

**SALT ADDENDUM TO STANDARDS REVIEW COMMITTEE COMMENTS
JULY 7, 2009**

This addendum is offered to assist the SRC in conceptualizing how a school might develop specific outcomes and comply with the proposed outcome measures standard. We realize that this is relatively uncharted territory and so we are providing a starting point, but only a starting point, for conceptualizing the way outcome measures might work.

The SALT Proposed Standard places responsibility on schools to identify learning outcomes and collect data to demonstrate student progress on those outcomes. Consequently, we address two issues here: (1) defining learning outcomes and (2) criteria to measure and judge whether a school is making progress in its efforts to achieve those learning outcomes.

I. Development of specific measurable outcomes in light of the general categories delineated in Revised Standard 301

This section provides an example of how a school could further define and refine the general categories of law student capabilities and outcomes set forth in SALT's suggested Proposed Revised Standard. These are taken directly from Sally Kift's article, "*Harnessing Assessment and Feedback to Assure Quality Outcomes for Graduate Capability Development: A Legal Education Case Study*".¹ Schools could use such models or develop their own.

A. General Graduate Capabilities and Outcomes

1. **Discipline Knowledge:** Graduates should possess detailed and comprehensive knowledge of U.S. legal principles and statutory regimes, a knowledge of legal systems and influences outside the U.S., and a fundamental knowledge of extra legal factors impinging upon the development of substantive law
2. **Ethical Attitude:** Graduates should possess a sense of community and professional responsibility and be able to identify and offer appropriate solutions to professionalism issues and ethical dilemmas
3. **Communication:** Graduates should be able to clearly, appropriately and accurately communicate both orally and in writing, with the ability to use the appropriate language in a variety of contexts
4. **Problem Solving and Reasoning:** Graduates shall possess critical thinking and problem solving skills, which enable effective analysis, evaluation and creative resolution of legal problems.
5. **Information Literacy:** Graduates should be able to use current technologies and effective strategies for the retrieval, evaluation and creative use of relevant information as a lifelong learner.

¹ See Kift, *supra* note 4.

6. **Interpersonal Focus:** Graduates shall be able to work both independently and as a productive member of a team, practice critical reflection and creative thinking, be socially responsible and inclusive and be able to work effectively and sensitively within the local and global community in continually changing environments.

From these broad objectives, schools then can identify and list the particular skills that are component parts of the stated outcomes/capabilities and develop ways to ensure the skills are taught, assessed and measured. For example, as Professor Kift's article explains, Problem Solving is a cognitive skill which includes many component parts (e.g. identifying and diagnosing legal problems; generating alternative solutions and strategies; developing a plan of action; implementing a plan of action; revising a plan of action as new information and ideas arise). The article goes on to discuss how these component parts may be subdivided into measurable skills.²

Once again, we would like to repeat that this is an example we are providing to show how a system of outcome measures might work. We are not suggesting that the ABA impose detailed or particularized outcomes such as those discussed in this paradigm or that schools be limited to the more detailed approach described here. We present this outline simply to illustrate how this could be done, not to suggest that there is only one way it can be done.

II. How Can Accreditors Measure Compliance with Outcomes?

This section provides an example of the kind of criteria that could be used to measure compliance with an outcome measures standard similar to that proposed by SALT.

A. General Programmatic Compliance

- *Does the school have a goals/mission statement?
- * Are all of the school's stated missions/goals addressed in the outcomes the school has identified for its students and its program of legal education?
- * Do the school's student learning outcomes encompass the broad categories delineated by the ABA Standard?
- * Has the school developed a comprehensive list of the components it considers critical to measuring whether its students are developing the broad learning outcomes identified in the ABA Standard?

² For another example of how "problem solving" might be developed into a quantifiable skill and assessed through various exercises and assignments, see e.g. Garvey and Zifkin, *supra* note 9.

* Does the school have an overall plan for assessing students' and the school's progress toward each outcome it has identified?

* Has the school provided information that demonstrates its progress in achieving the outcomes it has identified?

B. Programmatic Compliance as it Relates to Student Learning Outcomes

* Are all students being taught and assessed on all the skills necessary to demonstrate proficiency in all the capabilities and outcomes the school has identified?

* Where applicable, are the skills identified in specific learning outcomes being taught and assessed in multiple courses in order to facilitate student progress in the development and acquisition of those skills?

* Has the school identified the methods of assessment used in the school's courses and how those methods relate to the school's identified learning outcomes?

* Does the school, at least in some courses, provide students with opportunities for multiple assessments and feedback (schools could be out of compliance if over X percent of assessments involve only an end-of-semester exam)?

* Does the school, at least in some courses, provide students opportunities for performance-based assessments, i.e. assessments beyond multiple choice, short answer or essay exams (schools could be out of compliance if over X percent of assessments involved only these exam formats)?

* Are students being supplied with feedback so that they can self-assess their progress toward achieving the competencies and outcomes the school has identified?

* Recognizing that developing performance-based assessments or engaging in multiple assessments, especially in large section courses, takes considerable faculty time and effort, is the school making meaningful efforts to encourage and support faculty engaged in this type of assessment?

III. Specific Examples of How a School Could Demonstrate Compliance with Particular Outcomes

This section provides specific examples of how a school could demonstrate compliance with particular outcomes.

A. Outcome: Ethical Attitude: Graduates should be able to identify and offer appropriate solutions to professionalism issues and ethical dilemmas.

Evidence of Compliance:

*Students are assessed on their ability to recognize and resolve ethical issues and professional dilemmas in the following required courses _____ [not just designated professional responsibility courses] and the following elective courses _____ [list all].

* The assessments in the following courses _____ are done via multiple choice /short-answer/essay questions. The assessments in the following courses incorporate performance based assessment or assessment in more authentic lawyering situations than can be presented in multiple choice/short answer/essay questions _____. Formative ethical integration assessments are given in x courses _____. These methods relate to and further the school's outcome by (explain).

* All students take at least _____ [# of] _____ courses that assess ethics and professionalism via multiple choice/short answer/essay questions; all students take at least _____ [# of] _____ courses that integrate professionalism and ethics issues into performance-based assessments or lawyering tasks or via formative assessments.

* Progress toward achieving this outcome is demonstrated by the fact that X percent of students successfully complete the ethics and professionalism assessments in each of the courses listed above [list course and list student pass rate on ethics assessment for each course].

Evidence of Non-Compliance: Students are only assessed on their ability to recognize and resolve ethical issues and professionalism dilemmas in a required professional responsibility course.

B. Outcome: Developing Students' Sense of Lawyers' Public Service Obligations:
Students should graduate with an understanding of, and appreciation for, lawyers' public service obligations.

Evidence of Compliance:

*Data regarding student and faculty pro bono hours,

* Information about how a school recognizes students who perform substantial pro bono work,

* Pro bono hours performed by alumni,

* Alumni employment statistics as they relate to public service (e.g. the number of alumni employed in public service jobs versus other employment),

* A description of the school's loan forgiveness program and the impact of any loan forgiveness programs on graduates' public service career choices.

Evidence of Non-Compliance: The school has not developed any measurement data to assess progress toward achieving this outcome.