Academic Self-Regulation? One School's Experience with Non-JD Learning Outcomes

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The Conversation

Karen: Because post-graduate legal education is so diverse in its delivery models, student populations, and programmatic oversights, is any undertaking to self-regulate feasible?

John: No. I mean, yes.

Academic "Regulation" of Law School Programs: The Outside Players

Learning Outcomes: A Shared Focus

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- The institution publishes the learning goals and requirements for each program. **(4.2)**

- **Direct and indirect measures of assessment are systematically evaluated** to support verifiable statements related to student success and achievement. (8.3, 8.7)

Boston University (2015)

All academic programs (JD, non-JD) must:

- Publish learning outcomes

- **Systematically collect data** for each outcome, using **direct and indirect measures**

- Endeavor to use best practices: (rubrics, separate assessment of work product, not just exams, performed by faculty other than instructor)

- Submit annual report on how data are acted on and timetable to implement curricular changes.

ABA (2017)

JD program shall

- Prepare students for admission to the bar and for effective, ethical, and responsible participation in legal profession. (Standard 301)

- **Publish learning outcomes (**Standard 301)

- Conduct **ongoing evaluation of learning outcomes** and use results to improve curriculum. (Standard 315)
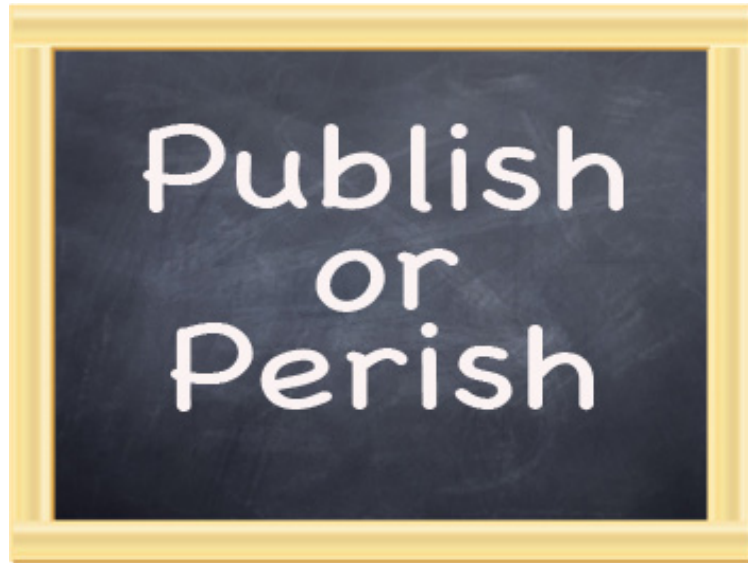
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Who's Minding the Store?

NECHE

ABA

THE
UNIVERSITY

JD
Program

Non-JD
Programs

WE ARE HERE
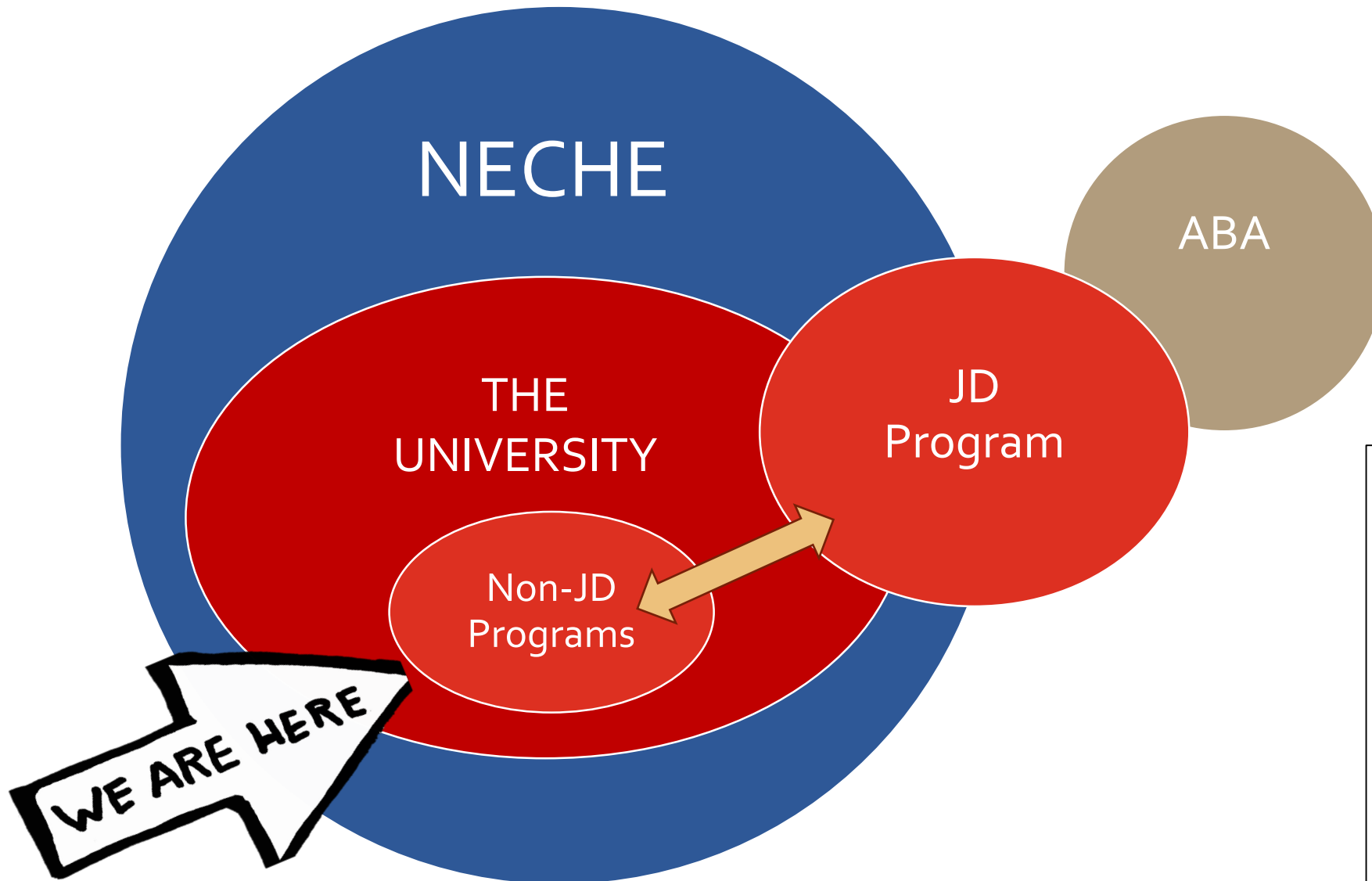
ABA Acquiescence:

No requirement for non-JD programs to establish, measure, act on learning outcomes data to inform academic programming.

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Making JDs Under ABA's New Standards: Process

Publish learning outcomes (Standard 301)

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Conduct **ongoing evaluation of learning outcomes** and use results to improve curriculum. (Standard 315)

Collect Data on Learning Outcomes

Use both **formative and summative assessments** to measure and improve student learning (Standard 314) but **"not required to use any particular method"** to determine attainment of competencies.

Making JDs Under ABA's New Standards: Substance

Standard 302: Outcomes shall include

Specific competencies

- Knowledge and understanding of the law;
- Legal analysis, reasoning, legal research, written, oral communication
- Exercise of professional responsibilities
- Other skills needed to be member of legal profession.

Standard 301:
Prepare students for **admission to the bar** and for . . . responsible participation in profession.

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Making Non-JDs

Making Non-JDs

One at a time . . .

How do you know when they're done?

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Non-JD Learning Outcomes: Where We Began

Boston University (2015)

All academic programs (JD, non-JD) must:

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- **Systematically collect data** for each outcome, using **direct and indirect measures**
- Endeavor to use best practices: (rubrics, separate assessment of work product, not just exams, performed by faculty other than instructor)
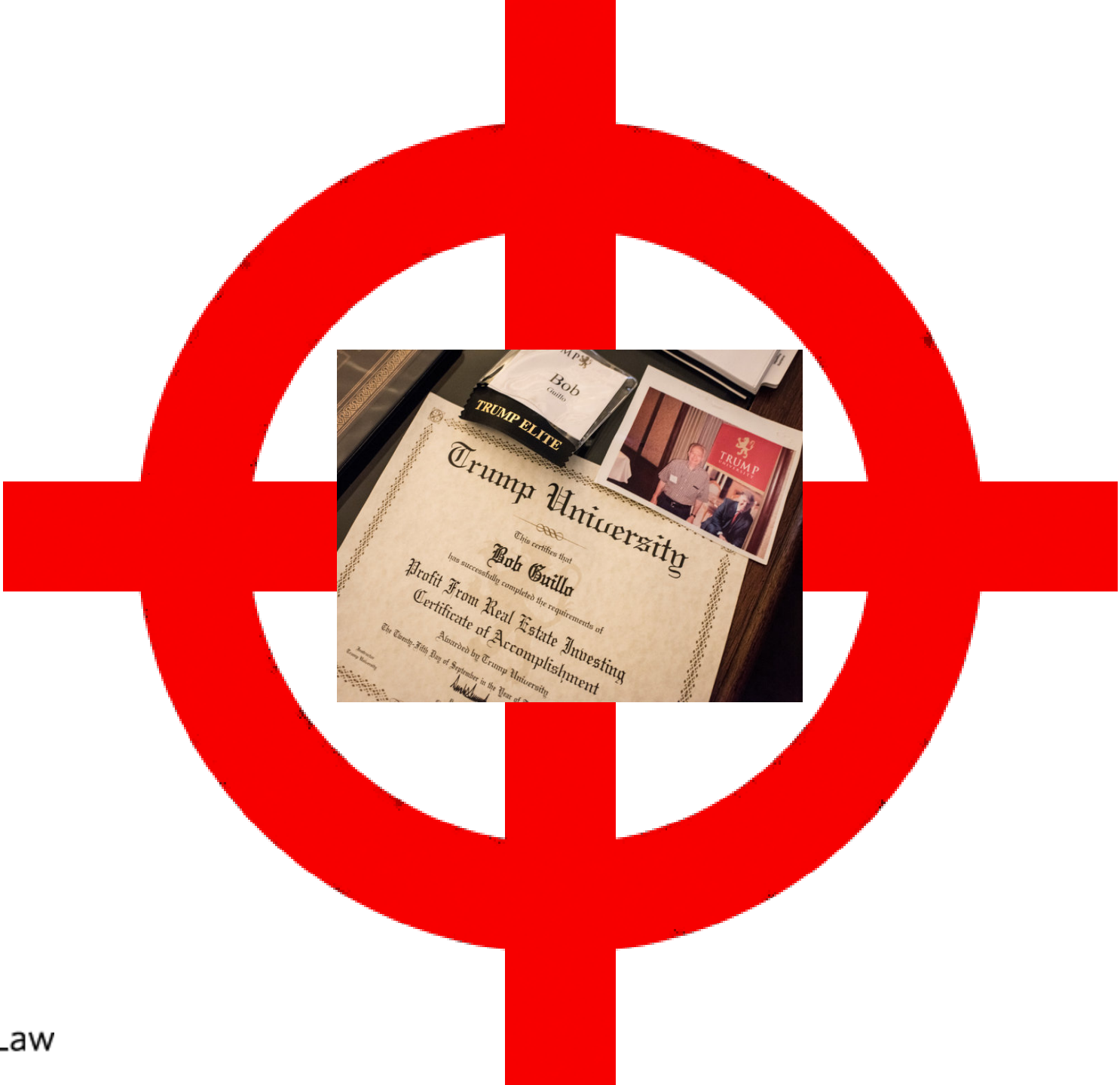- Submit annual report on how data are acted on and timetable to implement curricular changes.

NECHE
New England Commission
of Higher Education

→ 2019 University Reaccreditation

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ABA (2017)

JD program shall
- Prepare students for ... to the ... legal ... 301)
- **Pr...**
- ...going evaluation of learning outcomes and use results to improve curriculum. (Standard 315)

Non-JD Programs: At the Crosshairs of Accreditation Issues?

Non-Accredited

Financial model under acquiescence standards?

More engagement by part-time than full-time faculty?

Directed by
full-time lawyer-administrators

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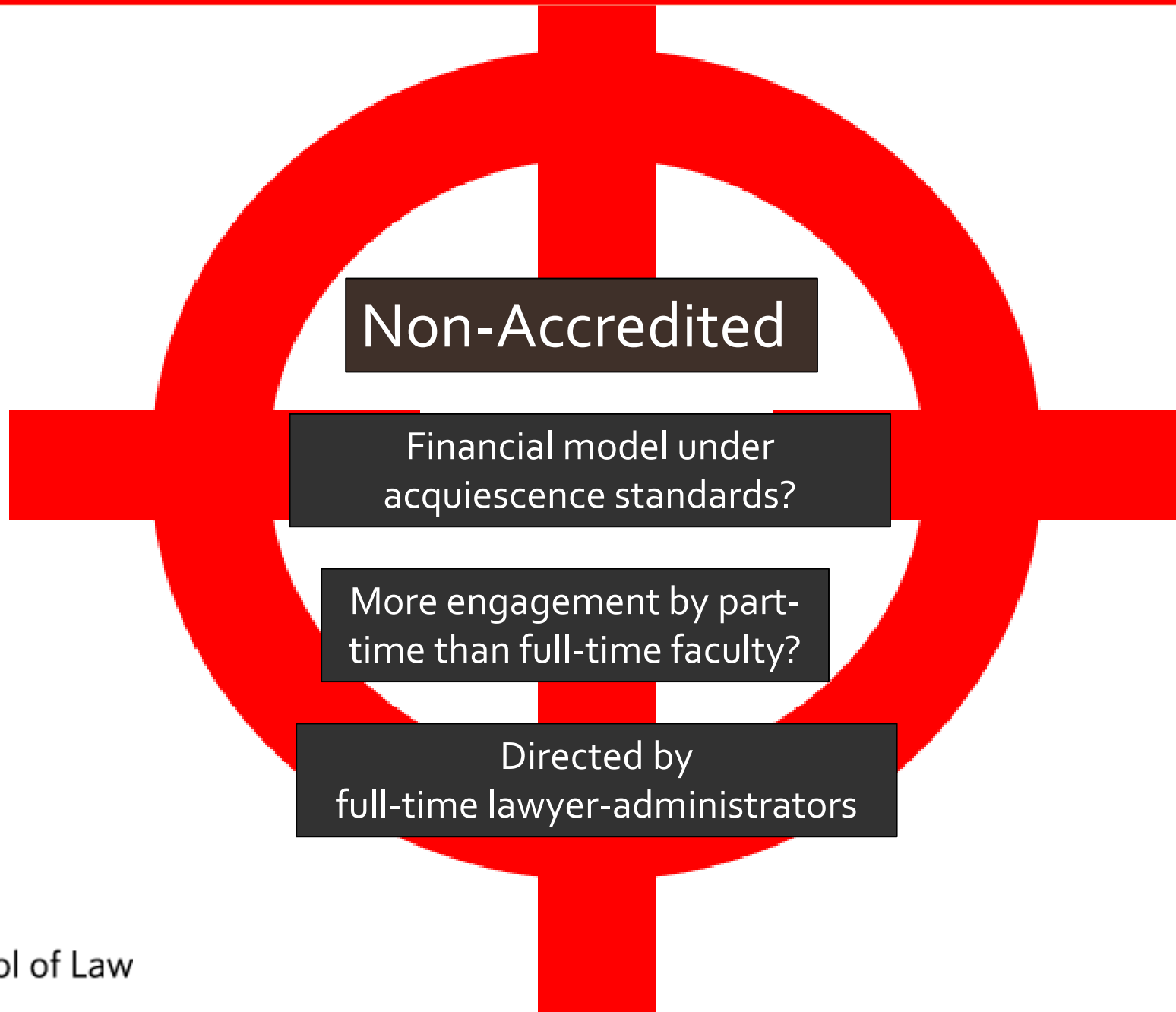
BU Law's Non-JD Portfolio

Five LLM Programs

- American Law (general, only foreign lawyers)
- IP Law (mostly foreign)
- Banking and Financial Law (mostly foreign)
- Taxation (mostly domestic)
- Executive LLM in International Business Law (blended, mostly experienced foreign lawyers)

Six Graduate Certificate Programs

- Legal English Certificate Program (first year of two-year LLM; all foreign)
- Estate Planning (online)
- Financial Services Compliance (online)
- International Business Law
- Transactional Skills
- Enterprise Risk Management

One Masters Degree for non-lawyers

- Master in the Study of Tax Law

12 Different Programs, Academic Requirements and Learning Outcomes

LLM Degree in American Law (foreign lawyers)

- Students will demonstrate a basic understanding of the US legal system;

- Students will demonstrate an ability to use legal authority and perform legal analysis; and

- Student will demonstrate proficiency in Legal English, in both written and oral communications

Certificate in Financial Services Compliance (online, lawyers, non-lawyers)

1. Students will be able to identify and describe the structural components, operational elements and analytical framework for a compliance function of a major financial institution.

2. Students will demonstrate an understanding of the legal and regulatory framework for US financial institutions and the regulatory expectations for a robust compliance function at such institutions.

3. Students will demonstrate an understanding of the necessary professional skills of a financial institution compliance officer, including analytical skills, project management, use of data and risk sensitivity.

Master in the Study of Tax Law (residential, online, non-lawyers)

- Students will demonstrate a foundational understanding of the U.S. tax system, law, and procedures; and

- Students will demonstrate skills in tax research and draftsmanship.

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Attaining Learning Outcomes
What/How to Measure?

- Tremendous **diversity** among students within each program
- **Disparity of starting points**
- **No single shared capstone work product**
- **Great variation** in students' study plans
- **Two-semester model** limits ability to track improvements over time
- **Statistical validity** of data, sampling issues
- Engagement of **part-time adjuncts** in best practices: direct measurement of student work product beyond exams, rubrics
- **Internal resources** and competencies to collect and analyze data

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First, a Reality Check:
Q: Do our outcomes resonate with students?
A: For the most part, yes.

Entering LLM students ranked their hopes of attaining the Programs' three learning outcomes on a scale of "strongly agree," "agree," "neutral," "disagree," or "strongly disagree."

Learning Outcome 1- <u>**83.7% strongly agreed**</u> and 11.9% agreed that they "hoped to develop a basic understanding of the US legal system." 4.5% were neutral or strongly disagreed with the outcome.

Learning Outcome 2- <u>**82.9% strongly agreed**</u> and 11.9% agreed that they "hoped to develop the ability to draft legal memoranda utilizing legal authority and legal analysis." 5.1% were neutral, disagreed or strongly disagreed with the outcome.

Learning Outcome 3- <u>**89.6% strongly agreed**</u> and 8.2% agreed that they "hoped to develop proficiency in Legal English is both written and oral communications." .74% were neutral or strongly disagreed with the outcome.

Wait! There's More!

Roughly 40 percent of all students ranked as a priority the attainment of one or more outcomes **not included** in the program's published outcomes.

Beyond obtaining a valued credential, students seek experiences and outcomes that are aligned with their individual professional (and personal) identities.

Within Any and All Programs: Student Have Individualized Goals

Pakistani Judge

- 40+ years old, 10 years on the bench
- First-hand exposure to court system, judicial decision-making
- Common law trained
- Fluent in English

Brazilian Corporate Associate

- 28 years old, 4 years at law firm
- Gain practical transactional skills
- Improve legal English
- Expand network
- Experience the US
- May or may not return to firm

Recent Chinese LLB Graduate

- 22 years old, China bar
- First time in US
- NY Bar passage*
- Work in US for OPT and beyond*
- Transfer to JD*
- Wants human rights, then business law
- So-so English

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* Are we set up for this?

We needed to systematize collection of data to meet BU/NEACHE Assessment Standards and Best Practices.

We also wanted to account for individualism.

Individualized, Actionable Data:
One Approach

- **We began asking students to define their own top three learning outcomes at beginning of program.***
  - Empowered them to take responsibility

- Reviewed progress and made adjustments at end of fall
  - Obtained actionable data for individual academic counseling

- End of year aggregated data informs strategic thinking
  - How do students' priorities compare to how we defined the program's learning outcomes?
  - What programming adjustments will be most meaningful to students' desired outcomes? Are we in a position to deliver these?

> * We continued to measure students' subjective assessments of whether they attained the program's three published outcomes.

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Developing Best Practices: Academic Self-Regulation Through Learning Outcomes

- **Adopt "Best of" ABA's JD learning outcomes model** as component of self-regulation
  - Publishing learning outcomes may lead to clearer messaging to students and applicants about school's program(s)
  - Feedback loops helps schools understand what's working, what isn't working;
- **Be flexible**, honor range of student backgrounds and goals
  - Leave to programs' discretion the identification of learning outcomes
  - Encourage schools to adopt **expansive definitions of "learning outcomes"** (goals?) to include non-academic professional development competencies (self-marketing, networking, professional etiquette, self-assessment, etc.)
- **Be aspirational,** not heavy handed
  - Schools should "endeavor to collect data" on students' attainment of outcomes (versus "shall systematically collect data")
  - Recognize limits on part-time faculty engagement. "Strive to use a variety of assessment methods" (not "must include at least one direct measure.")

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Thank you.

For listening.

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