Materials for Developing Scholarship of Teaching and Learning

1. Overview of Developing an Empirical Study
2. Resources for Beginning Scholarship of Teaching and Learning Research
3. Example of Developing Corroborating Evidence
4. List of Social Science Collaborators
DEVELOPING AN EMPIRICAL STUDY

A. Identify the Research Question

Identify what you want to know

Determine how to observe and measure what you want to know

Define a research question as narrowly and precisely as possible [e.g. rather than a question such as “did students' listening skills improve” consider asking “is the student a better active listener, consider whether you can measure specific aspect of active listening such as whether a student allows his/her partners to finish their thoughts before responding, or whether the student clarifies his/her understanding of the point made by re-stating or summarizing it].

B. Good Study Design Requirements:

Plan study in advance of data collection [including a review of the literature]

Collect data systematically

C. Choose a Study Method

1. Experiment/Quasi-Experiment [giving students different treatments while controlling as many variables as possible to allow for an examination of the impact of a particular teaching or assessment method]

When developing an experimental/quasi-experimental study, consider these factors:

A. Control groups [do you have a way to show what happens when a group of students gets the treatment as opposed to doesn’t get the treatment and, if so, are the control and treatment group of students similar in terms of learning characteristics]

B. Control versus Independent variables [what variables will be the same and what will be different]

C. Other variables potentially affecting the results [e.g. teacher experience, events in other classes, data collection at different points in time, Hawthorn effect, etc]

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1. This is not an exhaustive list. For example, there are also ethnographies, quantitative descriptive studies, discourse and text analysis and prediction and classification studies. For a description of those, see generally JANICE M. LAUER & J. WILLIAM ASHER, COMPOSITION RESEARCH/EMPirical DESIGNS (1988); see also Robert C. Calfee and Marilyn Chambliss, The Design of Empirical Research, in METHODS OF RESEARCH ON TEACHING THE ENGLISH LANGUAGE ARTS 43-70 (James Flood et. Al., eds., 2005) (discussing the design of empirical studies); Richard K. Neumann, Jr. & Stefan H. Krieger, Empirical Inquiry Twenty-Five Years After the Lawyering Process, 10 CLINICAL L. REV. 349, 353-54 (2003) (discussing numerous methods of empirical research).
2. Surveys

*When developing surveys, consider these factors:*

A. Question wording [should be clear and unambiguous]

B. Question sequencing [general to specific]

C. Mode of administration [self-completion versus interview administration]

D. Response rates [how to maximize; is there bias in who is responding]

D. Get Institutional Review Board Approval

All studies should be approved by your institution’s Institutional Review Board before you begin collecting data.

Determine if you need student consent and, if so, obtain consent.

E. Analyzing and Interpreting the Research Data – Mistakes to Avoid

Performing the analysis on your own if you are untrained in social science [get a collaborator – see attached pages for suggestions on finding a collaborator]

Insufficient rater reliability [control to ensure that the person scoring the student’s performance applies the rubric in the same way over the course of grading]

Isolating the effect of one innovation if many are used.

Over-stating the significance of a particular finding or using the methodology to prove, rather than explore, a particular point or point of view. [Don’t be afraid of finding no statistical significance between the groups – often this is a valuable insight in itself]

Failing to acknowledge all weaknesses in the interpretation of the data, including uncontrolled variables and the study’s limitations.
RESOURCES FOR BEGINNING EMPIRICAL RESEARCH OF TEACHING AND ASSESSMENT

Basic Explanatory Books About Designing an Empirical Research Study


Basic Explanatory Law Review Articles About Designing an Empirical Research Study


Literature Review of Various Studies on Formative Assessment


Literature Review of Various Studies on Self and Peer Assessment


To get an idea of the range of studies and the format for scholarly articles resulting from empirical studies on a wide range of teaching, assessment and learning issues, the list below provides some sample studies from other disciplines as well as studies dealing with legal education.

**Other Disciplines**

*Assessment of the Effects of Student Response Systems on Student Learning and Attitudes over a Broad Range of Biology Courses*, Ralph W. Preszler, Angus Dawe, Charles B. Shuster, and Michèle Shuster, CBE Life Sci Educ 6(1) 29-31 2007 [studying the impact of clickers]

*Business Simulation to Stage Critical Thinking In Introductory Accounting: Rationale, Design and Implementation*, Carol W. Springer and A. Faye Bothrick, Issues in Accounting Education, August 2004, [studying the impact of using a simulation as a way to develop students’ critical thinking]


**Legal Education**


Examples of Study with Corroborating Evidence [Have students complete the survey pre and post course; administer instruments that allow professor to measure pre/post course achievement]

Study question: Did students learn statutory interpretation

Method: Objective data – pre and post test that required students to interpret and apply a statute to a given fact situation. Subjective/corroborating data – student survey of their skills and knowledge level pre and post-course [see chart below]

<table>
<thead>
<tr>
<th></th>
<th>Understand well enough to teach others</th>
<th>Am competent</th>
<th>Understand the basics</th>
<th>Know a little about</th>
<th>Have only heard about it</th>
<th>Not a clue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breaking a statute into its component pieces</td>
<td></td>
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<td>Identifying statutory ambiguity</td>
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<tr>
<td>Understanding the &quot;plain meaning&quot; rule</td>
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<tr>
<td>Using legislative intent as interpretive tool</td>
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<tr>
<td>Using precedent and purpose as interpretive tools</td>
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<tr>
<td>Using policy as an interpretive tool</td>
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</table>
FINDING A SOCIAL SCIENCE COLLABORATOR

Social science collaborators may be found in various places. For example, you could do a literature search and find someone who has done a similar experiment in another field. Additional sources include university Centers for Teaching and Learning, business schools and education or psychology departments, and even graduate students seeking a GRA.

Additionally, the Society of American Law Teachers has developed the following list of potential social science collaborators. Feel free to contact any one listed to see if he or she is interested in collaborating with you on an empirical study involving law student learning or assessment.

Claudia J. Stanny, Ph.D.
Director, Center for University Teaching, Learning, and Assessment
Associate Professor, Psychology
University of West Florida
850 857 6355 or 473 7435
cstanny@uwf.edu

Carol Springer Sargent, CPA
Clinical Assistant Professor
School of Accountancy
Georgia State University
404 413 7232
access@langate.gsu.edu

Milind Shrikhande
Associate Professor
Department of Finance
Georgia State University
404 413 7334
mshrikhande@langate.gsu.edu

Anton Tolman
Associate Professor
Behavioral Sciences
Director, Faculty Center for Teaching Excellence
Utah Valley University
801 863 6011
Anton.tolman@uvu.edu

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jedalton@yorku.ca
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Assistant Professor
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619 374 6934
mdeo@tjsl.edu

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Tshaka.randall@famu.edu

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Senior Research Scientist, Center for the Study of Higher Education
Penn State University
814-863-2691
dhd2@psu.edu
Complaint Drafting Instructions, Tips & Issues To Consider

Instructions

You may collaborate with colleagues in this class to discuss content but all drafting/editing must only be your work.

The complaint MUST be filed in FEDERAL COURT. DO NOT DRAFT A STATE COURT COMPLAINT.

Do not feel like you need to re-invent the wheel in terms of format. In practice, lawyers always try and use what has already been done in terms of forms/format. Thus, feel free to adapt the form/format from the sample complaint you have been provided, or any other complaint you may find useful. There are no font or spacing or margin requirements. However, the complaint needs to be easy to read and to look professional.

You must figure out all applicable claims. Look only at tort claims. Things like insurance subrogation are NOT things a plaintiff would consider in drafting her complaint. The relevant law has been provided to you.

As you read over this material, identify what additional factual information you will need and where you are likely to find that information. In class, you can ask for that information and if it is of the type you could easily access within the time period allotted to draft/file the complaint, it will be provided to you.

I have made your life easier by laying out the questions you should be considering and providing you with a rubric. Review both while considering how to draft your complaint and what to include/not include.

NOTE: In considering a potential products liability claim, in order to make this exercise not overly onerous, you should only look at whether there is a potential claim against the manufacturer, not the various distributors. Assuming you decide there is a claim, make sure you identify the correct defendant.

If you consider some claims and decide not to bring them, write a short paragraph to the senior partner identifying the parties/claims you decided to exclude and explain why you made that decisions.

Be sure to put your SPRING exam # in the signature line.

TIPS & ISSUES TO CONSIDER

Preliminary Questions

What is the proper forum

Does the forum have smj & pj

Is venue proper
If Federal Court – what division

Parties

Who are all the potential plaintiffs
Who are all the potential defendants

Claims

ID all potential claims against EACH defendant
What are the elements of each claim
What facts do I have to support each element

DRAFTING

You need to tell a story about what happened – best told in chronological order; someone picking up your complaint should be able to read it and tell what happened.

- Try to allege one fact per allegation

- Use objective words rather than argumentative terms – this helps it appear more like factual averments and less like "conclusions of law"

- If you have more than one claim or more than one defendant try label your claims so that it’s clear what you are alleging against each defendant [e.g. First Claim: Negligence Against Defendant X; Second Claim: Defamation Against Defendant Y; Third Claim: Vicarious Liability of Defendant Y; Fourth Claim: Negligence of Defendant Y, etc]

\[\text{Checked Date:} \quad \text{plotted wreck(s) driving}\]
To: File  
Fr: Jr. Associate*  

May 8, 2011  

Background information  

I met with Lisa Liang and Brandon Clifton today at our office. They were involved in a car wreck on February 9, 2010. They live at 2001 Coventry Rd, Apartment 201, Decatur, GA 30030. Home phone: 404 413 9158; Brandon cell 404 998 7681; Lisa cell 404 998 7165. Email Brandon&lisa@gmail.com  

Lisa is a student at Georgia State University. Brandon is a plumber with ABC Plumbing, Inc. They have no children and are not married. They have lived together since January, 2009.  

FACTS ABOUT WRECK:  

Brandon and Lisa decided to get some pizza from Fellini’s Pizza on Ponce De Leon at about 8:00 p.m. one night as they were coming back from visiting Lisa’s uncle in Decatur [at the time of the wreck, they were living in an apartment on Spring Street]. Brandon was travelling West on Ponce in his 2006 Hyundai Sonata. He turned left to get into the Fellini’s lot. Both Brandon and Lisa report that “out of nowhere, a Whole Foods truck came speeding along and hit the passenger side of their car.” There was substantial damage to the passenger side of the car [$2,900 in repair bills]  

The truck was in the lane closest to the curb; wreck happened when the very front of their car was about to enter the parking lot. Their car got pushed about 100 feet down the road.  

Brandon & Lisa believe the Whole Foods Truck was speeding and must have gone through the light at the other intersection [there is a light at Barnett Street— a small city street — about a block or two before Fellini’s for cars travelling East on Ponce]. The reason they think this is what happened is because the road was clear when Brandon was about to make the turn — neither of them saw any oncoming traffic.  

The passenger side of the car was smashed and Brandon had to pull Lisa out of the car from the driver’s side door. Both were wearing seat belts. No airbags went off.  

Brandon reports that he saw that when the Whole Foods Driver got out of the truck, beer cans also fell out of the truck cab. The driver pushed those away with his foot. Brandon was so upset about everything that he didn’t think to mention it and he doesn’t think the police noticed the beer cans nearby [the wreck also happened on Ponce De Leon in an area where it would not be unusual to see beer cans on the side of the road].  

Brandon said that the Whole Foods driver was chewing gum when he came over to them and he was muttering something under his breath that sounded like "I can’t believe this happened again. I hope the Texas DMV does not find out about this". After that, he just sat on the curb with his head in his hands. Brandon was taking care of Lisa and didn’t pay much more attention to him. He is not sure if the driver
had slurred speech or showed other signs of intoxication because his focus was on Lisa who was fairly seriously injured. Lisa doesn’t recall anything about the truck driver.

Brandon does not remember getting a ticket and says he didn’t get any notice of a court date. He thinks the other driver was given a ticket and that the police took him away to see if he was DUI. Brandon’s memory of what happened right after the wreck is a little fuzzy because he was so worried about Lisa and in shock about the wreck. Lisa was severely injured and has no memory of what happened after the impact.

INJURIES

Lisa: broke her right arm in 5 places and dislocated her shoulder; 3 broken ribs; significant lacerations from shattered glass – scar across forehead that is still visible. Her arm injuries required two surgeries and she required significant physical therapy and the arm still hurts. She also suffered optic nerve damage and a subsequent partial loss of vision in her right eye. She banged her head and may have been initially unconscious. Her total medical bills were over $50,000. She was told that she is at risk for severe arthritis. She also has on-going headaches she didn’t have before the wreck. She reports that she is still shaky when riding in a car – hasn’t been able to sleep well since the wreck. She had to drop out of school the semester of the wreck.

Brandon suffered a sprained wrist and bumps and bruises as well a huge bump on his head. He has been to the doctor numerous times complaining of severe headaches the year after the wreck and he says he had not been the same since the wreck. He has mood swings, erratic behavior, tremors, and inability to concentrate; lost his job because of medical problems [maybe undiagnosed closed head injury??]. On the night of the wreck, he was seen at the ER and released because he had no visible injuries beyond the bumps and lacerations. They did a CT scan in the ER of his head and apparently it was normal.

INVESTIGATION

After meeting with Brandon & Lisa, I ordered the police report. It is attached to this report. I also ran a DMV check on Steven Salter, the truck driver. At the time of the wreck, Salter had a valid CDL license. He had a reckless driving conviction in June, 2004 and a failure to stop at a stop sign conviction in 2007. It turns out that he had been arrested for DUI on January 1, 2009, but the case had not yet gone to trial. The case resulted in a conviction on April 9, 2009. Salter’s CDL license was suspended in May, 2009, for one year.

I also ran a criminal history check. Salter was convicted of writing checks with insufficient funds on May 15, 2005. He also was convicted of assault on a female on February 6, 2008. Neither conviction resulted in a jail sentence. Both sentences involved restitution and community service.

NOTE: The police report says the accident happened in 2009, not 2010. If that is true, the 2 year GA statute of limitations has run. I called the clients and they insist the wreck happened in 2010.
*Associate assigned to this case left the firm in June, 2011. Case just came up on firm tickler system because of impending statute of limitations. The only thing in the file as of now are the police report, a retainer agreement with both Brandon & Lisa, the DMV and Criminal History report on Salter and this memo.

- DL Lic. Suspended May 2010

- Date of arrest - 2010

- DL Suspended - 2010
<table>
<thead>
<tr>
<th>Date</th>
<th>2-9-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>3</td>
</tr>
<tr>
<td>Inside City Of</td>
<td>10</td>
</tr>
<tr>
<td>Off. Arrived</td>
<td>8-15</td>
</tr>
<tr>
<td>Vehicles</td>
<td>2</td>
</tr>
<tr>
<td>Injuries</td>
<td>0</td>
</tr>
<tr>
<td>Fatalities</td>
<td>0</td>
</tr>
<tr>
<td>Corrected Report?</td>
<td>Yes</td>
</tr>
<tr>
<td>Suppl. To Original?</td>
<td>Yes</td>
</tr>
<tr>
<td>Hit and Run?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Driver #1**

- **Last Name**: Saucer
- **First Name**: Shum
- **Middle Name**: Midd
- **Address**: 36 Ed 22, Gordon Lake Dr
- **City**: Athens
- **State**: GA
- **Zip**: 30607
- **Driver's License No**: 123987654
- **Class**: A
- **Exempt**: No
- **Amount**: 245
- **Passed Exam**: Yes
- **Passed Test**: Yes
- **Passed Skill Test**: Yes
- **Passed Road Test**: Yes
- **Passed Cog**: Yes
- **Passed Manual**: Yes
- **Passed Maneuver**: Yes
- **Passed Speed**: Yes
- **Passed Vision**: Yes
- **Passed Observed**: Yes
- **Passed Contributing Factors**: Yes
- **Passed Traffic Ctrl**: Yes
- **Passed Device Inoperative**: Yes
- **Passed Vehicle Config**: Yes
- **Passed L.O.G.C.M.C.**: Yes
- **Passed U.S. O.T.D.**: Yes
- **Passed Separation of Units**: Yes
- **Passed Cargo Loss or Shift**: Yes

**Driver #2**

- **Last Name**: Culpepper
- **First Name**: Reno
- **Middle Name**: Midd
- **Address**: 151 Spring St NW
- **City**: Atlanta
- **State**: GA
- **Zip**: 30307
- **Driver's License No**: 123987654
- **Class**: A
- **Exempt**: No
- **Amount**: 245
- **Passed Exam**: Yes
- **Passed Test**: Yes
- **Passed Skill Test**: Yes
- **Passed Road Test**: Yes
- **Passed Cog**: Yes
- **Passed Manual**: Yes
- **Passed Maneuver**: Yes
- **Passed Speed**: Yes
- **Passed Vision**: Yes
- **Passed Observed**: Yes
- **Passed Contributing Factors**: Yes
- **Passed Traffic Ctrl**: Yes
- **Passed Device Inoperative**: Yes
- **Passed Vehicle Config**: Yes
- **Passed L.O.G.C.M.C.**: Yes
- **Passed U.S. O.T.D.**: Yes
- **Passed Separation of Units**: Yes
- **Passed Cargo Loss or Shift**: Yes
Back of the Accident Report Form

The back of the report contains items for all vehicles. This is where the reporting officer records remarks, draws required diagrams, and records what may have contributed to the accident.

**REMARKS**

Driver 1 heading E on Ponce collided with passenger side of veh 2 - veh 2 turns left across Ponce into Gishi's parking lot. Driver of veh 2 goes on to cross Band at crosswalk and driver of veh 1 goes very fast through crosswalk. Driver 1 had slight smell of alcohol on breathalyzer test. Driver 1 refused to go to hospital for results unknown. Result of crash: serious post-impact thermal burn.

**CITATIONS - VEHICLE # 195**

- Number of Occupants: 1
- Point of Initial Contact: 2
- Damage to Vehicles: 3

**CITATIONS - VEHICLE # 200**

- Number of Occupants: 1
- Point of Initial Contact: 2
- Damage to Vehicles: 3

**INDICATE ON THIS DIAGRAM WHAT HAPPENED**

[Diagram showing veh 1 crossing Ponce and colliding with veh 2.]

**INDICATE NORTH**

[Diagram indicating north direction with an arrow.]
24.010 Employer, Duties of; Generally

(Charge only such parts of this section as apply to the facts before the court.)

The employer is bound to exercise ordinary care in the selection of employees and not to retain them after knowledge of incompetency.

O.C.G.A. §34-7-20

62.610 Strict Liability in Tort; General Explanation and Burden of Proof

The plaintiff, (plaintiff's name), contends that he/she was injured because of a defective product manufactured by the defendant, (defendant company's name).

The manufacturer of a product that is sold as new property may be liable or responsible to any person who is injured because of a defect in the product that existed at the time the manufacturer sold the product. However, a manufacturer of a product is not an insurer, and the fact that a product may cause an injury does not necessarily make the manufacturer liable. To recover damages under this rule, a person injured by an allegedly defective product must establish the following three elements by a preponderance of the evidence:

1) the product was defective,
2) the defect existed at the time the product left the manufacturer's control, and
3) the defect in the product was the proximate cause of the plaintiff's injury.

(Choose appropriate defect[s] the jury will be charged on.)

The types(s) of product defect(s) alleged by the plaintiff is/are a manufacturing defect, a design defect, and/or a defect because of inadequate warning. There is no single general way to define what constitutes a defect in a product.
RULE 1.7 CONFLICT OF INTEREST: GENERAL RULE [GA Rules of Prof'l Conduct]

(a) A lawyer shall not represent or continue to represent a client if there is a significant risk that the lawyer's own interests or the lawyer's duties to another client, a former client, or a third person will materially and adversely affect the representation of the client, except as permitted in (b).

(b) If client consent is permissible a lawyer may represent a client notwithstanding a significant risk of material and adverse effect if each affected or former client consents, preferably in writing, to the representation after:

(1) consultation with the lawyer,

(2) having received in writing reasonable and adequate information about the material risks of the representation, and

(3) having been given the opportunity to consult with independent counsel.

(c) Client consent is not permissible if the representation:

(1) is prohibited by law or these rules;

(2) includes the assertion of a claim by one client against another client represented by the lawyer in the same or substantially related proceeding; or

(3) involves circumstances rendering it reasonably unlikely that the lawyer will be able to provide adequate representation to one or more of the affected clients.

The maximum penalty for a violation of this Rule is disbarment.
United States District Court
for the District of _________ (_______ Division)

Plaintiffs [names]

v.

Defendants [names]

(address)

COMPLAINT

Case No.:

JURY TRIAL DEMANDED

Jurisdiction in the Federal Court (applicable to all Counts)

1. Plaintiff [insert name], is a citizen and resident of the State of
   ____________, ________ County.

2. Defendant [insert name] is a citizen and resident of the State of
   ____________, ________ County.

[repeat above for all plaintiffs & all defendants]

3. The amount in controversy exceeds, exclusive of interest and costs,
   $75,000.00.

4. Jurisdiction exists under Title 28 USCA Section _____.

Count I – Negligence by the Defendant [insert name]
5. On ______________, 200__, the Plaintiff,[insert name] was traveling northbound on Route ______ in _____________, ______________ County, Maryland.

6. On the same date and at the same time, the Defendant, Defendant Name, was traveling northbound on Route ______ in _____________, ______________ County, Maryland, immediately behind the Plaintiff, Plaintiff Name.

7. The Plaintiff, Plaintiff Name, was at a stop waiting for the vehicle in front of his/her to merge into traffic when the Defendant, failed to bring his/her vehicle to a stop, and as a result, he/she collided into the rear of the Plaintiff, Plaintiff Name, vehicle.

[This is an example – insert relevant facts that describe car wreck at issue]

8. The Defendant, Defendant Name, was negligent and careless in that he/she:

   (a) failed to maintain proper control of his/her vehicle;
   (b) failed to observe the Plaintiff's vehicle;
   (c) failed to keep a proper lookout;
   (d) failed to avoid a collision;
   (e) failed to observe the presence and proximity of the Plaintiff's vehicle;

   and

   (f) was in other respects negligent and careless.

[Insert various ways def was negligent]

9. The Defendant, Defendant Name, had a duty of care to operate his/her vehicle in a proper fashion and he/she breached that duty of care by failing to operate his/her vehicle in a safe and proper manner.

2
10. The Defendant, Defendant Name’s, negligence proximately caused the Plaintiff, Plaintiff Name, to suffer injuries about his/her body and limbs and to past, present and future mental anguish, lost wages, medical and other expenses, as well as other injuries and damages [insert applicable damages categories].

Count II – Respondeat Superior Negligence of Defendant [insert name]

Insert facts that prove elements of respondeat superior liability

Then put in general allegations that say why liable [i.e. conclusory paragraphs such as # 9 & 10 above – don't forget to note the damages]

Count III [if bringing another claim, add it here] – add as many claims as you have against each defendant

WHEREFORE, the Plaintiff demands judgment against the Defendants, [Insert name], individually and jointly and severally [if have joint/several liability in juris] in an amount in excess of Seventy-Five Thousand Dollars in compensatory damages, interest and costs.

The Plaintiff demands a trial by jury on all counts of this complaint.

Counsel’s name/address [in this class,. Counsel’s Exam #]
<table>
<thead>
<tr>
<th>EXEMPLARY</th>
<th>COMPETENT</th>
<th>DEVELOPING</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADVANCED WORK FOR 1L AT THIS TIME IN THE COURSE- ON A JOB THE WORK WOULD NEED VERY LITTLE REVISION FOR A SUPERVISING ATTORNEY TO USE</td>
<td>PROFICIENT WORK FOR 1L AT THIS TIME IN THE COURSE – ON A JOB THE WORK WOULD NEED TO BE REVISED WITH INPUT FROM SUPERVISION ATTY</td>
<td>WORK NEEDS ADDITIONAL CONTENT OR SKILLS TO BE COMPETENT – ON A JOB, THE WORK WOULD NOT BE HELPFUL AND THE SUPERVISING ATTY WOULD NEED TO START OVER</td>
</tr>
<tr>
<td>Correctly joined and named all appropriate parties*</td>
<td>Missed one appropriate party (or did not correctly name a party) *</td>
<td>Missed more than one appropriate party and/or did not correctly name an appropriate party*</td>
</tr>
<tr>
<td>Correctly identified the proper court and signed complaint per R. 11</td>
<td>Correctly identified the proper court and signed complaint per R. 11</td>
<td>Did not correctly name the appropriate court or failed to sign per R. 11</td>
</tr>
<tr>
<td>Correctly pled the necessary facts to establish jurisdiction and i.d.’d the jurisdictional basis</td>
<td>Correctly pled the necessary facts to establish jurisdiction and i.d.’d the jurisdictional basis</td>
<td>Did not plead the necessary facts to establish jurisdiction and/or correctly i.d. jurisdictional basis</td>
</tr>
<tr>
<td>Identified all potentially viable claims against each party and did not have any claims that were not viable* (per Rule 11)</td>
<td>Identified all but one potentially viable claim against each party; no claims that were not potentially viable (per Rule 11)*</td>
<td>Did not identify two or more potentially viable claims and/or had claims that were not potentially viable (per Rule 11)*</td>
</tr>
<tr>
<td>Pled all necessary facts to support each element of each claim and did not plead immaterial facts</td>
<td>Pled most necessary facts to support each element of each claim and pled few, if any, immaterial facts</td>
<td>Didn’t plead many facts nec’y to support each element of each claim and/or pled many immaterial or unnec’y facts</td>
</tr>
<tr>
<td>Pled all necessary elements of each potential claim</td>
<td>Missed 1 or 2 nec’y elements in pleading claims</td>
<td>Didn’t plead a # of elements nec’y for each claim</td>
</tr>
<tr>
<td>Had sound/logical/tactical reasons why excluded parties/claims*</td>
<td>Had sound/logical/tactical reasons why excluded parties/claims</td>
<td>Failed to i.d. valid reason for excluding parties/claims or reasons weren’t based upon sound legal/tactical grounds*</td>
</tr>
<tr>
<td>Clearly and logically organized and easy to follow; allegations were concise - whenever possible, allegations contained only one fact per allegation</td>
<td>Generally clearly and logically organized; allegations were generally concise</td>
<td>Claims and facts organized in a way that made it difficult to follow the story of what happened; allegations often contained multiple facts per allegation</td>
</tr>
<tr>
<td>No grammatical, typo. or spelling errors – presentation professional;</td>
<td>One or two grammatical, typo. or spelling errors – presentation</td>
<td>Numerous grammatical or spelling errors or other typo. Errors</td>
</tr>
</tbody>
</table>