacts from (and aiming for a variety of types of courses)
- Followed-up with relevant faculty members to request relevant artifacts and data on the number of students demonstrating basic competency
- Collectively reviewed the artifacts and contacted relevant faculty members with follow-up questions in situations where clarification was needed
- Discussed data, drew conclusions, and formulated recommendations

4. Data/Results

What were the results of the assessment of the learning outcomes? Please be specific. Does achievement differ by teaching modality (e.g., online vs. face-to-face) or on-ground location (e.g., STL campus, Madrid campus, other off-campus site)?

The task force evaluated artifacts from in-person courses on the Saint Louis campus. Therefore, the task force was unable to draw any conclusions as to whether achievement of Learning Outcome 2 differs by teaching modality or location. The task force found the following results:

Performance Criteria 2.1, 2.2, and 2.3

Business Associations

Scarlett - 6 final exam essay questions

Note: All 6 questions relate to 2.1, 2.2, and 2.3 (intertwined) and two questions additionally relate to 2.5

- On these questions, an average of 76% of students demonstrated competence or higher and 96% of students demonstrated low competence or higher.

Civil Procedure

Scarlett - 7 final exam essay questions

Note: 6 questions relate to multiple performance criteria (intertwined) and 1 question relates to 2.3 only

- 6/7 questions relate to 2.1. On those questions, an average of 47% of students demonstrated competence or higher and 81% of students demonstrated low competence or higher.
- 2/7 questions relate to 2.2. On those questions, an average of 47% of students demonstrated competence or higher and 79% of students demonstrated low competence or higher.
- 7/7 questions relate to 2.3. On those questions, an average of 46% of students demonstrated competence or higher and 80% of students demonstrated low competence or higher.

Petroski - 5 quiz multiple choice questions and 1 final exam essay question

Note: 1 quiz question relates to multiple performance criteria (intertwined) and 4 questions relate to 2.1 only

The final exam essay question relates to 2.1, 2.2, 2.3, and 2.4 (intertwined)

- 5/5 quiz questions relate to 2.1. On those questions, 82% of students demonstrated competence.
- 1/5 quiz questions relate to 2.3. On that question, 98% of students demonstrated competence.
- The final exam essay question relates to 2.1, 2.2, and 2.3 (intertwined) and has five issues. Issue #1 relates to 2.4 in addition to 2.1-2.3.

Issue #1: 30% of students demonstrated competence or higher

Issue #2: 40% of students demonstrated competence or higher

Issue #3: 12% of students demonstrated competence or higher (but instructor believes it was a bad question)

Issue #4: 48% of students demonstrated competence or higher

Issue #5: 28% of students demonstrated competence or higher

Criminal Law

McCormick - 1 final exam essay question

Note: The essay question relates to multiple performance criteria, but the instructor was able to provide a rubric that distinguishes among them

- On this question, 100% of students demonstrated competence or higher with respect to 2.1
- On this question, 55% of students demonstrated competence or higher with respect to 2.2
- On this question, 73% of students demonstrated competence or higher with respect to 2.3

Walker - 1 final exam essay question

Note: The essay question relates to 2.1, 2.2, 2.3, and 2.5 (intertwined)

- On this question, most of the students demonstrated basic competence by getting 70-80% of the issues correct

Flanders - 6 final exam multiple choice questions

Note: Three questions relate to 2.1, 2.2, and 2.3 (intertwined), and three relate to 2.2

- On the three questions relating to 2.1, 2.2, and 2.3, an average of 79% of students demonstrated competence
- On the three questions relating to 2.2, an average of 86% of students demonstrated competence

Criminal Procedure Adjudication

Flanders - 4 final exam multiple choice questions and 1 final exam essay question

Note: The four multiple choice questions relate to 2.2, and the essay question relates to 2.1, 2.2, 2.3, and 2.5 (intertwined)

- On the four multiple choice questions, an average of 77% of students demonstrated competence
- On the essay question, 84% of students demonstrated basic competence

Estate Planning

Ryan - will drafting assignment

Note: The assignment requires students to spot the issues (2.1) and solve the client's problem (2.5)

- On this assignment, 100% of students demonstrated basic competence

LARC

12 sections - two written assignments, drafts, in-class assignments, and research assignments

Note: The assessments cover 2.1, 2.2, and 2.3 (intertwined)

- 74% of students demonstrated competence or higher

Performance Criteria 2.4

Civil Procedure

Petroski - 1 final exam essay question (issue #1)

Note: One issue in the final exam essay question relates to 2.4 (in addition to 2.1, 2.2, and 2.3)

- On that issue, 30% of students demonstrated competence or higher

Criminal Law

McCormick - 1 essay final exam question

- On this question, 78% of students demonstrated competence or higher

Torts

Wilson - 2 final exam multiple choice questions

- On these two questions, 87% of students demonstrated competence

Duff - 1 final exam essay question

- On this question, 29% of students demonstrated low competence or higher

Note: The instructor's evaluation of this question is that it should have been asked in a more direct way and likely does not reflect a true evaluation of students' abilities with respect to the policy issue.

Employment Law

McCormick - 1 essay final exam question

- On this question, 91% of students demonstrated competence or higher

Performance Criteria 2.5

Business Associations

Scarlett - 2 final exam essay questions

Note: Both questions relate to 2.1, 2.2, 2.3, and 2.5 (intertwined)

- On these 2 questions, an average of 75% of students demonstrated competence or higher and 94% of students demonstrated low competence or higher

Criminal Law

Walker - 1 final exam essay question

Note: The essay question relates to 2.1, 2.2, 2.3, and 2.5 (intertwined)

- On this question, most of the students demonstrated basic competence by getting 70-80% of the issues correct

Criminal Procedure Adjudication

Flanders - 1 final exam essay question

Note: The question relates to 2.1, 2.2, 2.3, and 2.5 (intertwined)

- On the essay question, 84% of students demonstrated basic competence

Estate Planning

Ryan - will drafting assignment

Note: The assignment requires students to spot the issues (2.1) and solve the client's problem (2.5)

- On this assignment, 100% of students demonstrated basic competence

5. Findings: Interpretations & Conclusions

What have you learned from these results? What does the data tell you?

We drew the following conclusions:

Degree to Which LO is Being Met

While our artifacts include a mix of required and elective courses, we recognize that (i) 2.1 - 2.3 rely more heavily on required and/or high-enrollment courses, and (ii) our artifacts for 2.4 and 2.5 are more sparse and not as reliable for making generalized conclusions.

Outcomes 2.1-2.3 seem to be central to most required courses, and we were able to locate them in our curriculum fairly easily. We found that 2.4 and 2.5 were harder to locate and measure.

For each artifact, we relied on the faculty member giving us the data to define what constitutes “competence.” While we do think this is a reasonable approach, we wonder whether standardizing this more would help us draw better conclusions on the data. We also wonder if the expectations and our evaluation should differ in a 1L course versus an upper-level course. For example, Prof. Petroski cautioned that she does not expect a high number of 1L students to demonstrate competence with legal analysis on the final exam given that they have not yet had much experience with legal analysis. In addition, there is also a tendency to use grades as a proxy for competence. We have observed that competence means different things to different people and may differ depending on course goals. An alternative approach would be to have the committee define and evaluate what constitutes “competence” for each artifact.

Intertwined Nature of Performance Criteria

LO 2 includes five separate performance criteria, and we originally approached our task with the idea of evaluating each one separately. However, in the course of our work, it became clear that the performance criteria are often intertwined on artifacts in a way that makes it difficult to evaluate them separately. Therefore, we ended up evaluating some performance criteria together, making it difficult to draw conclusions as to any one performance criteria.

If evaluating each one separately is important to us, we should consider either (i) designing the assessment tools we are each using in our respective courses in ways that allow us to more clearly isolate the relevant performance criteria, or (ii) use “add-on” rubrics in our grading processes that can help the committee distinguish the relevant performance criteria. Best practice suggests that using an embedded assessment (i.e., one that is occurring within a class or other activity) is better than using an add-on rubric; however, an add-on rubric may still be a useful option.

2.4: Meaning of “Policy”

In the course of collecting data and asking follow-up questions, it became clear that there are different ideas on what we mean by “take into account the policy implications of the legal authorities applicable to the relevant facts” as described in 2.4. We had trouble identifying a significant number of places in our curriculum where students are expected to consider policy implications of legal authorities applicable to relevant facts. We wonder if perhaps we do consider policy an essential aspect of what students should be learning, but we mean it in a more broad way. The wording makes it appear that our intent is to capture the somewhat more narrow sense of policy implications arising in a traditional doctrinal course (i.e., when examining specific legal authorities in light of certain facts, primarily for the purpose of understanding the rationale behind a legal rule). If we actually intend to capture a broader meaning of “policy,” perhaps we should consider rewriting it to reflect a broader idea (e.g., courses that include exploration of the impact of policy, examining approaches to legal problems through the lens of both legal authorities such as statutes/case law and the use of agency policy and practice, and so on).

Process

There are many things about our current process that can feel inefficient, confusing, and burdensome to both the committee and faculty being asked to provide artifacts. For example, responding to a request from the learning outcomes task force can feel confusing, especially if one is uncertain about what the larger goals are and what format would be most useful for the committee. Moreover, it can be difficult for the committee to know what to ask for given

that the learning outcomes process is still relatively new and was significantly disrupted by Covid. In the future, we should consider the most optimal ways of collecting and evaluating data (e.g., provide examples of the kind of format that is most useful to the committee, develop email templates that the committee can use to request data, do the curriculum mapping work when we submit syllabi in compliance with our Standard 310 policy). This will help make the process more smooth and efficient for everyone.

In addition, we have a large number of learning outcomes and performance criteria. We might consider restating them in a way that results in three to five learning outcomes (instead of our current number of seven).

NextGen Bar Exam

Our faculty is starting to discuss the Next Gen bar exam in earnest. Some of the learning outcomes may become easier to find and measure as we make curricular adjustments in response to the new bar exam. At the same time, the learning outcomes can help us keep an eye on the bigger curricular picture, as there are some things we consider important for our students to learn that may not be emphasized on the bar exam. The bar exam conversation and the ongoing learning outcomes assessment process should inform each other.

6. Closing the Loop: Dissemination and Use of Current Assessment Findings

- A. When and how did your program faculty share and discuss these results and findings from this cycle of assessment?

These results and findings will be presented and discussed at the law faculty meeting in September 2023.

- B. How specifically have you decided to use findings to improve teaching and learning in your program? For example, perhaps you've initiated one or more of the following:

Changes to the Curriculum or Pedagogies

- Course content
- Teaching techniques
- Improvements in technology
- Prerequisites
- Course sequence
- New courses
- Deletion of courses
- Changes in frequency or scheduling of course offerings

Changes to the Assessment Plan

- Student learning outcomes
- Student artifacts collected
- Evaluation process
- Evaluation tools (e.g., rubrics)
- Data collection methods
- Frequency of data collection

Please describe the actions you are taking as a result of the findings.

We recommend that the faculty implement the following changes to the evaluation process:

- Have a conversation about the learning outcomes process: What has been working well with our process? What has not been working well? How can we make it better and more useful? How can we better operationalize our learning outcomes?
- When collecting syllabi each year as part of our compliance with the faculty resolution regarding compliance with ABA Standard 310, faculty should also complete a simple electronic form that identifies which learning outcomes are covered in the course and the types of assessments used. This will make it much easier for the committee to know where to start collection efforts.
- Identify examples of the artifact formats most useful to the committee so that faculty can more easily make appropriate responses to requests
- Develop email templates that the committee can use to request data

If no changes are being made, please explain why.

7. Closing the Loop: Review of Previous Assessment Findings and Changes

A. What is at least one change your program has implemented in recent years as a result of assessment data?

NA - this is the first review cycle for this outcome

B. How has this change/have these changes been assessed?

NA - this is the first review cycle for this outcome

C. What were the findings of the assessment?

NA - this is the first review cycle for this outcome

D. How do you plan to (continue to) use this information moving forward?

NA - this is the first review cycle for this outcome

IMPORTANT: Please submit any assessment tools and/or revised/updated assessment plans along with this report.