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