

# IU McKinney School of Law: PRAC Report 2017

The IU McKinney School of Law PRAC Report relates to the law school's JD program for the 2016-2017 Academic Year. See Appendix A for a description of the degrees conferred at IU McKinney and the currently anticipated schedule for implementing program review outside of the JD program.

## Executive Summary

### IU McKinney Program Review

Beginning in Fall 2015, under the guidance of then Associate Vice Chancellor Trudy Banta, IU McKinney produced an outline of a program review procedure. Law school administration adopted the procedure and constituted the Evaluation and Assessment Committee, co-chaired by two tenured full professors and made up of broadly representative faculty members, key administrative staff, the law school Vice Dean sitting *ex officio*, and staff from the Center for Teaching and Learning sitting *ex officio*. The Evaluation and Assessment Committee has the goal, in its initial three years of operation, of turning the program review procedure into a core part of the law school's work.

In support of those goals, Dean Andrew Klein has devoted substantial resources and indirect support to the project. Examples include convening a Fall 2015 full-day faculty retreat centered around the importance and process of program review; convening a Fall 2017 half-day faculty retreat devoted to the specifics of developing and using rubrics to measure identified program competencies; funding faculty and staff participation in seminars and colloquia around the country; and supporting the project with incentive compensation for the Evaluation and Assessment co-directors.

### The Report

In this first year reporting under the new IU McKinney program review procedure, the Evaluation and Assessment Committee reports on the development of its review process for the JD program.

The IU McKinney PRAC Report 2017 proceeds in three parts. Part I identifies and describes the IU McKinney JD program learning outcomes and the existing draft competencies that are being developed to facilitate those outcomes' measurement. The Part continues to explain the initial efforts at curricular mapping and the role of curricular mapping in the review procedure. Early curricular mapping shows gaps where faculty reporting on course goals suggests one or more of the program outcomes may be underserved. Finally, the Part describes "next steps" in the work of identifying outcomes and mapping the curriculum to determine where those outcomes are best taught and assessed.

In Part II the Report describes the assessment measures used to evaluate student achievement of the JD program learning outcomes. Those measures, both direct and indirect, include (1) faculty reporting on student success; (2) student surveys of bar readiness; (3) bar (licensing) examination outcomes; and (4) employment outcomes.

The Part next maps the assessment measures to outcomes being measured. The mapping demonstrates some success in evaluating core program outcomes but clear gaps in which new assessment measures should be implemented. The Part concludes with a description of next steps, including primarily the development and adoption of rubrics tied to under-assessed outcomes.

Part III details the findings from the assessment measures. Those findings, particularly in the areas of bar examination success and student employment, serve as effective but imperfect indirect measures of some of the learning outcomes. The Part explains that those measures leave much to be desired as measures of other outcomes and in terms of formative assessments that allow for meaningful intervention earlier in the JD program.

## I. Learning Outcomes

### Introduction

In AY 2014-15, the IU McKinney faculty adopted eight Educational Objectives (called learning outcomes here) reflecting the faculty's view of the JD program. (The outcomes have been expanded to nine, splitting one into two natural subparts.) The Evaluation and Assessment Committee has begun the process of reducing those outcomes to competencies. The goal for competencies is that they will be sufficiently granular and measurable that student achievement can be measured in individual courses or learning experiences by way of to-be-developed rubrics tying performance metrics to the individual competencies.

Competencies have been drafted with the input of the Evaluation and Assessment Committee; law school alumni and administration; and review of the work of peer institutions that have preceded us in this early part of the process. While still in draft form, the existing competencies reflect promising statements of 30 professional competencies that, if achieved at a level of mastery, will ensure a graduate's full preparedness for legal professional work.

Initial curricular mapping efforts in the JD program have provided helpful – but incomplete – information as to the role of our required curriculum in addressing the learning outcomes. Limits on the success of curricular mapping are explained by:

- the Evaluation Committee's insufficient efforts at faculty education prior to beginning the curricular mapping;
- the failure to reduce outcomes to competencies prior to beginning curricular mapping;
- faculty resistance to the curricular mapping effort.

### Outcomes-Competencies

The law school adopted learning outcomes for its JD program as part of its preparation for the reaccreditation visit in Fall 2017.

Those outcomes (updated as described in the preceding sub-part) are:

A McKinney graduate will be prepared to:

1. Build upon an existing base of legal knowledge to succeed in the graduate’s chosen career path;
2. Leverage real-world legal skills to succeed in the graduate’s chosen career path;
3. Exercise sound professional judgment and fulfill ethical responsibilities;
4. Exhibit a high degree of competence in legal analysis, reasoning, research, and writing;
5. Demonstrate acumen in oral communication in the legal context;
6. Serve as a leader or contributing team member in professional settings;
7. Transition readily to law practice or other government, non-profit, or private sector employment;
8. Leverage a network of professional relationships; and
9. Appreciate that excellence as a lawyer requires individual, life-long effort.

The outcomes best reflect high-level goals for graduates, which need reduction to more granular competencies to be meaningfully measurable.

The process of reduction to competencies is under way. (Unlike in other professions, the legal profession does not have existing, broadly accepted statements of “professional competencies” that IU McKinney can adopt for its JD program.)<sup>1</sup> The DRAFT competencies below reflect initial efforts to develop a model for stakeholders to consider and improve:

A McKinney graduate will be prepared to:	
Outcome	DRAFT Corresponding Competencies
Build upon an existing base of legal knowledge to succeed in the graduate’s chosen career path	<ul style="list-style-type: none"> <li>• In the context of the core curriculum, students will identify, describe, interpret, and apply the fundamental terms, rules, policy, and principles;</li> <li>• In the context of upper level electives chosen by the student, students will interpret and synthesize legal rules, policy, and principles;</li> <li>• Students will show the ability to analyze the impact of legal rules on society, understood from a variety of perspectives.</li> </ul>
Leverage real-world legal skills to succeed in the graduate’s chosen career path	<ul style="list-style-type: none"> <li>• Project management, moving matters forward, outcome oriented;</li> <li>• Factual development;</li> <li>• Finding the law;</li> <li>• Interpersonal relationships, empathy, emotional intelligence, and cultural competency;</li> <li>• Business skills;</li> <li>• Communication, translate law to</li> </ul>

<sup>1</sup> Comments and suggestions from reviewers as to best practices for ensuring faculty engagement in the process of producing competencies would be particularly valuable.

	layperson.
Exercise sound professional judgment and fulfill ethical responsibilities	<ul style="list-style-type: none"> <li>• Identify and resolve ethical issues in law or generally;</li> <li>• Exhibit passion for a representation and work ethic;</li> <li>• Integrate moral principles and values with a lawyer's professional responsibilities;</li> <li>• Sound professional judgment.</li> </ul>
Exhibit a high degree of competence in legal analysis, reasoning, research, and writing	<ul style="list-style-type: none"> <li>• Legal Research</li> <li>• Legal Analysis</li> <li>• Legal Reasoning (Argument, Application of Facts to Law)</li> <li>• Legal Writing</li> </ul>
Demonstrate acumen in oral communication in the legal context	<ul style="list-style-type: none"> <li>• Explain issues, arguments, and conclusions to other lawyers and to lay persons;</li> <li>• Make formal oral presentations to courts, other tribunals, or other audiences;</li> <li>• Exhibit professional oral skills in front of all audiences.</li> </ul>
Serve as a leader or contributing team member in professional settings	<ul style="list-style-type: none"> <li>• Lead a team of lawyers and/or legal support staff to achieve a group outcome;</li> <li>• Contribute to a legal team led by another in pursuit of a group outcome;</li> <li>• Drive progress toward a goal in the face of opposition from others.</li> </ul>
Transition readily to law practice or other government, non-profit, or private sector employment	<ul style="list-style-type: none"> <li>• Awareness of professional opportunities;</li> <li>• Understanding of law as a business.</li> </ul>
Leverage a network of professional relationships	<ul style="list-style-type: none"> <li>• Comfort engaging in unscripted settings among professionals;</li> <li>• Skill in identifying opportunities for mutually beneficial exchange with other professionals.</li> </ul>
Appreciate that excellence as a lawyer requires individual, life-long effort	<ul style="list-style-type: none"> <li>• Self-directed learning;</li> <li>• Intellectual curiosity;</li> <li>• Pursuit of extracurricular opportunities.</li> </ul>

### Initial Curricular Mapping

IU McKinney has taken early steps to map the curriculum to identify the degree to which required and highly recommended courses achieve the learning outcomes. This process involved surveying faculty teaching required courses, most of which are taken in students'

first year of study.<sup>2</sup> Appendix D contains the full results from those surveys from Academic Year 2016-17. Summary results from the initial curricular mapping effort are below:

Mapped 1L Curriculum (Day/Full-time)

Objective→ Course↓	... build upon a base of legal knowledge and skills	... exercise sound professional judgment and fulfill ethical responsibilities	... exhibit a high degree of competence in legal analysis, reasoning	... demonstrate acumen in oral communication in the legal context	... serve as a leader or contributing team member in professional settings	... transition readily to law practice or other ... employ't	... leverage a network of professional relationships	... appreciate that [law] requires individual, life-long effort
<b>Civ Pro I (averaged)</b>	1.5	1.5	1.5	2.5	1	0	1.5	0.5
<b>Civ Pro II (averaged)</b>	3	1	3	1	0	3	1	0
<b>Con Law (averaged)</b>	3	1.5	3	2.5	1.5	2.5	0.5	2.5
<b>Contracts I (averaged)</b>	3	2	3	3	3	3	3	3
<b>Contracts II (averaged)</b>	0	3	3	3	0	3	0	3
<b>Crim Law (averaged)</b>	1	1	2.5	2.5	2.5	1.5	1	1
<b>LCA I (averaged)</b>	2.4	1.57	3	1.57	1	2	0.29	1.57
<b>LCA II (averaged)</b>	2.33	2.5	3	2.83	1.67	2.67	0.83	2.17
<b>Legal Res. (averaged)</b>	2.6	2.4	3	0	1.8	2.8	0	2.8
<b>Property (averaged)</b>	2	2	2	2	2	3	2	2
<b>Torts</b>	1	2	3	2	1.5	1	1.5	2

<sup>2</sup> Particular thanks are due to colleagues at the Kelley School of Business for sharing their faculty survey forms and processes, based on which we designed our own.

(averaged)								
<b>Totals</b>	21.86	20.47	31	21.40	14.97	25.97	10.62	20.54

Mapped 1L Curriculum (Evening/Part-time)

<b>Objective→</b>								
<b>Course↓</b>	... build upon a base of legal knowledge and skills	... exercise sound professional judgment and fulfill ethical responsibilities	... exhibit a high degree of competence in legal analysis, reasoning, research, and writing	... demonstrate acumen in oral communication in the legal context	... serve as a leader or contributing team member in professional settings	... transition readily to ... employment	... leverage a network of professional relationships	... appreciate that excellence as a lawyer requires individual, life-long effort
<b>Civ Pro I</b>	3	3	3	0	1	3	0	1
<b>Civ Pro II</b>	3	3	3	1	1	3	0	2
<b>Con Law</b>	3	1.5	3	2.5	1.5	2.5	0.5	2.5
<b>Contracts I</b>	1	1	3	2	1	1	1	1
<b>Contracts II</b>	2	2	2	2	2	2	2	2
<b>Crim Law</b>	1	1	2.5	2.5	2.5	1.5	1	1
<b>LCA I (averaged)</b>	2.43	1.57	3	1.57	1	2	0.29	1.57
<b>LCA II (averaged)</b>	2.5	2.5	3	3	2	2.5	0.5	2.5
<b>Legal Res. (averaged)</b>	3	1.33	3	0.33	0.67	2.33	0	2.33
<b>Property</b>	2	2	2	2	2	3	2	2
<b>Torts</b>	3	2	3	2	1	2	1	2
<b>Totals</b>	25.93	20.90	30.5	18.90	15.67	24.83	8.29	19.90

Initial Map of Upper-Level “Highly Recommended” Curriculum (Spring Semester)

UL Highly Recommended	... build upon a base of legal knowledge and skills	... exercise sound professional judgment and fulfill ethical responsibilities	... exhibit a high degree of competence in legal analysis, reasoning, research, and writing	... demonstrate acumen in oral communication in the legal context	... serve as a leader or contributing team member in professional settings	... transition readily to ... employment	... leverage a network of professional relationships	... appreciate that excellence as a lawyer requires individual, life-long effort
PR	3	3	3	0	2	2	0	3
PR	3	3	2	1	2	3	1	3
PR Average	3	3	2.5	0.5	2	2.5	0.5	3
Employment Law	3	3	3	3	3	3	3	3
Employment Law	3	3	3	3	3	3	1	3
Emp. Average	3	3	3	3	3	3	2	3
Evidence	3	2	3	1	0	3	0	0
Evidence	3	2	2	2	0	2	1	3
Evid. Average	3	2	2.5	1.5	0	2.5	0.5	1.5
Administrative Law	3	3	3	3	3	3	1	3
CHBO	3	3	2	3	3	3	0	2
Total across UL Highly Recommended	15	14	13	11	11	14	4	12.5

Initial Map of Upper-Level “Highly Recommended” Curriculum (Fall Semester)

Objective→	... build upon a base of legal knowledge	... build upon a base of legal skills	... exercise sound professional judgment and fulfill ethical responsibilities	... exhibit a high degree of competence in legal analysis, reasoning, research, and writing	... demonstrate acumen in oral communication in the legal context	... serve as a leader or contributing team member in professional settings	... transition readily to ... employment	... leverage a network of professional relationships	... appreciate that excellence as a lawyer requires individual, life-long effort
Courses↓									
Trusts Estates (O)	3	2	0	2	0	0	2	0	0
Secured Trans (O)	3	0	0	2	0	0	2	0	0
Secured Trans (Night)	3	3	3	0	3	0	3	0	0
Income Tax	3	3	0	0	0	2	2	0	2
CP Inv. (N)	3	0	0	2	2	0	0	0	0
Totals	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Note on Reliability

Our initial experience with curricular mapping has been experimental and has not produced reliable information about the role of required courses in achieving program outcomes.

Primary limits include:

- Insufficient information about upper level required and highly recommended courses to determine the role of these courses in addressing the outcomes;
- Insufficient granularity of outcomes (not reduced to competencies) to allow the mapping meaningfully to inform the role of a course in achieving the outcomes;
- Lack of information on elective experiences (which make up well more than ½ of students' course of study) in students' achievement of outcomes.

The committee has identified three particular failings in the mapping process. Those are:

- the Evaluation Committee's insufficient efforts at faculty education prior to beginning the curricular mapping;
- the failure to reduce outcomes to competencies prior to beginning curricular mapping;
- faculty resistance to the curricular mapping effort.

As an example of the first failing, IU McKinney's phrasing of program outcomes includes an introductory clause "A McKinney graduate will be prepared to" before continuing with a list of outcomes including "build upon a base of legal knowledge." The committee anticipated that faculty teaching introductory courses would self-identify as addressing primarily that outcome. (In other words, first-year required courses primarily teach core legal knowledge.) However, faculty frequently overlooked the introductory clause and became confused by the outcome, which seemed to assume existing legal knowledge prior to beginning an introductory course.

The second failing is self-explanatory. For a 90-credit-hour professional degree such as that in law, nine learning outcomes describing the entire degree are too general to readily identify as related to one or another course. This problem is exacerbated with outcomes including "teamwork," "practice readiness," "networking," and "intellectual humility and curiosity," all of which are both broadly relevant and not centrally addressed in existing course designs.

The third failing reflects challenges of encouraging an over-extended faculty to participate thoughtfully in the process. When faculty members do participate, not infrequently submissions reflect insufficient attention to instructions. The results are incomplete and unreliable information.

### Next Steps

The Evaluation Committee is proceeding with the curricular mapping process with a three-pronged strategy.

- One is to produce a final set of competencies that further define the meaning of the nine learning outcomes;
- Second is to revisit and to improve the results of the existing maps (reproduced in summary form above) based on required and highly recommended coursework that all or most JD program students complete;
- Third is to identify other coursework and co-curricular experiences that can reliably measure achievement of learning outcomes across the student population.

The first two prongs identified reflect efforts to complete work already begun. The third prong is a new project that addresses two problems. First, with a substantial percentage of credit hours in the JD program coming in elective courses, it is impossible to identify any one such course or learning experience that captures data on a representative set of the student body. Second, several of the outcomes do not appear to be measured by the required or highly recommended courses.

## II. Assessment Measures

### Introduction

The Part begins by describing existing assessment measures with their promises and their shortcomings. It then maps those measures to the outcomes that they can inform. The third sub-part describes the “Rubric Project” and its planned use to develop an assessment measure addressing outcomes not adequately measured by existing tools.

### Assessment Measures

The Evaluation Committee has compiled a set of assessment measures from existing data sources as well as from efforts to produce data better targeted to the outcomes. The sources include bar examination results; faculty self-identification of student achievement; student surveys of bar preparation; and employment statistics.

### Bar Examination Results

The Bar Examination is the primary licensure examination for JD graduates. Nearly 100% of McKinney JD graduates take the bar exam. Success on the bar is required for entry into most typical legal careers, including private law practice, government service as a lawyer, non-profit service as a lawyer, and corporate legal department work. The bar exam measures core legal knowledge in more than a dozen subjects that are believed to be representative of a broad range of legal professional endeavors. The bar exam also measures legal reasoning and legal written argument skills.

The bar exam is therefore a measure of graduates’ achievement of (1) a base of legal knowledge, (2) competence in legal analysis, reasoning, and writing; (3) readiness to transition to law practice. According to Vice Dean Larry Cunningham (St. John’s), a leading commentator on law school assessment, “The bar exam is an important outcome measure of whether our graduates are learning the basic competencies expected of new lawyers.” (Law School Assessment Blog 11-19-2017) The bar exam is also a primary measure for law schools’ primary accreditor, the American Bar Association, as well as for voluntary reports to entities including the Association of American Law Schools and US News and World Report rankings.

As an outcomes measure, the bar exam fails in some important respects. Initially, it is indirect: myriad factors predict bar exam success. Importantly, top predictors of bar success include the LSAT – the law school *entrance* exam – as well as student work and study habits after graduation from law school. These predictors have been broadly observed in research into bar outcomes. Both of these predictors are outside of the control of law schools. Second, the Indiana Bar Examination is uniquely problematic as an assessment measure because student scores are not reported unless students fail the bar (and in that event the scores are only reported to the student). It is therefore impossible to

determine, in any but the most general a manner, which of the outcomes that map to bar exam success was not achieved.

However, success on the bar exam is its own outcome. For largely political reasons most law schools do not list “Graduates will pass the bar exam” as an outcome. Law faculties reject the idea of “teaching to the test” and generally decline to accept that bar exam success correlates well with preparedness for career success. However, every law school, including IU McKinney, counts bar exam success as one of its primary institutional goals.

### Student Surveys of Bar Preparation

Student surveys are the only source of data available to us that helps to determine what portions of the bar exam were particularly difficult for graduates; what students did to improve their preparation both during and after their JD program; and what other factors might explain bar outcomes. The Evaluation Committee began to use bar success surveys in Fall 2016 and repeated the process with an improved survey instrument in Fall 2017.

The survey instruments are included in Appendix B. Obvious limitations on the data received include student self-selection; faulty perception; faulty memory; and bad faith responses. With a response rate of approximately 30% (72 students) and a pass rate among responses of 76%, on its face the data appears somewhat representative of the overall population.

### Faculty Self-Identification of Student Achievement

The Evaluation Committee is in the process of developing measures for faculty reporting on student achievement of outcomes in particular courses and learning experiences. The preliminary, experimental measure is a post-course survey disseminated to faculty teaching required or highly recommended courses. The survey suffered the same failings as the curricular mapping surveys – faculty confusion, faculty inattention, and inherent immeasurability of the outcomes queried.

The Evaluation Committee is working on a more robust measure of student achievement in parallel with the process of developing competencies to improve understanding and measurability of the learning outcomes. The committee describes the “Rubric Project” in sub-part Next Steps, below.

### Employment Outcomes

Statistics on employment outcomes are the final source of data for this PRAC Report. Employment statistics are indirect measures that address one of the learning outcomes – student preparation to transition to a professional career. Because employment outcomes are influenced by a myriad of factors, including many that are not part of the educational experience in the IU McKinney JD program, the value of employment outcomes in assessing program effectiveness is limited. However, employment outcomes are key statistics for law schools’ primary accreditor, the American Bar Association, as well as for voluntary reports to entities including the Association of American Law Schools and US News and World Report rankings.

## Map to Outcomes

The table maps assessment measures to outcomes and competencies. Measures listed in brackets are likely options for future assessments, not currently employed or reported on in this Report.<sup>3</sup>

Learning Outcomes	DRAFT Competencies	Assessment Measures
A McKinney graduate will be prepared to:		
Build upon an existing base of legal knowledge to succeed in the graduate's chosen career path	<ul style="list-style-type: none"> <li>• In the context of the core curriculum, students will identify, describe, interpret, and apply the fundamental terms, rules, policy, and principles;</li> <li>• In the context of upper level electives chosen by the student, students will interpret and synthesize legal rules, policy, and principles;</li> <li>• Students will show the ability to analyze the impact of legal rules on society, understood from a variety of perspectives.</li> </ul>	<ul style="list-style-type: none"> <li>• [Faculty self-identification of student achievement (Doctrinal courses)]</li> <li>• Bar examination outcomes</li> <li>• Student surveys of bar examination readiness</li> </ul>
Leverage real-world legal skills to succeed in the graduate's chosen career path	<ul style="list-style-type: none"> <li>• Project management, moving matters forward, outcome oriented;</li> <li>• Factual development;</li> <li>• Finding the law;</li> <li>• Interpersonal relationships, empathy, emotional intelligence, and cultural competency;</li> <li>• Business skills;</li> <li>• Communication, translate law to layperson.</li> </ul>	<ul style="list-style-type: none"> <li>• [Faculty self-identification of student achievement (LCA sequence)]</li> </ul>
Exercise sound professional judgment and fulfill ethical responsibilities	<ul style="list-style-type: none"> <li>• Identify and resolve ethical issues in law or generally;</li> <li>• Exhibit passion for a representation and work ethic;</li> <li>• Integrate moral principles and values</li> </ul>	<ul style="list-style-type: none"> <li>• [Faculty self-identification of student achievement (Professional Responsibility course)]</li> <li>• [Student success on Multistate Professional Responsibility</li> </ul>

<sup>3</sup> Comments from reviewers on the promise and likely workability of the bracketed measures will be particularly welcome.

	<p>with a lawyer's professional responsibilities;</p> <ul style="list-style-type: none"> <li>• Sound professional judgment.</li> </ul>	Examination]
Exhibit a high degree of competence in legal analysis, reasoning, research, and writing	<ul style="list-style-type: none"> <li>• Legal Research</li> <li>• Legal Analysis</li> <li>• Legal Reasoning (Argument, Application of Facts to Law)</li> <li>• Legal Writing</li> </ul>	<ul style="list-style-type: none"> <li>• [Faculty self-identification of student achievement (LCA sequence, upper level writing requirement)]</li> <li>• Bar examination outcomes</li> </ul>
Demonstrate acumen in oral communication in the legal context	<ul style="list-style-type: none"> <li>• Explain issues, arguments, and conclusions to other lawyers and to lay persons;</li> <li>• Make formal oral presentations to courts, other tribunals, or other audiences;</li> <li>• Exhibit professional oral skills in front of all audiences.</li> </ul>	<ul style="list-style-type: none"> <li>• [Faculty self-identification of student achievement (LCA sequence, Doctrinal courses)]</li> </ul>
Serve as a leader or contributing team member in professional settings	<ul style="list-style-type: none"> <li>• Lead a team of lawyers and/or legal support staff to achieve a group outcome;</li> <li>• Contribute to a legal team led by another in pursuit of a group outcome;</li> <li>• Drive progress toward a goal in the face of opposition from others.</li> </ul>	<ul style="list-style-type: none"> <li>• [Peer evaluations]</li> <li>• [Student self assessments]</li> </ul>
Transition readily to law practice or other government, non-profit, or private sector employment	<ul style="list-style-type: none"> <li>• Awareness of professional opportunities;</li> <li>• Understanding of law as a business.</li> </ul>	<ul style="list-style-type: none"> <li>• Bar exam outcomes</li> <li>• Employment outcomes</li> </ul>
Leverage a network of professional relationships	<ul style="list-style-type: none"> <li>• Comfort engaging in unscripted settings among professionals;</li> <li>• Skill in identifying opportunities for mutually beneficial exchange with other professionals.</li> </ul>	<ul style="list-style-type: none"> <li>• Employment outcomes</li> </ul>
Appreciate that excellence as a lawyer requires	<ul style="list-style-type: none"> <li>• Self-directed learning;</li> <li>• Intellectual curiosity;</li> </ul>	<ul style="list-style-type: none"> <li>• Faculty self-reporting of student achievement]</li> </ul>

individual, life-long effort	<ul style="list-style-type: none"> <li>• Pursuit of extracurricular opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>• [Student self assessment]</li> </ul>
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## Next Steps

### Rubric Project

In an effort to improve the data gathering relating to direct evidence of student achievement, the Evaluation Committee is beginning its “Rubric Project.” With McKinney administration support, the committee invited Professor Andrea Curcio from Georgia State University College of Law, the leader of that institution’s assessment program, to guide the McKinney faculty in a rubric development exercise at the October 20, 2017 Faculty Service Day. Curcio’s leadership included reviewing the Evaluation Committee’s work and offering suggestions for change and improvement.

The Rubric Project is an effort to create assessment instruments that are broadly acceptable to the McKinney faculty, present low barriers to completion, and will produce reliable and consistent data on student progress in the JD program. Beginning with the Draft Competencies, the Rubric Project requires the Evaluation Committee to lead the faculty and other stakeholders in an effort to describe “Performance Metrics” including “Insufficient,” “Emerging,” “Competent,” and “Excellent.” The committee has begun that project, first meeting with attendees at the IU McKinney Alumni Board meeting on October 26, 2017, and is prepared to continue the work of defining performance metrics for each program competency during the Spring 2018 semester. (Appendix C is the tool developed to create the rubrics based on the existing drafts of the competencies.)

The committee will next use the results from the curricular mapping project to identify data gathering “insertion points” for each of the competencies. The goal is to identify a baseline data gathering point during students’ first year and a later data gathering point in students’ second or third year of their program. Faculty, paper supervisors, or others charged with monitoring student learning will be asked to complete the rubric for the relevant competency or competencies being assessed.

One ready example relates to the competencies defining the analysis, research, and writing objective. All students take two required foundational Legal Communications and Analysis courses and all students are required to complete an Advanced Research and Writing requirement sometime after their first year. The foundational courses will provide baseline data and the advanced research and writing requirement will provide data on improvement in the program.

### Example of Rubric-Based Assessment of Student Progress

The chart serves as an example, based on one of the learning outcomes.

Outcome	Competencies	Data Gathering Points
Exhibit a high degree of competence in legal analysis, reasoning,	<ul style="list-style-type: none"> <li>• Legal Research</li> <li>• Legal Analysis</li> <li>• Legal Reasoning</li> </ul>	<b>BASELINE:</b> <ul style="list-style-type: none"> <li>• LCA I (first year fall semester)</li> </ul>

research, and writing	(Argument, Application of Facts to Law) <ul style="list-style-type: none"> <li>• Legal Writing</li> </ul>	<b>MEASUREMENT OF PROGRESS:</b> <ul style="list-style-type: none"> <li>• Advanced Research and Writing Requirement OR</li> <li>• Law Review Candidacy paper</li> </ul>
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### III. Assessment Findings

#### Introduction

In this Part we describe the findings of our assessment measures.

#### Measures-Findings

##### Bar Exam Results

Bar exam outcomes are the most complete indirect measure of success in the learning outcomes. Bar exam results can be used to evaluate the following learning outcomes:

- Build upon an existing base of legal knowledge to succeed in the graduate’s chosen career path;
- Exhibit a high degree of competence in legal analysis, reasoning, research, and writing;
- Transition readily to law practice or other government, non-profit, or private sector employment.

The chart includes results from graduates who first took the Indiana Bar Exam in July 2017. Reported data reflects *pre-appeal* bar outcomes. Post-appeal data reflects slight improvement, to an overall first-time taker success rate of 70%. IU McKinney has not established a goal for first-time taker pass rate. However, historic pass rates at IU McKinney for first-time takers have been at or above 80%.

	<b>PASS</b>	<b>FAIL</b>	<b>PRE-APPEAL PASS RATE/POST-APPEAL PASS RATE</b>	<b>HISTORIC PASS RATE (FIRST-TIME TAKERS)</b>
<b>TOTAL/AVERAGE FT TAKER</b>	<b>120</b>	<b>56</b>	<b>68%/70%</b>	<b>80%</b>

Past research on IU McKinney students and new research conducted at peer institutions suggests the single biggest predictor of bar exam success is graduating GPA. Breaking bar outcomes down by GPA range demonstrates that strong correlation. The two tables below reflect different lessons drawn from the same data. In the first table, we see that pass rate by single point GPA range below 3.0 is substantially below 50%, approaching 0 as the GPA range regresses below 2.6.

GPA RANGE	RATE	POPULATION
<2.6	0	11
2.6-2.7	8%	12
2.7-2.8	50%	8
2.8-2.9	50%	12
2.9-3.0	46%	13
3.0-3.1	61%	23
3.1-3.2	65%	17
3.2-3.3	90%	20
3.3-3.4	94%	16
>3.4	100%	45
<b>TOTAL</b>		<b>177</b>

The second table gives pass rates at or above certain GPAs as well as below certain GPAs. There are two obvious lessons:

- First, if the target bar pass rate is 80%, finding a way for all students to achieve the level of bar preparation that students with graduating GPAs at 2.8 or above have may achieve that outcome.
- Second, graduates with GPAs below 2.7 pass at a rate of 4%. Graduating GPA below 2.7 might be called the “futility range” at which interventions could credibly include encouraging students to delay taking the bar.

GPA AND ABOVE	RATE	BELOW GPA	RATE
>2.34	68%	<2.6	0
2.6 AND ABOVE	72%	<2.7	4%
2.7 AND ABOVE	77%	<2.8	16%
2.8 AND ABOVE	79%	< 2.9	26%
2.9 AND ABOVE	81%	< 3.0	31%
3.0 AND ABOVE	85%	< 3.1	40%
3.1 AND ABOVE	91%	< 3.2	44%
3.2 AND ABOVE	96%	< 3.3	52%

<b>3.3 AND ABOVE</b>	<b>98%</b>	<b>&lt; 3.4</b>	<b>57%</b>
<b>3.4 AND ABOVE</b>	<b>100%</b>	<b>Overall</b>	<b>68%</b>

The final table shows the outcomes of our “Bar Mentorship Program,” an intervention adopted in 2017 to assist at-risk bar takers in their preparation. (Numbers relating to bar mentorship from the February exam date are misleading because the opt-in nature of the program gathered a substantial population of students who were not in need of assistance. In July, participants were identified based on risk factors and invited into the program.) While the data reflect small numbers and are thus unreliable for any but casual observation, they are nonetheless discouraging.

The most discouraging statistic is the pass rate for students who were invited into the program and took advantage of faculty mentorship during bar preparation. 7.7% (1 of 13) of that population passed the bar, as compared with:

- approximately 16% pass rate for the entire student population with a comparable average graduating GPA; and
- 21.4% for first time takers *invited into the mentorship program but declining to participate*.

Repeating the small numbers caution, evidence suggests the Bar Mentorship Program was on net a harmful rather than beneficial factor.

	<b>PASSING PERCENTAGE</b>	<b>GROUP AVERAGE GPA</b>
<b>TOTAL/AVERAGE FIRST TIME TAKER BAR MENTEES</b>	<b>0.077</b>	<b>2.65</b>
<b>TOTAL/PERCENTAGE REPEAT TAKER BAR MENTEES</b>	<b>0.43</b>	<b>2.80</b>
<b>TOTAL/PERCENTAGE ALL MENTEES (FIRST TIME AND REPEAT)</b>	<b>0.2</b>	<b>2.68</b>
<b>TOTAL/PERCENTAGE FIRST TIME TAKER DECLINERS</b>	<b>0.21</b>	<b>2.62</b>
<b>TOTAL/PERCENTAGE REPEAT TAKER DECLINERS</b>	<b>0.2</b>	<b>2.87</b>

#### Student Surveys of Bar Preparation

The substantial limitations on the data available from the bar exam makes the exam a blunt instrument for evaluating outcomes at any except the most general level. Student surveys

permit the committee to measure more specific questions about the educational program and other influences on student readiness to enter the legal profession. Student surveys address the following learning outcome:

- Build upon an existing base of legal knowledge to succeed in the graduate’s chosen career path.

Our Student Bar Preparation survey for Fall 2017 revealed graduates’ perceptions of the Multistate Bar Exam<sup>4</sup> subjects that were most challenging. These are highly unreliable data, reflecting *graduates’ recollections of their perceptions at the time they took the bar* – which, in the case of the February takers, preceded the survey by 8 months. Some responses, where (for example) responders identified all seven subjects as uniquely difficult and also selected the option for “no subjects were particularly challenging”, suggest responders were not paying attention to their responses or were being deliberately misleading in their responses.

Even taking into account the shortcomings in these data, graduates’ responses suggest Real Property is an area in which interventions might better prepare students for bar exam success. One possible intervention is to increase the number of required credits of Real Property. (Real Property is one of three required first-year courses that IU McKinney teaches in one, as opposed to two, semesters. The other two are Torts and Constitutional Law.) Notably, there is *not* a substantial difference in graduates’ perceptions of difficulty on the Real Property questions based on whether they passed or failed the bar exam.

SUBJECT → POPULATION ↓	CIV PRO	CON LAW	CONTRACTS	CRIM LAW AND PROC.	EVIDENCE	REAL PROP.	TORTS
<b>STUDENTS PASSED</b>	13	18	21	12	25	32	14
<b>STUDENTS DID NOT PASS</b>	5	5	4	2	8	8	3
<b>TOTAL</b>	18	23	25	14	33	40	17

The survey asked about graduates’ study habits and work-and-life distractions. Past efforts have informed the intuition that substantial work obligations and short study periods may undermine bar success. Results from this year’s survey generally confirm that intuition.

In the first table, we learn that the self-identified time of starting bar study seems to have minimal correlation to bar success. Because the end of the term (whether December for a February bar or May for a July bar) precedes the examination by between 2 and 3 months, it is not surprising that approximately 60% of students begin their study at that point.

<sup>4</sup> The Multistate Bar Examination is a six-hour, 200-question multiple choice examination that tests seven core subjects. It is consistently considered the most challenging portion of the bar exam and the most likely portion of the test on which students will score poorly.

MOS. IN ADV. → POPULATION ↓	> 3 MOS.	2-3 MOS.	1-2 MOS.	<1 MO.
<b>STUDENTS PASSED</b>	2	10	4	1
<b>STUDENTS DID NOT PASS</b>	5	33	16	1

In the second table, we learn that most students in each population (did not pass, passed) self-identified as studying more than 30 hours per week. However, self-identified volume of studying does correlate loosely with outcome. At the extreme end, **21 of 55 (38%)** of graduates who passed and **3 of 17 (18%)** of graduates who did not pass self-identified as studying more than 40 hours weekly. **42 of 55 (76%)** of graduates who passed self-identified as studying more than 30 hours weekly (counting both 30-40 and >40), while **11 of 17 (65%)** of graduates who did not pass self-identified as studying at that volume. Similarly, none of the graduates who passed self-identified as studying less than 10 hours weekly, while **2 of 17 (12%)** of graduates who did not pass self-identified as studying that little.

HRS/WK. → POPULATION ↓	>40	30-40	20-30	10-20	<10
<b>STUDENTS PASSED</b>	21	21	11	2	0
<b>STUDENTS DID NOT PASS</b>	3	8	3	1	2

In the third table we compare hours worked with bar success. Our past survey data suggested this statistic may be the greatest post-graduation predictor of bar success or its lack. The results of this year's bar survey support that conclusion. Notably, **6 of 17, or 35%**, of graduates who did not pass worked more than 25 hours weekly during bar study. In contrast, **8 of 55, or 15%**, of graduates who did pass worked at that volume. At the other extreme, **5 of 17, or 29%**, of graduates who did not pass were able to study without any work obligations. In contrast, **37 of 55, or 67%**, of graduates who did pass were able to study without any work obligations.

HRS/WK. → POPULATION ↓	>25	10-25	<10	0

<b>STUDENTS PASSED</b>	8	6	4	37
<b>STUDENTS DID NOT PASS</b>	6	2	4	5

Taking the study hours and work hours results together gives substantial support to the informed intuition that less work and more study after law school graduation increases the likelihood of bar success. Promising interventions include advising students of these data and assisting them in finding relief from work obligations for bar study.

#### Faculty Reporting on Student Success

Faculty reporting on student success will be an effective means to evaluate achievement of learning outcomes that are not easily or reliably measured by other measures including bar passage, employment outcomes, and student surveys. The Evaluation Committee has not yet institutionalized a reliable method of faculty reporting. When instituted, the committee anticipates using faculty reporting to measure the following learning outcomes:

- Build upon an existing base of legal knowledge to succeed in the graduate’s chosen career path;
- Leverage real-world legal skills to succeed in the graduate’s chosen career path;
- Exercise sound professional judgment and fulfill ethical responsibilities;
- Exhibit a high degree of competence in legal analysis, reasoning, research, and writing;
- Demonstrate acumen in oral communication in the legal context.

[PLACEHOLDER FOR FUTURE REPORTING ON FACULTY OBSERVATIONS OF STUDENT SUCCESS.]

#### Employment Outcomes

The Evaluation Committee has tentatively identified Employment Outcomes as a valuable indirect measure of graduate success in the following learning outcomes:

- Transition readily to law practice or other government, non-profit, or private sector employment;
- Leverage a network of professional relationships.

Employment data necessarily lag data on other program outcomes because much employment is finalized after bar passage. Our data thus relate to AY 2015-2016 graduates.

IU McKinney compiles and reports employment data in the manner required by its accreditor. Thus, employment results are broken down by categories including full-time versus part-time, long-term versus short-term. Too, data are categorized as “bar passage required,” “JD advantage,” “professional,” “non-professional,” “law-school/university funded,” and “undeterminable” – and further by type of employer.

Employment outcomes for IU McKinney graduates are strong relative to peer institutions. The broad categories that best reflect early starts on successful professional careers benefitting from the JD degree are:

- Bar passage required,
- JD advantage, and
- Professional positions.

The below chart demonstrates that 199 of 248 of 2016 graduates, or 80%, are employed in those broad categories. Among the more specific categories, those reflecting exceptional professional achievement and preparation include

- Clerkships,
- Public interest, and
- Medium-to-large large law firms.

Of 248 2016 graduates, the following chart reflects 46, or 19%, of graduates in these more specific categories.

<b>Category of Employment</b>	<b>Full Time Long Term</b>
Bar Passage Req'd	121
JD Advantage	66
Professional	12
<b>Total from Categories</b>	<b>199</b>
Clerkship	6
Public Interest	10
Law Firm >25 attorneys	30
<b>Total from Categories</b>	<b>46</b>
<b>Percentage of Total</b>	<b>19%</b>

## Summary and Conclusion

The IU McKinney PRAC Report demonstrates the Evaluation Committee's substantial start-up efforts in gathering existing data; identifying future promising sources of data; mapping the JD program curriculum; and identifying which data help to measure which learning outcomes. The project for Academic Year 2016-2017 has produced actionable results in terms of

- Recommendations for curricular interventions; and
- Recommendations for support for student bar exam preparation.

The committee's work has been primarily focused on moving the program review project from concept to reality. With that overarching goal in mind, the committee has made substantial strides, including stating a plan for continued program development through Academic Years 2017-18 and 2018-19.