

“Thinking Outside the Boxes: Using Electronic Portfolios to Encourage Student  
Reflection and Self-Assessment”

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Description

Quinnipiac University School of Law began a pilot e-portfolio writing project two years ago to help students improve their writing by providing a framework for reflection and self-assessment. The original e-portfolio project has now been reconfigured as a collaboration between the legal skills and clinical programs, both in-house and externship. In the e-portfolio, students will collect artifacts of their learning over the course of three years. The project offers integrated opportunities for on-going guided reflection and self-assessment that unites legal writing with other lawyering experiences, all of which build skills and enable the formation of professional identity.

Biographies of Presenters

Susan R. Dailey is an Associate Professor of Legal Writing and Director of the Legal Skills Program at Quinnipiac University School of Law. She has been the writing specialist at Quinnipiac for 22 years and has used portfolios extensively in her teaching. Her long-range study of law student use of electronic portfolios is in its third year.

Kevin Barry is an Assistant Professor of Law and Director of the Civil Clinic at Quinnipiac University School of Law. Kevin joined Quinnipiac one year ago, following a two-year clinical fellowship at Georgetown University Law Center’s Federal Legislation Clinic.

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E-Portfolio Writing Rubric<sup>1</sup>

We believe that attaining the following skills and understanding their purpose would contribute significantly to your ability to write well when you begin the practice of law.

**Rhetorical Knowledge**

Communicate clearly and effectively to a variety of audiences.

Adopt appropriate voice, tone, and level of formality for the legal context.

Use conventions of format, structure, and language appropriate to the purpose of the written text.

Use a variety of rhetorical strategies to create strong, effective arguments.

Display understanding of ethical considerations involved in the development of an argument.

Demonstrate an awareness of the different professional roles that lawyers may assume.

Synthesize and communicate a variety of points of view on a single issue.

**Critical Thinking, Reading, Writing**

Carry out a variety of research strategies for finding relevant legal authority.

Read complex legal texts critically and interpret, evaluate, and incorporate these readings effectively into legal analysis.

Make appropriate choices as to which authorities to use and how to use them.

Organize complex material for a variety of types of legal documents.

Provide a clear roadmap to a legal analysis in an introductory section of a legal document.

Demonstrate an understanding of legal standards as the basis for argument.

Develop and support an argument that is convincing to the targeted audience.

Write a clear, well-organized predictive analysis of a legal issue.

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<sup>1</sup> Parts of this rubric have been incorporated from the following sources: Edward White, "The Scoring of Writing Portfolios," CCC 56:4 (June 2005), 596-98; William M. Sullivan et al, *Educating Lawyers: Preparation for the Profession of Law* (2007); Comments from Joseph Olivenbaum, Neal Feigenson, Gail Stern, and William Dunlap.

Demonstrate understanding of inductive and deductive reasoning in legal analysis.

Use sufficient, appropriate authority to support every legal point asserted.

Use analogies and distinctions effectively in a legal analysis.

Present counter-arguments and articulate alternative points of view.

### **Processes**

Understand the recursive nature of the process of researching, thinking, reading, and writing involved in legal analysis.

Write and revise drafts, integrating feedback into the document.

Provide effective feedback to a peer's written document.

Establish a writing timetable that allows sufficient time to complete any writing task.

Use effective editing and proofreading strategies that result in written work that presents a professional appearance.

### **Conventions**

Use conventions of grammar, punctuation, and usage appropriately throughout a text.

Use correct citation form throughout a document.

Use the appropriate format for the variety of legal documents used in the practice of law.

### Sequence of Writing Prompts for First-year Students

1. Students come to law school with a wide range of academic backgrounds, work experiences, career goals, and specialized skills. In order to be more responsive to your development as a writer and to help you make the transition into the legal profession, I'd like to know more about you. Please write a short essay (one page double-spaced) describing your background and past experiences as a writer and discussing why you have decided to become a lawyer.
2. You are now ready to assess the written work you did during the fall semester. We would like you to answer the following questions and place your answers in the "Self-Assessment" folder of your portfolio: **In what ways is legal writing similar to or different from other writing you have done in the past for school or work? At this point, what would you say is your greatest strength as a legal writer? Your greatest weakness?** In answering all three questions, you should refer to specific parts of documents you wrote during the fall semester, which you should upload to the "Written Work" folder of your portfolio.
3. As you reflect on your growth as a legal writer this year, please take some time to evaluate the progress you've made and think about your goals for the future. Your portfolio writing rubric contains the skills we believe would contribute significantly to your ability to write well when you begin the practice of law. Which of the skills listed in the rubric do you see as strengths? Could you point to evidence of that strength in the written work in your portfolio? What skills do you plan to work on more in the future? What are your most important writing goals? How do you plan to address those goals in future classes, work experiences, and extra-curricular activities?

### Writing Prompt for Upper-level Seminar

Writing is a very personal activity. One of the most valuable tools for improving one's own writing is reflection on various aspects of the writing process. The purpose of the portfolio is to give you the opportunity to review your own process of writing a substantial piece of work and to reflect on your own strengths and weaknesses as a writer.

In the introduction to your portfolio, you should comment on your own process of writing the paper and the types of feedback that were helpful to you as well as those that were not as helpful. You might consider, for example, the following questions: Did you find the reading journal a useful tool to generate possible ideas for a paper topic? Did your peer=s critique of your paper help you with the second draft? Were the professor=s comments useful? Did your class presentation or the presentations of your classmates give you any new ideas for the revision of your paper? Did the process of

editing someone else's paper give you any insight into writing your own second draft? If you had to write another paper of this length, what would you do differently? What would you do the same way?

You will not receive a grade for the introduction, but I will give extra credit points for introductions that show insight into the writing process as demonstrated by the rest of the portfolio. A good introduction can only help your final grade.

Quinnipiac University School of Law

Externship Program

Professor Carolyn Kaas

Directed Topics for Reflection Papers

First Assignments

1. Perform a Self-Assessment on Grid (based on Fundamental Skills of Lawyering from MacCrate Report).
2. Identify 3-4 Educational Goals for the semester. Record them on the Semester Learning Plan form, as well as your planned means for achieving the goals.

3. First Reflection Paper:

Reflect back to the reasons why you chose to come to law school, and what changes/affirmations you experienced in your first year.

Why did you choose this particular opportunity for experiential learning?

How will it fit in with your plan for becoming a lawyer?

Why did you choose the particular educational goals you selected for this semester?

Final Assignments

1. Track your progress on your educational goals.
2. Final Reflection Paper:

*This is a retrospective "look back" at the entire semester. Also remember back to your impressions at the start of law school, to any prior work or clinical experience, and then to the start of this particular semester.*

Find a definition of "professionalism" that works for you, and cite the source. Explain why you chose this definition.

Compare the "practice realities" you experienced/observed in your externship to the definition and of discussions of lawyering and professionalism you have had at the law school – in Legal Skills, LPR, IRC, our seminar, and/or elsewhere.

How will these lessons and experiences impact your development as a lawyer? Have you changed your plans at all?

Where are you now in your development towards your professional goals?

## **Best Practices for Legal Education**

**Summarized by Professor Carolyn Kaas**

### **Chapter 7: Assessing Student Learning**

Criticisms of solely summative methods of grading:

- Sorting for legal employers rather than assessing learning
- Demoralizing and counterproductive
- Too little feedback
- Comparison and competition rather than community and justice
- Invalid, unreliable, unfair

Goals:

- Stimulate student reflection on future professional paths, strengths and weaknesses
- Guide students toward relevant learning opportunities
- Provide incentives for taking active role, increasingly sophisticated work
- Document information to attest to professional capabilities  
[Judith Wegner, cited in Best Practices at 239]

Principles:

- Be clear about goals of each assessment tool:
  - Cognitive
  - Behavioral
  - Performance
  - Attitudinal
- Validity: Are students learning what is taught?
  - Teach what you expect them to do on the assessment
- Reliability: Criteria-referenced assessments, not norm-referenced
  - Explicit grading criteria, not curves
- Inform students periodically of level of development
  - Self-assessment : only if student is trained in applying criteria
  - Portfolios: evidence of learning and reflection upon learning
    - Especially helpful for students who do not start strong but mature
    - Include, e.g.: Periodic essays on personal and professional goals  
Array of work product  
Learning logs – courses and experiences
- Use multiple methods
- Use more formative methods: helps students become self-aware of what it takes to be competent; matrixes and other examples

# Student's Self-Assessment

Quinnipiac University School of Law  
Civil Clinic

Intern \_\_\_\_\_

Semester \_\_\_\_\_

This self-assessment will assist you in identifying those skills you currently have mastered or are in the process of mastering, as well as those skills that you have not yet developed. Please feel free to add skills at the end of this self-assessment to address areas of particular interest to you that are not included here. This self-assessment will provide the basis for your initial meeting with your professors at the start of the semester, and will serve as a tool for measuring your progress at the mid-semester point and at the end of the semester.

*Before your initial meeting with your professors at the start of the semester, please read through the various skills and qualities listed in the first and second columns. Then fill out the third column (electronically), telling us where you think you currently are with respect to each skill, and identifying particular strengths and areas for improvement. Prior to your mid-semester evaluation, please complete the fourth column (electronically) by again telling us where you think you are with respect to each skill, as well as where you expect to be with respect to each skill by the time of your final evaluation, and a sentence or two about how you intend to achieve that goal.*

*Please hand in this self-assessment to Maryanne during the first week of class.*

## Classroom Work

(50% of letter grade)

Skill	Qualities	<u>Start of Semester</u> Describe Where You Are Now (include strengths and areas for improvement)	<u>Mid-Semester</u> 1. Describe Where You Are Now (include strengths and areas for improvement)  2. Describe Where You Expect To Be By Final Evaluation (include goals and plan for achieving those goals)
Classroom Writing Assignments	<ul style="list-style-type: none"> <li>● Completing written assignments (journals, research exercise, legal drafting exercise, Casework Binder) in timely manner</li> <li>● Depth of reflection – Making connections between classroom lessons and client representation (e.g., individual case experience and notions of justice and fairness); reflecting on Clinic experience and how it may apply to future professional life</li> <li>● Writing in simple, well-organized, grammatically correct prose</li> <li>● For “Casework Binder”:                          - Well-organized                          - Meets “Legal Drafting” and “Legal Research and Analysis” criteria below</li> </ul>		
Classroom Participation	<ul style="list-style-type: none"> <li>● Arriving on time and adequately prepared</li> <li>● Actively participating in classroom discussions and encouraging participation by others</li> <li>● Showing respect for other class members’ contributions and views (giving and receiving criticism constructively)</li> <li>● Contributing to solving problems in other class members’ cases</li> <li>● Making connections between classroom lessons and client representation</li> <li>● For “Group Presentation” class: adequately</li> </ul>		

	preparing; presenting clearly and effectively ● For “Guest Speaker” classes: developing thoughtful and relevant questions for speakers		
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## Professionalism

(50% of letter grade)

Skill	Qualities	<u>Start of Semester</u> Describe Where You Are Now (include strengths and areas for improvement)	<u>Mid-Semester</u> 1. Describe Where You Are Now (include strengths and areas for improvement)  2. Describe Where You Expect To Be By Final Evaluation (include goals and plan for achieving those goals)
Professional Development (“Learning from Experience”)	<ul style="list-style-type: none"> <li>● Articulating appropriately challenging goals</li> <li>● Implementing creative strategies for meeting goals</li> <li>● Successfully meeting goals or providing insight into why goals were not fully met</li> <li>● Consistently engaging in self-reflection (e.g., recognizing strengths and areas for improvement and likes and dislikes about lawyering; providing insights about one’s future role as attorney)</li> </ul>		
Reliability and Timeliness	<ul style="list-style-type: none"> <li>● Meeting student obligations as set forth in Clinic Manual</li> <li>● Attending all court dates and all client and Clinic meetings, and arriving on time</li> <li>● Managing efficiently, effectively, and concurrently multiple client matters</li> <li>● Keeping Clinic faculty, staff, and fellow students informed of whereabouts</li> </ul>		

	<ul style="list-style-type: none"> <li>● Promptly returning phone calls and responding to emails</li> <li>● Foreseeing upcoming demands on time and coordinating with Clinic faculty for completion of work product</li> </ul>		
<p>Effective Collaboration with Clinic Team (faculty, staff and fellow students)</p>	<ul style="list-style-type: none"> <li>● Maintaining positive attitude and level of effort required by case</li> <li>● Taking initiative and responsibility (“ownership”) for one’s cases and clients</li> <li>● Informing Clinic faculty of new developments in case</li> <li>● Sharing and delegating work efficiently and fairly among fellow students</li> <li>● Giving appropriate attention to professors’ suggestions (following those that are promising; not following those that are not promising)</li> <li>● Identifying problems as they develop and taking affirmative steps to address them with input and support from Clinic faculty, staff, and Clinic colleagues)</li> </ul>		
<p>Professional Responsibility</p>	<ul style="list-style-type: none"> <li>● Meeting professional performance standards as set forth in Clinic Manual (e.g., confidentiality; conflicts of interest; counseling; diligence and promptness in client representation)</li> <li>● Being knowledgeable of and adhering to all applicable ethical standards</li> <li>● Identifying ethical issues that may arise/have arisen in case work, and addressing them with Clinic faculty</li> <li>● Meeting administrative obligations as set forth in Clinic Manual (e.g., maintaining case files; safeguarding electronic data)</li> </ul>		

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## Casework (weighted pass-fail grade)

Skill	Qualities	<u>Start of Semester</u>  Describe Where You Are Now (include strengths and areas for improvement)	<u>Mid-Semester</u>  1. Describe Where You Are Now (include strengths and areas for improvement)  2. Describe Where You Expect To Be By Final Evaluation (include goals and plan for achieving those goals)
Client Interviewing and Counseling	<ul style="list-style-type: none"> <li>● Developing good rapport with client, including sensitivity to issues of culture and disability</li> <li>● Identifying client's goals for representation</li> <li>● Using open and guided questioning appropriately</li> <li>● Being sensitive to full range of client needs</li> <li>● Recognizing ambiguities in information provided by client, and obtaining sufficient clarity from client</li> <li>● Being creative and persistent about fact-finding process</li> <li>● Obtaining all necessary evidence in timely fashion</li> <li>● Identifying and informing client of his/her options and facilitating good decision-making by client</li> <li>● Educating clients so they may be better able to protect their interests in the future</li> </ul>		
Legal Research and Analysis	<ul style="list-style-type: none"> <li>● Identifying legal issues presented by factual scenario</li> <li>● Thoroughly, timely, and reliably researching all relevant law (whether or not it is ultimately used in pleading/memo)</li> <li>● Identifying all applicable rules of procedure</li> <li>● Assessing strengths and weaknesses of case in light of operative facts and governing law</li> <li>● Crafting well-organized, logical, and persuasive legal arguments in support of one's theory of case</li> </ul>		

	<ul style="list-style-type: none"> <li>● Anticipating arguments likely to be raised by opposing lawyers and developing counter-arguments</li> </ul>		
<p>Legal Drafting</p>	<ul style="list-style-type: none"> <li>● Writing clearly, persuasively, concisely, and accurately</li> <li>● Self-editing and actively responding to feedback from Clinic faculty and fellow students</li> <li>● Knowing one's audience (client, court, agency official, etc.) and altering one's writing style accordingly</li> </ul>		
<p>Oral Advocacy</p>	<ul style="list-style-type: none"> <li>● Adequate preparation – Being well-versed in all aspects of one's case</li> <li>● Communicating effectively and respectfully in formal proceedings (at court and/or administrative venues) and in meetings with opposing lawyers, agency personnel, witnesses, and others</li> </ul>		



**Other skills you'd like to work on (if applicable):**

**Quinnipiac University School of Law  
Civil Clinic**

**Journal Assignments  
Fall 2009 (Excerpt)**

**JOURNAL #1:** Due Friday, August 28 (3 pages).

1. “What you bring to the Clinic.” Share something of your personal history that you are willing to write for us. Tell us how you anticipate that your prior experiences, either in the law or in life generally, will affect your experience in the Clinic, and will affect you more generally as a future lawyer.
2. “What you hope the Clinic will bring to you.” Tell us what you hope to get out of your Clinic experience, and how you expect Clinic will help you develop as a lawyer. Please reflect on the articles we asked you to read in preparation for the first class, and provide some reactions to those articles in writing your answer.

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**JOURNAL #4:** Due Thursday, November 19 (3 pages).

One of the overarching goals of clinical legal education is to teach law students to teach themselves. We try to equip you with certain tools that you can take with you into practice. One of those tools is the capacity for self-reflection – e.g., “Am I doing what I want to do?”; “Am I doing my work well?” By continuing to ask these questions, we hope you’ll find yourself in a career that both challenges and fulfills you.

So in the spirit of self-reflection:

1. Please look back at your Student’s Self-Assessment that you completed at the beginning of the semester. Please describe what you’ve learned about yourself while working at the Clinic with reference to those skills (e.g., your comfort level advocating for your client in formal legal proceedings).
2. Think back to the clients you represented this semester. Please describe several things you’ve learned from them.
3. Reflect back to the reasons why you chose to come to law school, and what changes/affirmations you experienced in your first year. Please describe what you have learned about being a lawyer while working in the Clinic. Has your Clinic work confirmed or changed your expectations about the profession? Has

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your Clinic work help you refine what you do – or do not – want to do in your legal career?

## Quinnipiac University School of Law Civil Clinic

### Civil Clinic Manual (Excerpt)

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#### 4. Seminar Assignments:

Over the course of the semester, we will ask you to complete the following Seminar Assignments, which will count toward the grade that you receive for the “Clinic Seminar”:

a. **Student’s Self-Assessment Form**: This form is intended to help you get the most out of your clinical experience by asking you to reflect on your strengths and weaknesses and set goals for the semester. You and your Clinic professors will discuss this form during your initial meeting at the beginning of the semester, at your mid-semester meeting, and again at the end of the semester.

During the first week of Clinic, please fill out the first three columns of your **Student’s Self-Assessment Form** [see Attachment H], and turn it in to Maryanne. Prior to your mid-semester meeting, your Clinic professors will ask you to complete the fourth column of your Self-Assessment Form for use at your mid-semester and end-of-the-semester meetings.

When filling out your Self-Assessment, please use specific examples of work you’ve done – this will help our conversation along (i.e., don’t simply write “Good,” “Excellent”, etc.).

b. **Five journals (3 pages each)**. A critical skill in lawyering is the capacity for self-reflection. These journals are intended to provide you with a structured opportunity to reflect on your experience practicing law in the Clinic (e.g., your personal and professional growth, strengths and weaknesses, likes and dislikes). We encourage you to use your journals for rigorous self-critique as well as constructive criticism of persons you observe, including the professors. While there are no “right” or “wrong” answers, your journals must be reflective and demonstrate an attempt to learn from your experiences. For example, a list of tasks that you have done, without any reaction or analysis, is not sufficient.

We may use your journal entries as a jumping-off point for class discussion, so please tell us in advance if you prefer that some or all of the information in the journal be kept confidential.

Each **Journal Assignment** (and corresponding readings, in some cases) will be provided to you in class one week before it is due.

c. **4 Short Research Assignments (2-3 pages each)**. During the first half of the semester, we will ask you to complete several short research assignments relating to the various kinds of cases that the Clinic takes on. We will discuss your completed research assignments in class, paying particular attention to your *process* of researching as well as the substance of your research. Please submit these assignments electronically to Maryanne as usual, but bring hardcopies to class for your convenience.

Each **Research Assignment** will be provided to you in class one week before it is due.

d. **Casework Binder**. While your casework is not graded (i.e., weighted pass-fail), we consider a portion of the written work product that you generate for your client toward your Clinic Seminar grade. We therefore ask that you *purchase a small three-ring binder* and keep it well-organized with your written work product throughout the semester. Your professors will ask you to submit your binder in advance of your mid-semester meeting and again at your final meeting, where it will be added to the growing library of student work product for future students' reference.

In organizing your binder, please keep the following points in mind:

- Please include *all* final written work product generated by you and reviewed by your professors, including: memos; letters; pleadings; prep materials for hearings, interviews, and counseling sessions; and helpful research (e.g., anything that can't be found easily via Westlaw/Lexis or internet).
- Using numbered and/or lettered tabs, please organize your work by subject matter, and then by the case(s) on which you worked within each subject matter area. For instance:

Tab 1 - Child Support

Tab A – Simmons [include memos, letters, pleadings, etc.]

Tab B – McDaniels [same]

Tab 2 – Unemployment

Tab A – Mizell [same]

e. **Group Presentations**: A central theme in Clinical Legal Education is “learning by doing.” One way we will explore this theme is through “Case Rounds” – i.e., going “around” the seminar table and asking each student to talk a bit about the case(s) on

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which he or she is working. In addition, we have set aside three class times toward the middle of the semester for you and 1-2 other group members (randomly chosen) to lead a 45-minute discussion with the rest of the class. Your presentations should:

- examine connections among your cases as well as connections between your cases and larger issues such as hope, justice, poverty, professional responsibility, racism, sexism, disability; and
- incorporate at least one piece of writing that should be distributed to your classmates *at least two days in advance of class* (e.g., a pleading, memo, or letter generated by you or by an opposing attorney; a newspaper article or law review article/excerpt).

At least *one day before distributing your writing to the class*, please meet with your Clinical professors to discuss your presentation, and bring with you: (1) **a 1 – 3 paragraph description of your presentation**, and (2) the writing you intend to distribute to the class.