

# **Assessment Findings and Curricular Improvements**

## **Columbus School of Law**

### **Juris Doctor and LL.M Degrees**

#### *Assessment Measures*

The Columbus School of Law uses a combination of direct and indirect measures to assess student learning outcomes. These measures include:

- Pass rates on State Bar Examinations required for attorney licensure
- Progression toward milestones and maintenance of academic good standing
- Evaluation of Student Performance
- Job Placement
- Course evaluations
- Assessment of Writing

#### *Assessment Findings*

##### **1. Bar Passage Data**

The law school administration carefully reviews bar exam results each year. While the majority of graduates take the exam in Maryland, CSL is a national law school whose graduates generally sit for the exam in 20-25 jurisdictions. We focus most of our analysis on the jurisdictions where the majority of our students sit which include: Maryland, Virginia and New York.

Concern arose in the mid-1990's that bar pass rates for graduates taking the exam for the first time were too low. Multiple deans since 1996 have tasked the academic deans and registrar with collecting various data in an attempt to isolate potential "causes" of first time bar exam failure. The most common data analysis has been comparison of entry indicators (LSAT score and undergraduate GPA) with bar passage. Our findings are consistent with the findings of the largest national study, the LSAC National Longitudinal Bar Passage Study. CUA participated in this study. The study determined that the LSAT and law school grades were the best predictors of passage, but that a significant amount of variation was unexplained by any tested factors.

The law school attempted to test the hypothesis that taking certain courses (which we call "Staples" – our core elective courses, subjects that are frequently tested on the bar exam) would improve success rates. Our data generally disproved this assumption: no specific course or combination of courses seems to increase bar passage. Note, however, that from a pedagogical perspective, many faculty remain convinced of the utility of careful consideration of the Staples as building blocks of core knowledge.

In 2006, the Law School Bar Passage Committee undertook a limited study that attempted to predict success on the Maryland Bar exam based on undergraduate GPA, LSAT, and law school class rank. The Committee found a correlation between class rank and bar passage rates – in

particular, that the bottom four deciles of the class was less likely to pass the Bar exam on the first try than the top six deciles. This study was based on a limited set of data and therefore we have not relied on it to set new academic policies such as mandatory academic support requirements. The Office of Academic Affairs has continued to track data on students who fail the Maryland, Virginia and New York Bar examinations on the first attempt and we intend to increase our efforts on this front. Specifically, we will be looking at a number of indicia including LSAT, 1<sup>st</sup> year GPA, overall GPA, 1<sup>st</sup> year instructors, course selection, full-time v. part-time division, and employment status.

As a result of concern over bar passage rates and a desire to increase first time passage, the Law School implemented a variety of curricular changes detailed below. These changes seem to be having a positive impact, though it has been difficult to isolate which measures are responsible for the increases.

The chart below provides a comparative view of the bar pass results in Maryland, Virginia and New York. Moreover, because approximately 70% of our graduates have taken the bar examination in these three jurisdictions, these are the results that CUA is required to include in its report on bar pass results to the ABA Accreditation Committee. It is important to note that while some students fail the Bar exam the first time, eventually almost all of our graduates pass the Bar, even if it takes them two or three tries to do so.

		<b>First time test takers from CUA</b>	<b>Pass rate for first time takers from CUA</b>	<b>State average pass rate for first time test takers</b>	<b>Total number of tests takers from CUA</b>	<b>Pass rate for all test takers from CUA</b>	<b>Overall state average pass rate</b>
<b>July 2008</b>	<b>MD</b>	112	89%	88%	118	88%	82%
	<b>VA</b>	45	84%	84%	59	76%	79%
	<b>NY</b>	25	88%	83%	28	78%	74%
<b>July 2007</b>	<b>MD</b>	95	86%	79%	104	83%	72%
	<b>VA</b>	62	69%	78%	69	65%	71%
	<b>NY</b>	35	71%	79%	38	74%	70%
<b>July 2006</b>	<b>MD</b>	87	79%	81%	101	74%	70%
	<b>VA</b>	69	85%	77%	76	78%	71%
	<b>NY</b>	40	87%	86%	44	81%	69%

The recent pass rates for first-time bar exam takers reflects a marked improvement over pass rates from earlier exam administrations. For example, in July 2002 the first time pass rates were: 65% in Maryland, 64% in Virginia and 75.75% in New York. In July 2003 the rates were: 67% in Maryland, 49% in Virginia and 68% in New York.

We are currently considering offering a mini-bar exam at the end of the students' first year or the beginning of the second year which would serve as a diagnostic to measure whether students have acquired the substantive knowledge needed to pass the multistate portion of the bar exam (this

material is primarily covered during the first year of the student's three or four year academic program.)

## **2. Good Standing Requirements and Tracking of At- Risk Students:**

The cumulative GPA needed to maintain good standing is 2.15 and a semester average below 1.82 places a student on academic probation. Students who receive grades of C or lower must engage in faculty conferences. If a student fails a required course, the student must retake the class. Both grades are recorded on the transcript and both grades count in the students GPA. Students who fail an elective course may retake the course if they wish. Both grades will show on the transcript and both are included in the GPA. At the end of spring semester, CSL dismisses first year students with cumulative averages below 2.15 and places those students with spring semester averages below 1.82 on probation. Each semester the Academic Affairs Office reviews the status of students who have been on probation to determine whether they return to good standing or face dismissal.

The school does not admit J.D. or LL.M applicants who do not appear capable of completing the academic program. The overwhelming majority of admitted students graduate from the law school. Since 2002, 44 students have been excluded from the school for academic problems, or an average of about 7 per year. Eighteen applied for readmission and twelve of the seventeen students who applied were readmitted. Of the 12 students who were readmitted: seven students have graduated; six took bar exams (with four passing, one unknown, one failing), one student was excluded a second time; and four students remain enrolled and in good academic standing. These recent statistics compare favorably to our readmission statistics in the mid-1990s during which time the bar pass rates for students who had been readmitted after exclusion were much weaker.

We have also recently begun to track first year J.D. students who are struggling academically to determine whether they are seeking academic support (poor academic performance in the first year is a strong predictor of bar pass problems.) We looked at the number of students who receive warning letters after first semester grades are posted informing them that they are at risk of being placed on academic probation and strongly urging them to participate in the law school academic support program. We found that of the 19 first year students who received warning letters at the beginning of the spring semester '09, only 9 (45%) sought assistance from the Academic Excellence Program director. We further determined that of the 85 students (of all law students enrolled) whose cumulative GPA fell below 2.5 as of the beginning of spring semester '09, only 17 sought assistance (20%). Of the five students (of all law students) who received an F in a course during the Fall 2008 semester, only one sought assistance. As a result of these findings, as well as anecdotal information that students who most need assistance are not seeking it, the faculty recently approved a new academic rule mandating participation in the academic support program (discussed below).

## **3. Evaluation of Student Performance:**

Examinations are the presumptive means of grading. There are certain exceptions to this presumption for lawyering skills courses, clinical courses, externship courses, simulation courses, seminars, and courses that satisfy the Writing Requirement. The faculty uses anonymous

examinations at the end of each semester (and, in several courses, faculty use practice exams, midterms or intermittent quizzes) to assess analytical ability and substantive legal knowledge. Essay questions and traditional issue-spotters are still the order of the day, but an increasing number of teachers also use multiple-choice and short-answer questions. The complex multiple choice questions used are akin to the type of questions used on the Multistate Bar Exam [MBE].

Faculty members create the scoring mechanism for each exam. However, the Academic Rules governing the Law School provide for a common set of grades (A+ to F) and a required mean and median for courses. The purpose of the common mean and median is to insure that the grades reliably fall around a common middle, while allowing for variability in student performance. In exam courses, faculty have the option to base up to 30% of the final grade on student work product other than the final examination, such as midterms, quizzes, presentations, oral arguments, etc. Also, instructors have the option to assess classroom participation by adjusting student grades up or down a half letter-grade step.

CSL encourages faculty to provide model answers to exam questions and use other forms of feedback to enable students to understand the strengths and weaknesses of their responses. Students who receive a grade of C or lower are required to meet with the faculty member to review their examination.

It is difficult to generalize about how “rigorous” CUA’s exams are, but there are some reasons to be reassured on this score. The Dean’s Office does not “screen” final examinations before they are administered, but it takes steps to ensure that exams are rigorous and of high quality. For example, during the orientation for the part-time faculty and in the part-time faculty handbook, all adjunct instructors are encouraged to have a full-time faculty member review their exam. During the Fall 2008 semester, the Office of Academic Affairs held a workshop for part-time faculty on writing and grading exams.

It is likewise difficult to generalize about the quality of term papers and other written documents in courses such as Lawyering Skills, Legal Drafting, Appellate Advocacy, seminars, and individual research projects. Grading a term paper is in some ways more challenging than grading an exam, as the latter at least invites the professor to compare and contrast different answers to identical questions, whereas term papers are unique. Anecdotal evidence suggests that CUA instructors pay closer attention to – and spend more time on – individual papers than to individual examinations. There is, no doubt, room for improvement in how the faculty gives feedback on student written work. In August 2008, the Office of Academic Affairs offered a workshop for part-time, visiting, and new faculty members on structuring and providing feedback in writing courses. The faculty might well benefit from additional training on how to provide such feedback. In addition, it might be useful to set more detailed standards on the type of feedback needed in writing courses.

In clinical and simulation courses, the instructor typically works with a small number of students, and there is much more frequent and individualized feedback than in more traditional doctrinal courses. Faculty in clinical and simulation courses develop evaluation rubrics by which to measure student performance and instructors are required to inform students of these criteria at the beginning of the semester. Assessment of “skills” is necessarily somewhat more subjective than grading a multiple-choice test, but instructors are encouraged to use as much objective criteria as possible to evaluate students.

The law school has not undertaken a systematic evaluation or assessment of student performance data or of the C or below exam review policy to determine whether particular teaching or evaluation methods enhance acquisition of substantive knowledge or development of professional skills.

**4. Job Placement Statistics**

The law school tracks job placement statistics for J.D. graduates in order meet ABA accreditation standards and to ensure that the legal education our students receive is preparing them for employability in the profession. Within nine months of graduation, 91.6% of the Class of 2008 reported that they were employed. (This figure reflects the sum of (1) the number of students employed and (2) the number of students pursuing full-time degrees. The National Association of Law Placement [NALP] calls this number “total employed or degree.”) In 2007, 94.5% of the graduating class reported that they were employed. 5.5% reported that they were unemployed – that is, unemployed and seeking work, or unemployed and not seeking work. The employment status of one person (0.3% of the class) was not known. (These numbers have been rounded to the nearest tenth of a percent, which is why they add up to slightly more than 100%.)

<b>Year</b>	<b>Employed in Nine Months</b>
Class of 2008	91.6
Class of 2007	94.5
Class of 2006	94.5
Class of 2005	90.1
Class of 2004	89.2

Of those employed nine months out from the Class of 2007, 100 (39.8%) were employed in law firms; 59 (23.5%) in government; 44 (17.5%) in business and industry; 35 (13.9%) in judicial clerkships; 10 (4.0%) in public interest work; and 2 (.8) in academia. These graduates were working in a total of 20 different states; 84.6% of them opted to remain in the South Atlantic region defined to include Maryland, Virginia, the District of Columbia, Florida, Georgia, North Carolina, and Delaware. No graduates were working abroad. These employment sector and geographic patterns have remained relatively stable since 2004. Overall, the job placement statistics offer reassurance that our students are obtaining employment after receiving their degrees.

**5. Student Evaluation of Courses & Alumni Evaluation of LL.M Program:**

Students complete evaluations of their classroom experiences and their involvement in externships and clinical courses. These surveys provide one perspective through which to analyze the efficacy of classroom and clinical components and the rigor of instruction. The law school uses feedback from student course evaluations to improve the quality of teaching and the level of law student engagement. Specifically, the Committee on Appointments and Promotions [CAP], comprised of tenured faculty as well as the Dean and Associate Dean for Academic Affairs as ex officio members, review course evaluations as part of the contract renewal, tenure, and promotion process. The data are also evaluated by the Associate Dean for Academic Affairs and the individual faculty member. These results are particularly useful in decisions regarding whether to continue employment of a specific adjunct faculty member or to offer recommendations to a faculty

member on issues of student concern. The evaluations also guide decisions regarding assignment of courses and teaching responsibilities.

The faculty director of the non-resident LL.M in American Law program, Professor Leah Wortham, conducts interviews of alumni of the program to assess the academic quality and professional training provided through the program. The feedback obtained through these interviews is used to strengthen the program.

## **6. Assessment of Writing Skills:**

The Law School is committed to improving the writing skills of both J.D. and LL.M candidates. It is our desire to ensure that graduates of our degree programs are recognized in the legal community as proficient legal writers. Our decision to focus on legal writing is driven by two specific types of anecdotal evidence 1) experience of faculty members that students entering our J.D. and LL.M programs are arriving with less developed writing skills; 2) observations of employers, alumni, adjunct faculty members (all of whom are judges or practicing attorneys) that writing skills of law graduates from all law schools are inadequate. We are committed to insuring that our students are well positioned for employment so we must stress the essential nature of the writing process and we must increase training and evaluation.

The law faculty recently incorporated this commitment into its recently adopted Strategic Plan. Under the plan, the Curriculum Committee will engage in an extensive review of the writing program at CSL and issue recommendations for improving the overall strength of the program. Members of the committee have begun a literature review and are researching well regarded legal writing programs around the country to gather information about their programs. The Committee will then invite faculty from a selected group of programs to visit CUA or will send members of the Committee to review a number of model programs to assist it in formulating recommendations for strengthening CSL's program. These recommendations will include a plan for measuring improvement of writing skills. The committee is considering using a diagnostic tool to identify students entering the J.D. program who need to receive specialized attention to strengthen their basic writing skills and may propose development of a Writing Center within the Law School to assist students in need.

## ***Curricular Improvements***

### **1. Efforts to Improve Bar Pass Rates for First Time Takers**

The Office of Academic Affairs uses the assessment of student bar performance to improve our educational program. The JD is conferred upon students at the completion of their academic program, but students must pass the bar exam to be licensed to practice law. Almost every CUA law graduate ultimately passes the bar exam. However, in the late 1990s, we began to confront a concern about our pass rates for students taking the bar exam for the first time. Given the statistical profile of entering students, we consistently found that the number of graduates passing the exam on

the first attempt was lower than we anticipated. Our interest in improving our students' first time bar passage rates led the administration and faculty to recommend programmatic changes and additional student supports to strengthen our students' performance.

In AY 2002-03, Dean Kmiec created the Bar Pass Task Force. The Task Force reviewed the available data and literature, made a report and issued a series of recommendations based upon their findings. These recommendations, "Bar Pass Initiative 2003" were presented for discussion and vote at a faculty meeting in the spring of 2003. The recommendations included:

- a. Creation of "Core Course Coordination Councils" to insure that faculty members who teach one of the seven Multistate Bar Exam subjects are aware of the test coverage and carefully consider course coverage related to the exam tested areas.
- b. Provision of feedback prior to the final examination and, in bar related courses, use of actual bar exam type questions as exercises and components of the final exam.
- c. Pilot program of paid teaching assistants to help facilitate giving of feedback.
- d. Changing the "good standing" criteria. The task force recommended that, since law school grades are directly correlated with bar pass failure, we needed to elevate the good standing level (the level below which a student may not remain in school.) In other words, the faculty felt that we were not removing enough students who had demonstrated weak performance.
- e. Mandatory review of examinations by all students who receive grades of C or lower. This responded to a common concern of faculty that students with low grades did not seek to understand their poor performance and attempt improvement. A "hold" is now place on students Cardinal Students accounts preventing registration if students do not meet with the faculty member.
- f. Creation of an Academic Support Program and authority to hire a coordinator for the program.

The faculty approved these recommendations. Dean Kmiec and the Admissions Committee were also working to improve the entry criteria of the first year class. This focus, followed by all subsequent Deans and Admissions Committees, has resulted in entry indicators improving with each successive class. Thus, we have focused upon the known relationships, i.e. entry criteria and good standing to insure that we are admitting the most qualified students and excluding students who are not performing well. Further, we have mandated changes to the traditional one final exam method that allows for greater feedback during the semester so that the student has the opportunity to correct preparation and performance before the final exam. We have created a position of Academic Support Director (now Academic Excellence Director) which was staffed initially by Nerissa Skillman (AY 2004-05 to AY 2007-08) and is now staffed by Yvette Brown. Students who are struggling academically receive individualized assistance through the Academic Excellence Program.

The School began sponsoring a wide variety of programs to help students prepare for the Bar exam. The Students are not required to participate in any of these programs; they are all optional. In October of each year, the Dean's Office sponsors an Introduction to Preparation for the Bar Exam, at which the Associate and Assistant Deans for Academic Affairs describe the general nature of the Bar exam, the MBE, the MPRE, the MPT, the nature of the MBE multiple-choice questions, the nature of state essay questions, and so forth. The session is videotaped and can be downloaded from CUA's TWEN site. In January, the Assistant Dean for Academic Affairs delivers

a lecture on the application process, including the requirements relating to character and fitness to practice law. This lecture, too, is taped. The Dean's Office sponsors lectures by full-time CUA law professors on all the MBE topics; again, these are all taped. The School also sponsors exam-taking workshops for first- and second-year students. The Administration has also encouraged faculty members to add more individualized feedback, such as midterms and practice exams, in substantive-law courses.

In addition, the Law School has added several for-credit courses that will help students prepare for the Bar examination. These include Virginia Practice and Procedure, Maryland Practice and Procedure, Advanced Torts, and additional sections of Remedies, which help students review core MBE subjects.

During the past several years, the Law School has contracted with bar-preparation professionals who present workshops geared specifically toward the Maryland and Virginia bar exams. These sessions require students to write numerous essays and offer them an opportunity to receive feedback. There is no academic credit given for these courses because the ABA historically prohibited the awarding of credit for bar review courses. However, the ABA has changed its position on this issue and, therefore, we plan to offer a for-credit bar review course during the spring 2010 semester. This course will provide instruction on the substantive law and skills tested in both the multistate portion of the bar exam as well as the Maryland or Virginia state bar exams.

The combination of 1) more rigorous admissions standards, 2) more rigorous "good standing" criteria, 3) improved feedback, 4) mandatory exam reviews for certain students, 5) creation of an Academic Support Program, and 6) ongoing training and workshops have resulted in significant increases in our bar passage rates. The July 2008 results represent record highs for the first-time bar pass rate (89%) and overall bar pass rate (88%) earned by CUA graduates. These results also represent increases in the first-time pass rate and the overall pass rate from last year by 3% and 5%, respectively. Moreover, the improvement in the first-time pass rate will be reported in the *US News & World Report* survey report for fall 2009. This will be the third consecutive year that the law school will be able to report gains in this category of the survey.

The notable accomplishments regarding the Virginia bar pass results for July 2008 include the fact that the July 2008 first-time pass rate of 84% represents a 15% increase over the July 2007 first-time pass rate of 69%. In addition, it restores our performance very close to the all-time high pass rate of 85.5% that was earned in July 2006, which had been a meteoric increase after years of historically low bar pass performances in the range of the 50<sup>th</sup> to the lower 60<sup>th</sup> percentiles.

There are also several notable achievements with respect to the bar pass performances of CUA graduates taking the New York bar examination, including the fact that the first-time bar pass rate was 88%, which represented an increase of 17% from the July 2007 first-time bar pass rate of 71%. In addition, the July 2008 first-time bar pass rate is the highest rate CUA has earned in New York during the past three years. The overall pass rate for all CUA graduates taking the New York bar exam in July 2008 was 78%, which represents a 4% increase over the July 2007 overall pass rate of 74%.

## **2. Improving Study/Test Taking Skills and Offering More Extensive Feedback to Enhance Learning Opportunities**

During the past five years, the Office of Academic Affairs has undertaken several initiatives to improve the study/test taking skills of our students. This effort is geared toward strengthening the academic performance of all law students, though there is particular emphasis on identifying and assisting those students who are struggling academically. During a mandatory orientation program the Academic Excellence Program Director & the Lawyering Skills faculty provide instruction to incoming first year students on how to analyze, brief, and present cases; organize course material and engage in effective notetaking. Faculty conduct mock classes during orientation that acquaint students with the methods used in first year courses. In addition, during the school year, the Academic Excellence Program offers workshops on important topics, such as Outlining and Exam Writing and administers a tutorial program in first year courses.

In 2006 the Academic Affairs Office began a pilot project to strengthen students' outlining and exam-taking skills using practice exams in a first year course. The Property-law faculty participated in the project in collaboration with the Academic Excellence Director. These faculty members developed practice exam questions and provided additional feedback to students, including debriefing sessions and model answers to two practice exam questions. In conjunction with the practice exams in Property, the Academic Excellence Director and other faculty members offered workshops on outlining and exam taking (multiple choice and essay). The Academic Affairs Office repeated this program in 2007, this time with the Civil Procedure faculty teaching in both the full-time and part-time division. In fall 2008 the Contracts faculty worked together to provide exam practice and feedback opportunities for first-year students. This program will continue in Contracts during the fall '09 semester for full time, incoming students and in Civil Procedure for incoming evening division students. Faculty members are encouraged to refer students who perform poorly on practice exams to the Academic Excellence Program.

Our efforts to track whether first year and upper division J.D. students who are struggling academically seek academic support assistance led to the conclusion that these students are not voluntarily seeking help. Instead, our statistics demonstrated that these students routinely ignored faculty referrals or administrative efforts to help them obtain academic support assistance. As a result of these findings, the law faculty recently approved a new academic rule mandating that certain students participate in the Academic Excellence Program. Specifically, following the fall semester, first-year students: (i) whose cumulative average falls within the lower 15% of the class; ii) who have received the grade of D or less in any course; or (iii) who are referred by the Office of Academic Affairs must meet with the Academic Excellence Program Director and develop as well as implement an individualized academic plan for improving their academic performance. In addition, upper level students who are placed on academic probation must also participate in the Academic Excellence Program. This rule will go into effect beginning with the 2009-2010 academic year.