

Grade Achievement to Knowledge Acquisition – Shifting Student Focus

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We've all heard it

- Is this going to be on the exam?
- What do I need to know to pass this quiz?
- What percentage of my grade is this paper worth?
- Is there a rewrite if I don't do well?
- Do you give extra credit?
- Is there a curve in this class?
- What happens if I fail this course?

The Problem

- Many students come to law school with idealistic passion and excitement.
- Immediately, they forget that passion and shift their focus to grade acquisition.
- It's a semester by semester, get-by attitude.
- Students forget the long-term goal of becoming practice-ready attorneys.

How We Contribute to the Problem

- We begin instilling fear in them the first day of orientation.
 - There is a legitimate reason for doing this – law school is hard work and many of them are unprepared for the rigorous course load.
- We measure success by GPA and class rank.
 - Again, there is a reason for doing this – employers hire based on GPA and class rank. There has to be a measuring tool.

First-year Legal Writing Courses

- Explain why learning is important
- Foster an environment where discussion transcends a case brief or a memo format.
- Offer experiential learning opportunities.
- Utilize “low-stakes” testing with adequate feedback. (Peter C. Brown et al., *Make it Stick* 44 (2014)).
- Provide materials that are not edited for educational purposes.

First-Year Legal Writing Class – Demonstrates the Importance of Legal Research & Writing

2014 ABA Legal Technology Report – Legal Research Work Time

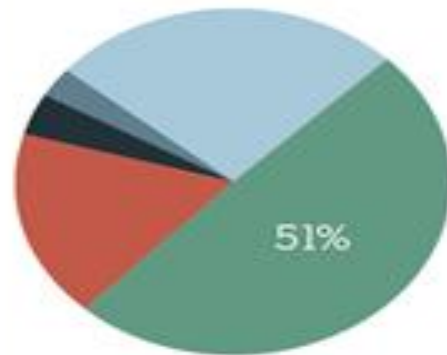
- Overall - 19% time
- Solo - 23% time
- 2 – 10 - 19% time



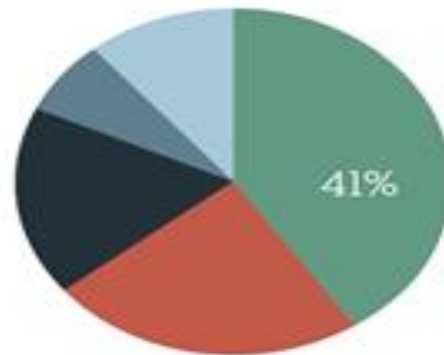
First-Year Legal Writing Class – Demonstrates the Importance of Legal Research & Writing

BARBRI STATE OF THE LEGAL FIELD SURVEY 2015

MOST IMPORTANT SKILL



FACULTY



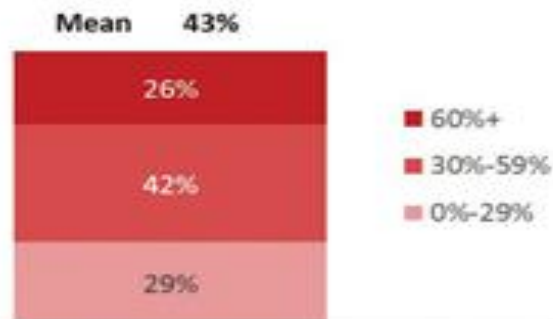
ATTORNEYS WHO HAVE WORKED WITH RECENT GRADUATES

- WRITING SKILLS
- INTERPERSONAL SKILLS
- RESEARCH SKILLS
- TEAMWORK SKILLS
- OTHER

First-Year Legal Writing Class – Demonstrates the Importance of Legal Research & Writing

LexisNexis 2015 White Paper: Attorney Readiness

Percent Of Professional Time Conducting Legal Research



Total Litigation Attorneys (n=241)

Q: Thinking about an associate at your firm with 5 or fewer years of experience, what percent of their professional time on average in a typical week is spent conducting legal research?

Hours Spent Using Paid Online Resources



Total Litigation Attorneys (n=241)

Q: About how many hours per week do newer associates with 5 or fewer years of experience typically spend conducting legal research using paid online resources such as LexisNexis or Westlaw?

Upper-level Legal Writing courses

Summer internships help the students understand the importance of practice-readiness, BUT it's too easy to fall back into old habits

Upper-level Legal Writing courses

The Course:

- Start with the big picture
- Experiential learning opportunities
 - Appellate Advocacy: Observe oral arguments; use unedited cases pending at appellate courts
 - Legal Letters: Client interviewing; Mediation
 - Various courses: practitioners as guest lecturers

Upper-level Legal Writing courses

The Writing:

- Summative assessments v. formative assessments
- To make the most of formative assessments:
 - What's the real-world lesson?
 - Letter to a client...what does a lay person think?
 - Memo to a supervising attorney...what does a practitioner think?
 - Use a non-traditional grade scale
 - Novice, Proficient, Advanced
 - Start and end your critique on a positive note

Discussion of Exercise

Discussion – How do
you make the shift at
your university?

