

**Assessment Conference Materials
from:**

**Andrea [Andi] Curcio
Georgia State University College of Law
140 Decatur Street
Atlanta, GA 30302
acurcio@gsu.edu
404 413 9157**

RESOURCES FOR BEGINNING EMPIRICAL RESEARCH OF TEACHING AND ASSESSMENT

Basic Explanatory Books About Designing an Empirical Research Study

Mary Sue MacNealy, *STRATEGIES FOR EMPIRICAL RESEARCH IN WRITING* (1999)

John W. Creswell, *RESEARCH DESIGN, QUALITATIVE, QUANTITATIVE AND MIXED METHODS APPROACH* (2008)

Marguerite G. Lodico, et al, *METHODS IN EDUCATIONAL RESEARCH – FROM THEORY TO PRACTICE* (2006)

On Line Textbook: Research Methods Knowledge Base,
<http://www.socialresearchmethods.net/kb/contents.php>

Basic Explanatory Law Review Articles About Designing an Empirical Research Study

Richard K. Neumann, Jr. & Stefan H. Krieger, *Empirical Inquiry Twenty-Five Years After the Lawyering Process*, 10 *CLINICAL L. REV.* 349, 356 (2003)

Andrea A. Curcio, *Assessing Differently and Using Empirical Studies to See If It Makes a Difference: Can Law Schools Do It Better?*, *forthcoming Quinnipiac L. Rev.* Vol. 27 (Summer 2009)

Literature Review of Various Studies on Formative Assessment

Valerie J. Shute, *Focus on Formative Feedback*, Educational Testing Service Research Report (March 2007)

Literature Review of Various Studies on Self and Peer Assessment

F. Dochy, et al, *The Use of Self, Peer and Co-Assessment in Higher Education: A Review*, *Studies in Higher Education*, Vol. 24, Issue 3, pp. 331-350 (1999)

David Boud & Nancy Flachikov, *Quantitative Studies of Student Self-Assessment in Higher Education: A Critical Analysis of Findings*, *Studies in Higher Education* Vol. 18, Issue 5, pp. 529-49 (1989)

Rubrics and Self-Reflective Questionnaires for Two Assessment Models

One thing that I learned in a previous empirical study was that for some students practice essays with annotated answers and generalized feedback did not produce a statistically significant improvement in student learning.¹ One potential explanation for this is that some students do not have the inherent metacognitive abilities to learn from annotated answers and generalized feedback and those students may need to engage in more directed self-reflection. Based upon that information, in a recent course, I used two different assessments – a drafting exercise and a take home essay question mid-term. For both, I distributed grading rubrics and required students to engage in a directed self-reflective exercise using the rubric and an explanation sheet. Attached is a rubric from the complaint exercise and a self-reflective exercise for the essay question mid-term.² The complaint drafting rubric is provided for those who would like a sample rubric for a document drafting exercise that can be used for both summative and formative assessment purposes. The self-reflective guide is for those interested in providing students with more directed self-reflective exercises as part of a formative assessment plan.³

¹ See Andrea A. Curcio, Gregory Todd Jones and Tanya Washington, *Does Practice Make Perfect? An Empirical Examination of the Impact of Practice Essays on Essay Exam Performance*, 35 Fl. St. L. Rev. 271 (2008)

² For more details about both these assessment formats and the accompanying self-reflective exercises, see: Andrea A. Curcio, *Moving in the Direction of Best Practices and the Carnegie Report: Reflections on Using Multiple Assessments in a Large-Section Doctrinal Course*, forthcoming, *Widener Law Journal*, Vol. 19 (Fall 2009)

³ For more information about the value of self-reflection and suggestions for self-reflective exercises, see Michael H. Schwartz, *EXPERT LEARNING FOR LAW STUDENTS* [2005].

EXCELLENT	GOOD	NEEDS IMPROVEMENT
Correctly joined and named all appropriate parties*	Missed one appropriate party (or did not correctly name a party) *	Missed more than one appropriate party and/or did not correctly name an appropriate party*
Correctly identified the proper court and signed complaint per R. 11	Correctly identified the proper court and signed complaint per R. 11	Did not correctly name the appropriate court or failed to sign per R. 11
Correctly pled the necessary facts to establish jurisdiction and i.d.'d the jurisdictional basis	Correctly pled the necessary facts to establish jurisdiction and i.d.'d the jurisdictional basis	Did not plead the necessary facts to establish jurisdiction and/or correctly i.d. jurisdictional basis
Identified all potentially viable claims against each party and did not have any claims that were not viable* (per Rule 11)	Identified all but one potentially viable claim against each party- had no claims that were not potentially viable(per Rule 11)*	Did not identify two or more potentially viable claims and/or had claims that were not potentially viable (per Rule 11)*
Pled all necessary facts to support each element of each claim and did not plead immaterial facts	Pled most necessary facts to support each element of each claim and pled few, if any, immaterial facts	Did not plead many necessary facts to support each element of each claim and/or pled many immaterial or unnecessary facts
Pled all necessary elements of each potential claim	Missed one or two necessary elements in pleading the claims	Did not plead a number of elements to support each claim
To the extent chose not to plead particular claims or join potential parties, clearly and concisely explained the reasons for this in a one page memo and those reasons were based on sound legal/tactical grounds*	To the extent chose not to plead particular claims or join potential parties, clearly and concisely explained the reasons for this in a one page memo and those reasons were based on sound legal/tactical grounds*	Failed to identify a valid reason for not including particular parties or claims in accompanying one page memo; or reasons for failing to plead claims or join parties were not based upon sound legal/tactical grounds*
Clearly and logically organized and easy to follow; allegations were concise – whenever possible, allegations contained only one fact per allegation	Generally clearly and logically organized; allegations were generally concise	Claims and facts organized in a way that made it difficult to follow the story of what happened; allegations often contained multiple facts per allegation
No grammatical, typo. or spelling errors – presentation professional;	One or two grammatical., typo. or spelling errors – presentation	Numerous grammatical or spelling errors or other typo. Errors

***If you feel it is necessary, you may submit a very short (250 word maximum) memo explaining why you chose to include/exclude particular parties and/or claims**

SCORING

Excellent: (8 points) meets all criteria in that category

Good: (6 points) meets the majority of criteria in that category

Needs Improvement: (4 points) meets the majority of criteria in that category

Self-reflective exercise – 1 pt bonus for thoughtful self-analysis – see ?s on back, too

Issue Spotting

Did you spot the overall issue (i.e. is this protected work product)? What exactly keyed you in to that issue?

Did you spot all the sub-issues: Is it work product (i.e. antic of litig v. ordin course bsns); if work product – can you overcome by showing subst'l need; can't get subst'l equiv w/out undue hardship (and that the degree of these showings depend upon if factual v. opinion work product). If you spotted all these issues, where did the sub-issues come from? If you missed any of these issues, where should you have looked for these sub-issues?

Factual Analysis

Plaintiff – did you argue for the plaintiff for each sub-issue? Did you use most of the facts in the rubric for each of the sub-issues to support plaintiff's argument; if you didn't use a lot of relevant facts, or didn't argue for the plaintiff on an issue why do you think you skipped those facts or that issue? What will you do differently to make sure you use more facts next time?

Defendant – did you argue for the defendant for each sub-issue; did you use most of the facts listed in the rubric to support def's argu on each sub-issue? If not, what do you think happened and what will you do to improve next time?

Misc: Were you confused about how to use the factual v. opinion work product sub-issue in your analysis? If so, what did you do to help you figure this out? If you didn't use it in your analysis, how did you miss this issue?

Organization/clarity: How did you approach organizing your answer? Did you do it by going through the rule and then each of its sub-parts? If not, what might you do differently next time to better organize your answer?

What else did you struggle with (if anything) and how might you approach a take home exam differently next time?