

DREXEL LAW: CROSSROADS V.3

Susan L. Brooks and Jeffrey Minneti:

“Making Lemonade: Using Existing Summative Data for Broader Program Evaluation” and “Pre- and Post Testing: An Effective Instructional Tool for Professors and Students”

This highly interactive session will demonstrate two illustrations of assessment tools and processes that are easily replicable across contexts and across institutions. One of these examples comes from Drexel law, which, like many schools, routinely collects student evaluations from field supervisors at the end of six month externships (which we call “co-ops”). These evaluations provide a useful assessment of individual students, and also offer a meaningful snapshot of student performance with respect to key competency areas, including research, writing, and legal analysis, interviewing, ethics, and professionalism. The second illustration comes from Stetson Law School, and involves the use of pre and post testing, as well as the theory behind its use, which is known as “learning theory”. Pre and post testing can assist professors in discerning whether students have acquired the knowledge, values and skills taught, and can also create meaningful opportunities for students to critically evaluate their own work.

Legal Education at the Crossroads v. 3.0

Show and Tell Session

Jeff Minneti

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Academic Success Workshop

Pretest

Paula is known for her cautious driving, especially on the interstate. She always adheres to the speed limit and the two-second rule when travelling behind other drivers. Dennis is not quite so cautious; he likes to take his chances and push the envelope when he drives by weaving in and out of traffic. Dennis is not a patient driver; should a car in front of him be driving too slowly, it is not uncommon for him to position his car right next to the other driver's bumper and flash his lights, commanding the other driver to move aside. Dennis has been stopped for speeding and DUI in the past, and he currently has no license, since his was suspended in December 2008. Dennis is an account manager for Do it Yourself Movers, a Florida based corporation that rents moving vehicles and supplies to individual consumers and businesses. Dennis's boss is Delores, a young professional with aspirations of upper management at Do it Yourself.

In early January 2009, Paula was driving on I-275 on her way downtown to see a movie. Recent rain in the area made the pavement slick, so Paula travelled just below the speed limit, at about 64 miles per hour. Delores and Dennis were late for a sales meeting. Since Delores had not finished preparing for the meeting, she asked Dennis to drive. In his customary fashion, Dennis sped up behind Paula, riding her bumper and flashing his lights. Paula, meanwhile, noticed a recliner sitting in the middle of her lane; due to traffic in other lanes her only option was to slow down and try to avoid hitting the chair. Dennis did not notice until too late that Paula had slowed down; he overreacted and slammed on his brakes to avoid hitting Paula, but to no avail. He rear ended Paula, causing her to strike the chair. Paula's car is a mess and she is injured. Unbeknownst to Paula, immediately after the accident, Delores and Dennis swapped positions in the car, making it appear that Delores had been driving. Initial investigation reveals that the chair fell off a U-Haul trailer, which Doug and Denise had rented from Do it Yourself Movers. The trailer's locking mechanism failed, allowing the trailer door to open. Doug and Denise, who had accepted the insurance coverage that Do it Yourself Movers offered them, failed to properly secure the chair prior to closing the trailer door. Assuming the applicable rule mirrors FRCP Rule 20, who may Paula file suit against to recover for the damage to her car and her injuries? Would a court permit joinder of the defendants in a single suit?

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Workshop Pretest Sample Answer

A court will probably hold that Paula can sue Delores, Dennis, Denise, Doug, the manufacturer of the locking mechanism, U-Haul, Do It Yourself Movers, and the appropriate state and federal government agencies (“the defendants”) in the same action under FRCP 20(a); the suit will likely withstand a FRCP 42(b) motion to sever.

FRCP 20(a) states that a plaintiff may file suit against a set of defendants, whether the defendants are liable jointly, severally, or in the alternative, as long as (1) the event giving rise to the suit arose out of the same transaction, occurrence, or series of transactions or occurrences and (2) there are questions of law or fact common to all defendants that arise in the action.

Paula will contend that she can sue the defendants in the same action because she would sue them jointly, severally, or in the alternative on a right to relief arising out of the same occurrence, with at least one question of law or fact common to all the defendants arising in the action.

A. Suit against the defendants arises from the same occurrence

Paula will contend that her suit satisfies the same occurrence requirement. Same occurrence requires that there be a connection between the potential defendants and the event giving rise to the suit. The connection can be illustrated as a “concert of action” or “common thread” that links all defendants to the event that forms the basis of the suit. For example, in *Alexander v. Fulton County*, the court permitted a class of plaintiffs to join their claims because the claims all alleged a pattern and practice of discrimination. The court expressly defined occurrence as all “logically related” events that entitle one to assert a claim against another. Here, as in *Alexander*, a common thread exists because Paula’s claim arises from the same event: a single car accident on I-275. Paula’s Complaint would assert that each defendant is jointly, severally or in the alternative liable for the injuries she sustained and the damage to her car from the accident, just as the each plaintiff in *Alexander* asserted that their claims arose from the same pattern and practice of discrimination. Therefore, the joinder of the defendants in Paula’s suit would satisfy the same occurrence requirement under FRCP 20(a).

The defendants may assert that as in *Apache County*, Paula’s claims assert different bases of liability. For example, liability against Do It Yourself may arise vicariously or from a products liability theory, while liability against Dennis and Delores would sound in pure negligence. Thus, there is no common thread giving rise to the suit.

However, a court will likely reject defendants’ argument, because there need not be a consistent legal theory connecting all the defendants to the plaintiff. Instead, there need only be a logical relationship connecting the events that gave rise to the suit. Here, how the chair came to be on the highway, whether due to the fault of Denise’s and Doug’s

Legal Education at the Crossroads v. 3.0

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packing of the trailer, Do It Yourself's inspection and maintenance of the locking mechanism, U Haul's installation of the lock, or the government's maintenance of the highway, or Dennis's and Delores's response to the chair in the highway have a logical connection—they allegedly caused Paula's accident. Thus a court is likely to permit Paula to join the defendants. Moreover, such a result furthers the policy behind Rule 20: to promote trial convenience, expedite the resolution of disputes, and eliminate unnecessary lawsuits. Here if Paula was to file separate suits against the moving companies, the drivers, and the government, she would have to navigate three different trials and offer the same elements of proof several different times, which would defeat the rule's policy.

B. Suit against the defendants involves a common question of law or fact

This test requires a showing of some common legal or factual questions among the parties sought to be joined. Paula need not show that the same set of legal and factual questions apply to all defendants. Here, the legal questions regarding negligence and specifically causation are common to all the defendants because, arguably, each has had a hand in causing the damages Paula alleges. The defendants have no reasonable argument to the contrary. Therefore, Paula's claim satisfies the common question of law or fact test.

Because Paula's claim arises from the same occurrence and there is a common question of law among the defendants, Paula can satisfy both parts of the Rule 20(a) test. Therefore a court is likely to permit her to join the defendants in a single suit.

C. Paula's claim will likely withstand a FRCP 42(b) Motion to Sever

Rule 42(b) provides for separate trials where the efficiency of a consolidated trial is outweighed by its potential prejudice to the litigants. Such prejudice exists when the joinder would confuse the jury or unfairly prejudice a defendant. When there are core similarities in plaintiffs' claims, the potential for such prejudice is minimized. In evaluating whether to consolidate or sever trials, courts consider the facts and circumstances of each case and balance convenience, economy, expedition, and prejudice.

The defendants will argue that because there are multiple bases of liability, ranging from strict liability to vicarious liability to pure negligence, there is a great potential for jury confusion and one defendant's proof may prejudice another.

Paula will assert, and a court will likely agree, that the core similarities in her claim minimize the potential for prejudice. Paula's claim arises from a single accident involving a chair and two vehicles. That multiple actors may have caused the accident does not mean that a well instructed jury cannot appropriately apportion fault. Having

Legal Education at the Crossroads v. 3.0

Show and Tell Session

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all the actors present in the same action would provide the jury with an opportunity to see the event as a whole and render a more consistent and just verdict.

Thus, if the defendants raise a rule 42(b) challenge, a court is likely to deny it and allow the action to proceed as a single trial.

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Pretest Score Sheet

Legal Analysis Checklist

<u>Criteria</u>	<u>Above Standard</u>	<u>Standard</u>	<u>Below Standard</u>
Explanation of Law			
Accurate			
Complete			
Precise			
Systematic			
Application of Law			
Expressly Connects Law to Fact			
Uses "because"			
Explains legal significance of application			
Addresses Both Sides of the Argument When Appropriate			
Reaches a Conclusion			
Uses Policy Appropriately			
Organization			
Logical, Syllogistic Presentation of Issues			
Clear			
Uses headings and paragraph structure			
Issue Spotting			
Spots actual issues			
Strategic treatment of issues			

Legal Education at the Crossroads v. 3.0
Show and Tell Session
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Post test

Essay Question (40 Points)

Snell Isle Club Apartments is an apartment complex with 272 units located in St Petersburg, Florida in a neighborhood called Eden Isle. Eden Isle is an island that supports the apartment complex and 75 single family homes. The apartment complex and 30 of the homes are located on the outer ring of the island, overlooking Smacks Bayou. For many years, the Bayou has been a place where Eden Isle residents, and other residents of St Petersburg, have brought their watercraft to enjoy boating, skiing, tubing, and jet skiing. Because the waterway is set back apart from the open waters of Tampa Bay, it does not experience the wind and wave action of the bay. With its Crisp Park boat ramp, the Bayou provides easy access to Tampa Bay for a number of St Petersburg neighborhood residents who wish to get out on open water. While the waterway is nearly a three-fourths of a mile wide, its center is quite shallow and requires that boats circulate in its perimeter to avoid contact with sea grasses and the sandy bottom in the center.

Due to its location, Eden Isle's single family homes have long been popular with residents that own boats. Each of the 30 homes around the outside of the island has a doc and most have a boat. Indeed, access to the water has kept the island property values high, even in times when the rest of the real estate market has experienced depreciation.

Due to the population density in St Petersburg as a whole and the limited waterfront property, waterfront property with open water access has been a scarce and highly valued commodity. Because of the over construction of apartments in the early 2000s, finding renters to fill the Snell Isle Club Apartments has been a challenge. Seeking to attract more residents and make the fullest possible use of its waterfront property, the apartment complex has sought permission from state and federal agencies to add 100 docks and boat lifts to its property. The complex would only permit renters in the complex to rent the slips and has agreed to develop the docks and lifts in compliance with recommendations from environmental agencies.

The island homeowners have recently learned that the state and federal government agencies have given the complex a green light to develop the docs and boatlifts. A representative from the home owners association has contacted you, wondering whether the association can use the court system to stop the complex from developing the site. The association is concerned about the effects that 100 additional boats would have on the Bayou. The effects include safety concerns regarding the increased boat traffic, environmental effects of 100 additional boats being cleaned, maintained, and used on the Bayou, and the noise of the additional boats on the Bayou. They worry that the complex would effectively be creating a marina in an area that has long been purely residential in character. Please advise the association's representative as to whether the law can provide the association with any remedy.

Legal Education at the Crossroads v. 3.0
Show and Tell Session
Jeff Minneti
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Post Test Score Sheet

Legal Analysis Checklist

<u>Criteria</u>	<u>Above Standard</u>	<u>Standard</u>	<u>Below Standard</u>
Explanation of Law (4 Points)			
Accurate			
Complete			
Precise			
Systematic			
Application of Law (30 Points)			
Expressly Connects Law to Fact			
Uses "because"			
Explains legal significance of application			
Addresses Both Sides of the Argument When Appropriate			
Reaches a Conclusion			
Uses Policy Appropriately			
Organization (6 Points)			
Logical, Syllogistic Presentation of Issues			
Clear			
Uses headings and paragraph structure			
Issue Spotting			
Spots actual issues			
Strategic treatment of issues			

Legal Education at the Crossroads v. 3.0
Show and Tell Session
Jeff Minneti
Stetson University College of Law

Boatslip Nuisance Problem
Model Answer

The addition of 100 docks and boat lifts to the apartment complex's property does not constitute a nuisance.

A nuisance substantially and unreasonably interferes with the use and enjoyment of plaintiff's property. In assessing whether a nuisance exists, the court must assess 5 factors: (1) location of the claimed nuisance; (2) character of the neighborhood; (3) nature of the thing complained of; (4) frequency of the intrusion; and (5) effect upon the plaintiff's enjoyment of life, health, and property. Furthermore, whether a condition constitutes a nuisance depends on its effect on an ordinarily reasonable person (objective standard), a normal person of ordinary habits and sensibilities. (*Penland*) Because these are factors, not all of them must be satisfied, and the court will apply the factors, within its discretion, on a case by case basis.

Location of the Claimed Nuisance

Plaintiffs will contend that the boatslips will substantially and unreasonably interfere with their use and enjoyment of their property because the boatslips will be located on the same island, Eden Isle, and would be in close proximity to the island homeowners. Due to the boatslips' proximity, everytime they take their boats out into the bayou plaintiffs will have to deal with the boatslips and additional boats.

Defendant will contend that the slips neither substantially nor unreasonably interfere with plaintiffs' use and enjoyment of their property because the island is large enough to support additional boatslips in that there are 272 units located in the apartment complex as well as 75 single family homes. Furthermore, the docks would be built on the outer ring of the island on Apartment property; the construction and use of the slips will affect Apartment property, not the plaintiffs' property. Moreover, the slips will have no affect on the 45 homes located on the center of the island.

Character of the Neighborhood

Plaintiffs will argue that the act of building the dock is a nuisance and substantially and unreasonably interferes with the plaintiff's use and enjoyment of its property because the character of the neighborhood is residential and might attract more outsiders who may lease or rent the docks and boat lifts from the renters in the complex. Plaintiffs will argue that it is a nuisance because the complex would effectively be creating a marina in an area that has long been purely residential in character.

First, Defendants will contend that Plaintiff's argument is too attenuated and speculative, and the apartment complex and homeowners' association could simply institute a policy that not subletting be allowed. Second, Defendants will contend that the act of building

Legal Education at the Crossroads v. 3.0
Show and Tell Session
Jeff Minneti
Stetson University College of Law

the docks is not a nuisance and neither substantially nor unreasonably interferes with the plaintiff's use and enjoyment of its property because the character of the neighborhood will be preserved inasmuch as the complex would only permit renters in the complex to rent the slips, and the Eden Isle community overlooks Smacks Bayou, a place where for many years Eden Isle residents, and other residents of St. Petersburg have brought their watercraft to enjoy boating, skiing, tubing, and jet skiing.

Nature of the Thing Complained of

Plaintiffs will contend that building the docks and boat lifts constitutes a nuisance and will substantially and unreasonably interfere with the plaintiff's use and enjoyment of the land because of safety concerns, environmental effects, and noise of additional boats on the Bayou. The building of the dock constitutes a nuisance because of the safety concerns inasmuch as more docks mean more boats in an area where the center of the waterway is quite shallow and requires that boats circulate in its perimeter to avoid contact with sea grasses and the sandy bottom in the center. Therefore, increased boat traffic raises safety concerns in an area that already might be susceptible to congestion.

Defendants will contend that there is no nuisance because the complex has agreed to develop the docks and lifts in compliance with recommendations from environmental agencies and the state and federal agencies have given the complex the green light to develop the docks and boat lifts. Furthermore, Defendants will argue that there is no nuisance because arguments the plaintiffs make are speculative and not based on any data or facts. Moreover, what plaintiffs are really concerned about, freedom to use the bayou, is use of public submerged land, not the plaintiffs' own land. As island property owners, the apartment complex has the same right to use and enjoy its property as the plaintiffs.

Frequency of the Intrusion

Plaintiffs will contend that building the docks and boat lifts constitutes a nuisance and substantially and unreasonably interferes with plaintiff's use and enjoyment of its property because more boat docks means more boaters in a waterway that forced boats to circulate in its perimeter to avoid contact with sea grasses and the sandy bottom in the center, thus driving the boaters closer to Eden Isle.

Defendants will contend that the frequency of the intrusion will be a minor increase in an area that has for many years been a place where residents enjoy boating, skiing, tubing, and jet skiing. Certainly not all boats in the complex will be in use all the time. And not all boaters will only use the bayou. Many will take their boats elsewhere for recreation.

Effect Upon the Plaintiff's Enjoyment of Life, Health, and Property

Plaintiff's will contend that building more docks will constitute and nuisance and substantially and unreasonably interfere with plaintiff's use and enjoyment of the

Legal Education at the Crossroads v. 3.0
Show and Tell Session
Jeff Minneti
Stetson University College of Law

property because the creation of more docks might drive the property values down for the homeowners. The property valued might be driven down because access to the water has kept the island property values high, even in times when the rest of the real estate market has experienced depreciation. Plaintiffs may posit that more docks will decrease the demand for docks already in existence and drive down their property values.

Defendants will contend that the act of building more docks and boat lifts does not constitute a nuisance and neither substantially nor unreasonably interferes with the plaintiff's use and enjoyment of its property because the effect upon the plaintiff's enjoyment of life, health, and property will be ameliorated. The plaintiff's enjoyment of life, health, and property will be ameliorated because the construction of more docks might increase property values for the residents, by making the area more desirable for renters and owners.

Court's Decision: No Nuisance

The Court will probably hold that building the docks and boat lifts does not constitute a nuisance because, at this point in time, the project neither substantially nor unreasonably interferes with the plaintiff's use and enjoyment of their property inasmuch as the location of the claimed nuisance will be on the perimeter of the island where the water is, the character of the neighborhood will remain residential so long as the complex does not rent docks to outsiders, the nature of the thing complained of is speculative, the frequency of the intrusion may be only slightly increased, and while the boatslips may affect the plaintiff's enjoyment of life, health, and property, the primary effect will be on the bayou itself, which is sovereign submerged land, and which does not belong to the plaintiffs alone. Instead, as public land, the bayou is as much the Apartment Complex's as the homeowners.

If the Court should find that there is a nuisance, it will not likely enjoin the building of the docs

An injunction should not issue as a matter of course. The court may refuse an injunction where the hardship caused to the defendant, in this case the apartment complex, by the injunction would greatly outweigh the benefit resulting to the plaintiffs, the island homeowners. Furthermore, the injunction does not issue as a matter of absolute or unqualified right, but is subjected to the sound discretion of the court. (*Penland*)

Plaintiff will argue that the court should issue the injunction because the benefit to the plaintiff greatly outweighs the hardship to the defendant because plaintiffs are worried about safety concerns for boaters, the environmental effects of 100 additional boats being cleaned, maintained, and used on the Bayou, the noise of additional boats, and the fact that the defendant has not even started to build the docks or boat lifts. If the Apartment complex wanted to rent boatslips to its residents, it could do so at the nearby St Petersburg Yacht Club basin instead.

Legal Education at the Crossroads v. 3.0
Show and Tell Session
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Defendant will argue that the injunction should not be granted because the hardship to the defendant greatly outweighs the benefit to the plaintiff. The hardship to the defendant greatly outweighs the benefit to the plaintiff because the apartment complex has spent resources on planning and permitting the project; the state and federal government agencies have already given the complex a green light to develop the docks and boat lifts, and more docks will mean more revenue for the complex. Furthermore, defendant will contend that the injunction should not be granted because the plaintiff's arguments are merely speculative and are not ripe in that they the difficulties they complain of have not yet occurred nor can those arguments be backed with any facts or data.

Court will probably not grant the injunction because the hardship to the defendant greatly outweighs any potential benefit to the plaintiff since the defendant has expended considerable resources already, the defendant is complying with governmental and environmental regulations, and the plaintiffs have not shown any tangible harm from the boatslips. Their arguments are speculative and lack any factual support.

Whether the court should resolve this private litigation to achieve public objectives such as environmental concerns with seagrass.

It is a rare exercise of judicial power to use a decision in private litigation as a purposeful mechanism to achieve direct public objectives greatly beyond the rights and interests before the court. A court should not try to do this on its own as a by-product of private litigation. (*Boomer*)

Defendant will argue as a matter of public policy that the court should refrain from interfering with the construction of the docks for environmental reasons because private litigation is not the right forum in which to achieve direct public objectives, and the proper forum is the state and federal government agencies which have already given the complex the green light to develop the docks and boat lifts.

If the court determines that the addition of the docks is a nuisance, whether the nuisance is public or private.

Private nuisance is one affecting a single individual or a definite small number of persons in the enjoyment of private rights not common to the public, while a public nuisance is one affecting the rights enjoyed by citizens as part of the public. To constitute a public nuisance, the nuisance must affect a considerable number of people or an entire community or neighborhood. (*Spur Industries*) Courts of equity may, and frequently do, go much further both to give and withhold relief in furtherance of the public interests than they are accustomed to go only when private interests are involved. Here, because the alleged nuisance affects a communities right to use public waterways, the court would likely find that if the boatslips project is a nuisance, it is a public nuisance.



THE DREXEL UNIVERSITY EARLE MACK SCHOOL OF LAW CO-OP EXPERIENCE

Student Pre-Assessment

This survey requires you to take an honest account of your strengths and weaknesses in the legal/professional field. For each of the focus areas below, select the response that best describes how you think a supervisor would evaluate you. Complete this survey as if you are in the role of your own supervisor. In the event you have no experience in a particular area, make a prediction about how you would perform in that area in a professional context. The goal is to provide you with an opportunity to give a frank assessment of your substantive and professional skills as they now stand.

Ratings:

- 1 (POOR) Student fails to meet even minimal expectations
- 2 (FAIR) Student meets only minimal expectations
- 3 (GOOD) Student meets all expectations commensurate with academic level
- 4 (VERY GOOD) Student exceeds expectations in some areas
- 5 (EXCEPTIONAL) Student exceeds expectations in all areas

SUBJECT	FOCUS AREAS	ACHIEVEMENT					COMMENTS In one or two sentences, describe how you might improve in this area during your co-op experience.
		POOR 1	FAIR 2	GOOD 3	VERY GOOD 4	EXCEPTIONAL 5	
WORK PERFORMED	Effectiveness of research strategy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Thoroughness of work product	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Accuracy of work product	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
LEGAL ANALYSIS	Application of case law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Application of statutes and regulations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Appreciation of relevant factual, legal, and procedural distinctions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
WRITING ABILITY	Accuracy and conciseness of writing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Organization of writing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Effectiveness for intended audience	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
FACT INVESTIGATION	Level of preparation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Consideration of appropriate strategies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Thoroughness of student's work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
INTERVIEWING	Appropriateness of interactions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Effectiveness in obtaining relevant information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Clarity in communicating next steps	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

SUBJECT	FOCUS AREAS	ACHIEVEMENT					COMMENTS In one or two sentences, describe how you might improve in this area during your co-op experience.
		POOR 1	FAIR 2	GOOD 3	VERY GOOD 4	EXCEPTIONAL 5	
COUNSELING	Sensitivity to full range of the client's interests and needs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Level of assistance in defining problem and explaining options	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Appropriate attendance to client's concerns	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
NEGOTIATING	Understanding of negotiation process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Understanding of relative merits of parties' positions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Development of win-win solutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
ETHICS	Alertness to ethical issues as they arise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Ethical reflection and analysis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Appropriateness of choices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
EFFORT	Submission of best work product	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Timeliness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Energy and interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
RELIABILITY	Punctuality and availability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Communication regarding assignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Following instructions and meeting deadlines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
INTERPERSONAL RELATIONS	Effectiveness of relationships with attorneys (including you)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Effectiveness of relationships with support staff	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Appropriateness of relationships with clients, court personnel, and others outside the office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
EDUCATIONAL RESPONSIBILITY	Demonstration of initiative	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Appropriateness of assignment clarification efforts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
	Acceptance and incorporation of constructive feedback	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

Placement::	Judicial Chambers	Law Firm	Public Interest	Government Office	In-house Counsel
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Research/Analysis	1	2	3	4	N/A
Writing	1	2	3	4	N/A
Ethics	1	2	3	4	N/A
Professionalism	1	2	3	4	N/A
Client Interaction	1	2	3	4	N/A

Placement::	Judicial Chambers	Law Firm	Public Interest	Government Office	In-house Counsel
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Research/Analysis	1	2	3	4	N/A
Writing	1	2	3	4	N/A
Ethics	1	2	3	4	N/A
Professionalism	1	2	3	4	N/A
Client Interaction	1	2	3	4	N/A

Placement::	Judicial Chambers	Law Firm	Public Interest	Government Office	In-house Counsel
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Research/Analysis	1	2	3	4	N/A
Writing	1	2	3	4	N/A
Ethics	1	2	3	4	N/A
Professionalism	1	2	3	4	N/A
Client Interaction	1	2	3	4	N/A

DATA ENTRY CODING FOR ASSESSMENTS

ENTERED IN APRIL 2009

- 1 = Unsatisfactory
- 2 = Fair/Needs Improvement
- 3 = Good/Meets Expectations
- 4 = Exceptional

1. **Poor**—student fails to meet even minimal expectations
2. **Fair**—student meets only minimal expectations
3. **Good**—student meets all expectations commensurate with academic level
4. **Very Good**—student exceeds expectations in some areas
5. **Exceptional**—student exceeds expectations in all areas

DREXEL UNIVERSITY EARLE MACK SCHOOL OF LAW CO-OP PROGRAM

**Supervisor's Final Evaluation of Co-op Student
Winter 08 & Spring 09 Quarters**

Student:

Professor:

Co-op Partner:

Supervisor:

INSTRUCTIONS TO SUPERVISOR: Please comment on your Co-op student's performance in the relevant skill areas listed below. This evaluation should be completed, signed, and submitted to the Co-op Student and Professor by May 1, 2009. ***PLEASE NOTE THAT THE CO-OP STUDENT WILL NOT RECEIVE ACADEMIC CREDIT FOR THE CO-OP UNTIL THIS EVALUATION IS COMPLETED.***

SUBJECT	QUESTIONS CONSIDERED	ASSESSMENT
WORK PERFORMED	Please describe the work performed during the Fall & Winter Quarters 2007-08. Please include at least one specific project.	
RESEARCH	Is it thorough and accurate? Is the student able to develop a coherent research strategy? Does the student tend to over or under research?	
LEGAL ANALYSIS	Can the student analyze cases, statutes, and regulations, apply the law to the facts, and develop a specific coherent theory?	
WRITING ABILITY	Is the student's work accurate, well written, organized, thorough, and concise? Is the intended audience taken into account? Does the student write persuasively?	

SUBJECT	QUESTIONS CONSIDERED	ASSESSMENT
FACT INVESTIGATION	Is it thorough and imaginative? Are sufficient attempts made to secure all necessary data?	
INTERVIEWING	Is the relevant information appropriately obtained? Is rapport established? Is agreement about what was going to be done (or not done) for the client clearly reached?	
COUNSELING	Does the student help the client define his or her problems, understand and choose among options? Are the client's questions answered? Is the student sensitive to the full range of client needs?	
NEGOTIATION	Does the student demonstrate an understanding of the negotiation process, and an ability to evaluate the strengths and weaknesses of both parties' cases?	
ETHICS	Is the student alert to ethical issues as they arise? Does he or she initiate discussions of these issues?	
EFFORT	In performing assignments, is a zealous attempt made to present the best possible case? Does the student show initiative or only minimal effort to get the work done?	

SUBJECT	QUESTIONS CONSIDERED	ASSESSMENT
RELIABILITY	Is the student punctual with regard to appointments and assignments? Are files and records properly organized and maintained? Are deadlines met?	
INTERPERSONAL RELATIONS	Does the student work effectively with you, other attorneys, support staff, and clients? Are appropriate relationships maintained with clients and administrative and court officials?	
EDUCATIONAL RESPONSIBILITY	Is the student responsive to criticism? Does the student take the initiative in seeking educational experiences and time to meet with his or her supervisor and mentor? Does the student seek appropriate clarification of assignments?	
OVERALL ASSESSMENT	What is the general assessment of the student's work? What are the student's strengths? What types of skills or behaviors would you like to see the student improve?	

CERTIFICATION OF CO-OP COMPLETION

I, the undersigned, hereby certify that _____, Co-op Student, has completed the required number of hours and generally has met the expectations of the placement with _____, Co-op Partner, as of this date, May __, 2009.

Name and Title: