



*Scanning the Horizon:
How to Develop Classroom Assessment Techniques
to Improve Both Teaching and Learning*

Legal Writing Institute Biennial Conference
Seattle, Washington
July 23, 2004

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I. GOALS AND OBJECTIVES

A. Teaching Goals Inventory

from Thomas A. Angelo & K. Patricia Cross, *Classroom Assessment Techniques* (2d ed., Jossey Bass Publishers, Inc. 1993). *Reproduced with permission.*

Directions: Select ONE course you are currently teaching. Respond to each item on the inventory in relation to that particular course. (Your responses might be quite different if you were asked about your overall teaching and learning goals, for example, or the appropriate instructional goals for your discipline.)

Name of course: _____

Please rate the importance of each of the fifty goals listed below to the specific course you have selected. Assess each goal's importance to what you deliberately aim to have your students accomplish, rather than the goal's general worthiness or overall importance to your institution's mission. There are no "right" or "wrong" answers, only personally more or less accurate ones.

For each goal, circle only one response on the 5-to-1 rating scale. You may want to read quickly through all the goals before rating their relative importance. In relation to the course you identified above, indicate whether each goal you rate is:

- (5) Essential a goal you always/nearly always try to achieve
- (4) Very important a goal you often try to achieve
- (3) Important a goal you sometimes try to achieve
- (2) Unimportant a goal you rarely try to achieve
- (1) Not applicable a goal you never try to achieve

Rate the importance of each goal to what you aim to have students accomplish in your course.	Essential	Very Important	Important	Unimportant	Not Applicable
1. Develop ability to apply principles and generalizations already learned to new problems and situations	5	4	3	2	1
2. Develop analytic skills	5	4	3	2	1
3. Develop problem-solving skills	5	4	3	2	1
4. Develop ability to draw reasonable inferences from observations	5	4	3	2	1
5. Develop ability to synthesize and integrate information and ideas	5	4	3	2	1
6. Develop ability to think holistically: to see the whole as well as the parts	5	4	3	2	1
7. Develop ability to think creatively	5	4	3	2	1
8. Develop ability to distinguish between fact and opinion	5	4	3	2	1

<i>Rate the importance of each goal to what you aim to have students accomplish in your course.</i>	<i>Essential</i>	<i>Very Important</i>	<i>Important</i>	<i>Unimportant</i>	<i>Not Applicable</i>
9. Improve skills at paying attention	5	4	3	2	1
10. Develop ability to concentrate	5	4	3	2	1
11. Improve memory skills	5	4	3	2	1
12. Improve listening skills	5	4	3	2	1
13. Improve speaking skills	5	4	3	2	1
14. Improve reading skills	5	4	3	2	1
15. Improve writing skills	5	4	3	2	1
16. Develop appropriate study skills, strategies, and habits	5	4	3	2	1
17. Improve mathematical skills	5	4	3	2	1
18. Learn terms and facts of this subject	5	4	3	2	1
19. Learn concepts and theories in this subject	5	4	3	2	1
20. Develop skill in using materials, tools, and/or technology central to this subject	5	4	3	2	1
21. Learn to understand perspectives and values of this subject	5	4	3	2	1
22. Prepare for transfer or graduate study	5	4	3	2	1
23. Learn techniques and methods used to gain new knowledge in this subject	5	4	3	2	1
24. Learn to evaluate methods and materials in this subject	5	4	3	2	1
25. Learn to appreciate important contributions to this subject	5	4	3	2	1
26. Develop an appreciate of the liberal arts and sciences	5	4	3	2	1
27. Develop an openness to new ideas	5	4	3	2	1
28. Develop an informed concern about contemporary social issues	5	4	3	2	1
29. Develop a commitment to exercise the rights and responsibilities of citizenship	5	4	3	2	1
30. Develop a lifelong love of learning	5	4	3	2	1
31. Develop aesthetic appreciations	5	4	3	2	1
32. Develop an informed historical perspective	5	4	3	2	1
33. Develop an informed understanding of the role of science and technology	5	4	3	2	1
34. Develop an informed appreciation of other cultures	5	4	3	2	1
35. Develop capacity to make informed ethical choices	5	4	3	2	1

<i>Rate the importance of each goal to what you aim to have students accomplish in your course.</i>	<i>Essential</i>	<i>Very Important</i>	<i>Important</i>	<i>Unimportant</i>	<i>Not Applicable</i>
36. Develop ability to work productively with others	5	4	3	2	1
37. Develop management skills	5	4	3	2	1
38. Develop leadership skills	5	4	3	2	1
39. Develop a commitment to accurate work	5	4	3	2	1
40. Improve ability to follow directions, instructions, and plans	5	4	3	2	1
41. Improve ability to organize and use time effectively	5	4	3	2	1
42. Develop a commitment to personal achievement	5	4	3	2	1
43. Develop ability to perform skillfully	5	4	3	2	1
44. Cultivate a sense of responsibility for one's own behavior	5	4	3	2	1
45. Improve self-esteem/ self-confidence	5	4	3	2	1
46. Develop a commitment to one's own values	5	4	3	2	1
47. Develop respect for others	5	4	3	2	1
48. Cultivate emotional health and well-being	5	4	3	2	1
49. Cultivate an active commitment to honesty	5	4	3	2	1
50. Develop capacity to think for one's self	5	4	3	2	1
51. Develop capacity to make wise decisions	5	4	3	2	1

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B. Goals of the Legal Writing Course

1. To teach about the American legal system
2. To teach legal research skills
3. To provide hands-on experience in using legal analysis, legal reasoning and legal advocacy to solve sophisticated legal problems
4. To inculcate in students principles of clear and correct expression
5. To provide experience in drafting the major forms of legal writing students will be called upon to draft as lawyers
6. To help teach professional ethics
7. To help students learn how to educate themselves and become self-dependent

Ralph L. Brill, Susan L. Brody, Christina L. Kunz, Richard K. Neumann, Jr., & Marilyn R. Walter, *Sourcebook on Legal Writing Programs* 5-8 (ABA 1997).

Teaching Goals Inventory, Self-Scoring Worksheet – TEAR OUT

1. In all, how many of the 51 goals did you rate as “Essential”? _____
2. How many “Essential” goals did you have in each of the six clusters listed below?

<i>Cluster Group</i>	<i>Goals Included in Cluster</i>	<i>Total Number of “Essential Goals”</i>	<i>Clusters Ranked 1-6 by Number of “Essentials”</i>
I Higher-Order Thinking Skills	1-8	_____	_____
II Basic Academic Success Skills	9-17	_____	_____
III Discipline-Specific Knowledge and Skills	18-25	_____	_____
IV Liberal Arts and Academic Values	26-35	_____	_____
V Work and Career Preparation	36-43	_____	_____
VI Personal Development	44-51	_____	_____

3. Compute your cluster scores (average item ratings by cluster) using the following categories:

<i>Cluster</i>	<i>Goals Included</i>	<i>Sum of Ratings Given to Goals in Cluster</i>	<i>Divide Sum by This Number</i>	<i>Your Cluster Scores</i>
I Higher-Order Thinking Skills	1-8	_____	÷ 8	_____
II Basic Academic Success Skills	9-17	_____	÷ 9	_____
III Discipline-Specific Knowledge & Skills	18-25	_____	÷ 8	_____
IV Liberal Arts & Academic Values	26-35	_____	÷ 10	_____
V Work and Career Preparation	36-43	_____	÷ 8	_____
VI Personal Development	44-51	_____	÷ 8	_____

C. Bloom's Taxonomy

CREATE
Generate, Plan,
Synthesize,
Produce the New

EVALUATE
Critique or Judge Based on
Explicit Standards/Criteria

ANALYZE
Break Down, Relate Parts &
Whole, Organize

APPLY
Follow Procedures to Solve Problems
or Carry Out Tasks

UNDERSTAND
Connect New Learning to Prior Knowledge
by Interpreting, Classifying, Comparing,
Summarizing, Etc.

REMEMBER
Elaborate, Encode, and Retrieve
Information from Long-Term Memory

An Application of Bloom's Taxonomy to Legal Education

1. **Knowledge:** On this level one may know a contract requires an offer and an acceptance, but may not necessarily understand why.
2. **Comprehension:** On this level of the cognitive process, one knows what an offer and acceptance are and why each is necessary.
3. **Application:** On this level one can apply the learned knowledge to legal problem-solving. For instance, one can analyze behavior to determine if a contract exists or to draft a contract to fit a client's needs.
4. **Analysis:** On this level one can break down complex ideas, see relationships, understand cause and effect and thereby come to a more sophisticated understanding.
5. **Synthesis:** On this level, the most creative, one can put old ideas or previously learned knowledge together to come up with new ideas or concepts.
6. **Evaluation:** On this level one can place judgment on something based on one's understanding of it and its ideal. Evaluation is the highest level because it depends upon a complete understanding.

Source: John Sonsteng, June Cicero, Resa Gilats, Roger Haydock, & John McLachlan, *Learning by Doing: Preparing Law Students for the Practice of Law*, 21 Wm. Mitchell L. Rev. 111, 129 (1995) (footnotes omitted).

D. Grading Criteria & Checklists

Examples:

Appellate Brief Grading Criteria in Teacher's Manual to accompany Mary Beth Beazley, *A Practical Guide to Appellate Advocacy* (Aspen L. & Bus. 2002).

Checklist for the Points on Appeal

Ark. R. S. Ct. & Ct. App. 4-2(a)(3): Points on appeal. The appellant shall list and separately number, concisely and without argument, the points relied upon for a reversal of the judgment or decree. The appellee will follow the same sequence and arrangement of points as contained in the appellant's brief and may then state additional points. Either party may insert under any point not more than two citations which either considers to be the principal authorities on that

1. Is this section of the brief properly labeled? Put points on their own page and reference the page in the Table of Contents.
2. Have you narrowed list of issues to a *very small* number of strong points (striving for three or fewer)? Have you omitted weak points?
3. Have you stated each issue in the form of an *assertive*, affirmative statement? (If you have chosen a question format, do you have a good reason for doing so?) If you have more than one issue statement, have you used a similar format for each?
4. Have you included sufficient reference to the *facts and law* so that the issue statement relates directly to *this* case (i.e., no abstract questions of law)?
5. Have you framed the issue as narrowly as possible? Is the issue stated broadly enough to encompass sub-issues that will necessarily form the analysis of the issue?
6. Have you characterized the facts and law in a manner that favors your client?
7. Have you framed the issue *fairly*?
8. If you have more than one issue, have you arranged them in logical sequence? If multiple issues are unrelated, have you stated your strongest issue first?
9. If you represent the appellee, does your issue statement correspond to issues raised by the appellant?
10. Is the issue statement understandable on a single reading? If it is a long sentence, is it arranged into manageable units of meaning?
11. Have you used good grammar and punctuation? If you have used the under-does-when format, have you ended with a question mark? If you have used the whether format, have you ended with a period?
12. (optional) Have you followed each point with citations to principal authorities on that issue (not to exceed 2)?

Simplified Self-Assessment Grid: For each category listed below, circle the adjective which best represents your evaluation of your draft of the memo:

(1) Selection of legally significant facts to include in Statement of Facts	Excellent	Very Good	Adequate	Fair	Poor
(2) Identification of issue	Excellent	Very Good	Adequate	Fair	Poor
(3) Statement of general rule governing issue	Excellent	Very Good	Adequate	Fair	Poor
(4) Description(s) of analogous case(s)	Excellent	Very Good	Adequate	Fair	Poor
(5) Application of rule to facts	Excellent	Very Good	Adequate	Fair	Poor
(6) Adherence to IRAC paradigm	Excellent	Very Good	Adequate	Fair	Poor
(7) Correctness of citation format	Excellent	Very Good	Adequate	Fair	Poor
(8) Freedom from errors in grammar, punctuation, mechanics, and spelling	Excellent	Very Good	Adequate	Fair	Poor

II. Classroom Assessment Techniques

Misconception/Preconception Check

What are some prevalent misconceptions or preconceptions that students typically bring to your first-semester legal writing course?

The Minute Paper

Following a class covering hierarchy of authority, give students the following questions and ask them to answer each in one or two sentences.

1. Assuming you've found ten similar cases in your jurisdiction that might be relevant to use in your office memorandum, what basic principles will guide your selection process?

2. Assuming you could find no cases in your jurisdiction that govern the issue in an office memorandum, where would you search for persuasive authority, and why?

Background Knowledge Probe

In response to each numbered item in **bold print**, circle the number that best represents your current knowledge.

1. Rule-based reasoning

- Have never heard of this (1)
- Have heard of this, but don't really know what it means (2)
- Have some idea what this means, but not too clear (3)
- Have a clear idea what this means and can explain it (4)

2. Analogical reasoning

- Have never heard of this (1)
- Have heard of this, but don't really know what it means (2)
- Have some idea what this means, but not too clear (3)
- Have a clear idea what this means and can explain it (4)

3. Deductive reasoning

- Have never heard of this (1)
- Have heard of this, but don't really know what it means (2)
- Have some idea what this means, but not too clear (3)
- Have a clear idea what this means and can explain it (4)

4. Inductive reasoning

- Have never heard of this (1)
- Have heard of this, but don't really know what it means (2)
- Have some idea what this means, but not too clear (3)
- Have a clear idea what this means and can explain it (4)

5. Primary authority

- Have never heard of this (1)
- Have heard of this, but don't really know what it means (2)
- Have some idea what this means, but not too clear (3)
- Have a clear idea what this means and can explain it (4)

6. Secondary authority

- Have never heard of this (1)
- Have heard of this, but don't really know what it means (2)
- Have some idea what this means, but not too clear (3)
- Have a clear idea what this means and can explain it (4)

7. Persuasive authority

- Have never heard of this (1)
- Have heard of this, but don't really know what it means (2)
- Have some idea what this means, but not too clear (3)
- Have a clear idea what this means and can explain it (4)

8. Mandatory authority

- Have never heard of this (1)
- Have heard of this, but don't really know what it means (2)
- Have some idea what this means, but not too clear (3)
- Have a clear idea what this means and can explain it (4)

The Muddiest Point

Reserve a few minutes at the end of class to ask students to identify the one thing that remains unclear or confusing, and explain to them what you intend to do with the information you collect. Distribute slips of paper or index cards, and give students a few minutes to write. Collect their responses as they leave the room. At the next class meeting, respond to the students' feedback.

Examples:

At the conclusion of a lecture on citation rules, ask students to identify what was the least clear or most confusing aspect of the lesson.

Ask students to read each other's drafts of a writing assignment and to point out the muddiest points in those drafts.

Ask students to list the three muddiest points in a case or chapter they've been assigned to read.

Defining Features Matrix

Directions: For each listed case, fill in the grid with: (1) the particular facts relating to each of the indicated elements of constructive eviction, and (2) the appellate court's holding.

<i>Constructive eviction cases</i>	Intentional interference with enjoyment of premises	Unsuitability of premises for leased purposes	Holding: Did appellate court rule that constructive eviction was present?
<i>Barton v. Mitchell Co.</i>			
<i>Boulevard Shoppes v. Pro-1 Realty, Inc.</i>			
<i>Hankins v. Smith</i>			
<i>Richards v. Dodge</i>			
<i>Kaplan v. McCabe</i>			
<i>Bermuda Avenue Shopping Center Assocs. v. Rappaport</i>			

Cases collected in Linda H. Edwards, *Legal Writing: Process, Analysis, and Organization*, App. D, 433-443 (3d ed., Aspen L. & Bus. 2002).

Content, Form, and Function Outline

This Classroom Assessment Technique elicits information on the students' ability to separate and analyze the content, form, and function of a piece of writing.

Examples:

IRAC labeling
Color Coding (sometimes referred to as "Rainbow Revision")
Cut-Apart Memos

Directions for a color-coding exercise:

Add the following text to the beginning of a short single-issue memorandum:

Read over the following Discussion section from a memorandum. In the left-hand margin, write the letter "I" beside the paragraph identifying the issue, and highlight the issue in YELLOW.

Continue reading, looking for the parts of the memo containing rule explanation. Write the letter "R" beside each paragraph that appears to articulate and explain the applicable rules. Next, find the point at which the writer begins to apply the rules to the facts of the case. Write the letter "A" beside each paragraph of rule application.

Throughout the memo, identify any "phrases that pay"* (PTPs) and highlight them in PINK. Highlight the PTPs wherever they appear in the memo (or draw a rectangular box around them). [TIPS for identifying the PTP: Ask what the writer has to *prove*. Try mentally restating the rule as an if-then proposition (even though it won't likely use those words) and look in the "if" clause to see what must be proven. This is a "phrase that pays."] Also throughout the memo, highlight any citation or reference to authority in GREEN (or set off with slashes //). Next, throughout the entire memo, use BLUE highlighter (or double underline) to mark any references to the facts of the problem case (but not facts from case authorities).

Finally, locate the paragraph containing the conclusion, i.e., the answer to the question posed by the issue statement at the outset of the memo. Write the letter "C" in the margin. Highlight the conclusion section in YELLOW.

*Thanks to Mary Beth Beazley for this descriptive term that identifies the key terms from a legal rule or doctrine. See Mary Beth Beazley, *A Practical Guide to Appellate Advocacy* 54-55 (Aspen L. & Bus. 2002).

Directions for Cut-Apart Memo Exercise:

To help students concretely see and manipulate the structure of a well-written memorandum, print the Discussion section in a good-size font that is easily readable (e.g., Times New Roman 14 point) and cut the memo apart into specific sections. Divide students into small groups (3-4) and give each group a set of the cut-apart memo for reassembly. The memo should have two or three issues, so students will have to pay attention to organizational clues that match the content.

Suggestions for cutting: (1) overall umbrella/roadmap section; (2) point heading for first issue; (3) topic/thesis sentence that introduces rule section for first issue; (4) rule section for first issue; (5) rule application for first issue; (6) conclusion for first issue; (7) point heading for second issue; (8) topic/thesis sentence that introduces rule section for second issue; (9) rule section for second issue; (10) rule application for second issue; (11) conclusion for second issue; (12) overall conclusion.

Project intact memorandum and let representatives of various student groups explain what structural clues or other information led them to assemble the memorandum as they did.

Compare and Connect

For each section of the office memo, find its analogous counterpart in the brief, and write the name of that section in the blank provided. If a part of the memo has no analog in the brief, leave the space blank. If you find any parts of the brief that are not analogous to a part of the memo, list them in the space provided.

<u>Office Memorandum</u>	<u>compared to</u>	<u>Brief in Support of Motion</u>
Memo Heading		_____
Question Presented		_____
Brief Answer		_____
Statement of Facts		_____
Discussion		_____
--May use topical headings		_____
-- Analyzes from both sides		_____
Conclusion		_____
	Additional brief parts:	_____

One-Sentence Summary

Who	Does What	to Whom	When	Where	How	and Why
An appellate court						

Word Journal

- (1) Each student summarizes a short text in a single word.
- (2) Each student writes a paragraph or two explaining why that particular word was chosen to summarize the text.

Pair and Discuss

With two other session participants, discuss how you might use the One-Sentence Summary in your basic legal writing class. In the space provided below, write the “Does What” trigger words for each of your group members’ one-sentence summaries.

Who	Does What	to Whom	When	Where	How	and Why

Documented Problem Solutions

This exercise helps faculty to determine how well students solve problems by examining the steps students report they took as they solved the problem.

Ask students to keep track of the steps they take in solving a problem, documenting each one with a short sentence or phrase. In reviewing the data, faculty should focus on the steps the students reported, rather than on whether the final answer to the problem was correct or not—to use a familiar legal writing concept, to focus on process rather than product. Students benefit from this technique by becoming increasingly aware of the processes they employ and their ability to follow a productive sequence of problem-solving steps.

Directed Paraphrasing

This technique focuses on students' ability to restate important information in their own words. "Directed" paraphrasing is aimed at a specific audience for a specific reason; directing the restatement of the information to a third party makes students more aware of the ways audience and purpose affect the delivery of information.

For example, students might be directed to make two different paraphrases of a legal argument based upon an important precedent: one to a trial judge deciding the client's case, the other to the client in explaining why the case was won (or lost!).

To assess the responses, either video- or audio-tape the paraphrases, or ask students to write them out, even though they would ordinarily be spoken. Separate the responses into four categories: "Confused," "Minimal," "Adequate," "Excellent." Compare within and across categories, looking in particular for (a) the accuracy of the paraphrase, (b) its suitability for the intended audience, and (c) its effectiveness in fulfilling the assigned purpose.

A simpler approach could be simply to highlight the clearest and muddiest points in each paraphrase, using different colored highlighters, and then look for common patterns of clarity and confusion.

Applications Cards

Directions: Take a moment to recall the ideas, techniques, and strategies we've discussed – and those you've thought about yourself – up to this point in the session. Quickly list as many possible applications as you can. Don't censor yourself – these are merely possibilities. You can always evaluate the desirability and/or feasibility of these application ideas later.

Interesting IDEAS/TECHNIQUES
from this session

Some possible APPLICATIONS of those
ideas/techniques to my work

Chain Notes

This technique works best in a large lecture class, but may be used anywhere. The teacher writes a question about the class/lecture/lesson on a large envelope. The question should be one that captures a moment of a student's mental activity during the class.

Index cards are distributed to the students. When the envelope reaches a student, he or she answers the question based on exactly what is happening at that moment, and drops the anonymous card into the envelope.

The Chain Notes assessment device is useful for prompting students to think about what they are doing during a class and how they use class time.

Depending on the question asked, a preliminary sort of the cards might categorize them as:

- Engaged/Not Engaged
- Focus on Self/ Focus on Teacher/Focus on Other Students/Focus on Content
- Question/Praise/Neutral Comment/Complaint/On Target
- On Target/Off Target/Can't Tell

Whatever criteria are used to sort the data, the point should be to detect patterns in responses. But be forewarned, this device may give you answers you really don't want to know.

RSQC2 (Recall, Summarize, Question, Comment, and Connect)

Recall

At the beginning of class, ask students to make a list of the things they think were the most important things from the last class. Allow 1-2 minutes for them to write the list. Then ask students to choose 3-5 points from their lists and rank them in order of importance.

Summarize

Students are asked to summarize as many of the most important points as they can into ONE summary sentence that captures the essence of the previous class.

Question

Ask students to write down one or two questions that remain unanswered/unclear for them after the last class.

Comment

Ask students to explain—again, in only 1-2 sentences—the connection(s) between the main point(s) of the previous class and the major goal(s) of the entire course.

Connect

Ask students to write an evaluative comment or two about the class. Suggest a starter, e.g.,

What I enjoyed most about the last class was . . .

What I found least useful about the last class was . . .

During most of the class, I felt . . .

The thing from the last class that I plan to use is . . .

HINT: Do the RSQC2 questions yourself, and compare your responses to those of your students.

Group-Work Evaluations

1. Overall, how effectively did your group work together on this assignment?

Poorly Adequately Well Extremely Well

2. Out of the five group members, how many participated actively most of the time?

None One Two Three Four Five

3. Out of the five group members, how many were fully prepared for the activity?

None One Two Three Four Five

4. Give one specific example of something you learned from the group that you probably wouldn't have learned working alone.

5. Give one specific example of something the other group members learned from you that they probably wouldn't have learned otherwise.

6. Suggest one change the group could make to improve its performance.