

- a. **Paragraph Description of the topic to include in the program materials.**
  - a. **Thinking Critically about Teaching Goals Through Designing Effective Assessment Rubrics:** In this session, the presenters will describe how each came to appreciate building and using rubrics, one in a Legal Research and Writing course and one in an in-house clinical program. Then, the participants will divide into groups and draft one objective performance outcome and multiple rubrics for measuring it, with the assistance of the presenters. Participants will enhance their understanding of how to build rubrics for the classes they teach.
- b. **The handout materials:**
  - a. **Attached.** We will bring this handout to the session, and it should be posted online.
- c. **Bios:**
  - a. **Kimberly O'Leary is a Professor of Law at the Thomas M. Cooley Law School in Lansing, Michigan. She is the Director of the Sixty Plus, Inc. Elderlaw Clinic and the chair of the Clinical Department at Cooley. She has taught in in-house clinics, externships, seminars and skills courses for over twenty years. Her first introduction to outcome measures and rubrics was in 2001 and it took her seven years to complete a set of outcome measures and rubrics for one in-house clinical course.**
  - b. **Sandra L. Simpson is an Assistant Professor of Law at Gonzaga University School of Law. Professor Sandra Simpson obtained her J.D. from the University of Iowa College of Law in 1992 and her Masters in Teaching from Whitworth University in 1999. She has been a full-time professor of Legal Research & Writing at Gonzaga University School of Law since 2007. Professor Simpson is a published author in the area of death penalty and other preservation of life issues. Professor Simpson also speaks and writes in the area of outcomes assessment, classroom management, and rubric design and creation.**

# **Thinking Critically about Teaching Goals Through Designing Effective Assessment Rubrics**

Presented  
September 12, 2009

At

**Legal Education at the Crossroads v. 3 - Conference on Assessment  
Denver, Colorado**

By: Professor Sandra Simpson <sup>1</sup> & Professor Kimberly O'Leary<sup>2</sup>

## **What is a rubric?<sup>3</sup>**

Rubrics are formal systems for deciding how to describe the quality of a variety of products, activities, processes, and behaviors. These descriptions may be used for formative feedback, determining a student's grade, or student self assessment.

## **How did we come to appreciate and love building and using rubrics?**

Professors Simpson and O'Leary will briefly share their roads to using these rubrics.

## **The Advantages of Using a Rubric.**

1. Gives formative/instructive feedback to students.
2. Makes grading easier and more fair.

---

<sup>1</sup> Professor Sandra Simpson obtained her J.D. from the University of Iowa College of Law in 1992 and her Masters in Teaching from Whitworth University in 1999. She has been a full-time professor of Legal Research & Writing at Gonzaga University School of Law since 2007. Professor Simpson is a published author in the area of death penalty and other preservation of life issues. Professor Simpson speaks and writes in the area of outcomes assessment, classroom management, and rubric design and creation.

<sup>2</sup> Kimberly O'Leary is a Professor of Law at the Thomas M. Cooley Law School in Lansing, Michigan. She is the Director of the Sixty Plus, Inc. Elderlaw Clinic and the chair of the Clinical Department at Cooley. She has taught in in-house clinics, externships, seminars and skills courses for over twenty years. Her first introduction to outcome measures and rubrics was in 2001 and it took her seven years to complete a set of outcome measures and rubrics for one in-house clinical course.

<sup>3</sup> <http://uwf.edu/cutla/rubricdevelopment.cfm>

3. Helps you to focus your classroom work.
4. Forces you to think about your teaching goals (both daily and semester goals) before the semester starts.
5. Complex products or behaviors can be examined efficiently.
6. Summaries of results can reveal patterns of student strengths and areas of concern.
7. Students can use a rubric to assess their own work.
8. Gives students and faculty common language for discussing student abilities and performances.

### **Suggestions for Using Scoring Rubrics<sup>4</sup>**

1. Use a rubric for grading student work, including essay questions on exams, and return the rubric with the grading on it. Faculty members save time writing extensive comments, which are often repetitive; they just circle or highlight relevant segments of the rubric. Each row in the rubric could have a different array of possible points, reflecting its relative importance for determining the overall grade. Points (or point ranges) possible for each cell in the rubric could be printed on the rubric, and a column for points for each row and comments section(s) could be added.
2. Hand out the grading rubric with an assignment so students will know the expectations and how they will be graded. This should help students master the learning objectives by guiding their work in appropriate directions.
3. Develop a rubric with the students for an assignment or group project. Students can then monitor themselves and their peers using agreed-upon criteria that they helped develop. (Many faculty members find that students will create higher standards for themselves than faculty would impose on them.)
4. Have students apply your rubric to some sample products (e.g., sample exam answer or sample paper) before they create their own. Faculty report that students are quite accurate when doing this, and this process should help them evaluate their own products as they develop them.
5. Have students exchange paper drafts and give peer feedback using the rubric, then give students a few days before the final drafts are turned in to you. (You might also require that they turn in the draft and scored rubric with their final paper.)
6. Have students self-assess their products or performances using the grading rubric and hand in the self-assessment with the product; then faculty and students can compare self- and faculty-generated evaluations.

---

<sup>4</sup> From an Assessment Workshop presented at Honolulu Community College on August 31, 2004, by Dr. Mary Allen, The California State University System

## Rubric Development<sup>5</sup> (Two Approaches)

1. Doctrinal/Legal Writing course: Use the class syllabus from the past year
  - a. For each day, think about what skills/information you wanted mastered in that day.
  - b. Will these skills be tested? If so, jot down that skill/information. (These should correspond with your classroom daily goals.)
  - c. Take the created list and group the skills/information into categories.
  - d. Those categories become the stated objective on the rubric. (you may need to pair them down to the most important ones)
    1. How many is good? If this is a diagnostic/formative assessment—err on the side of more objectives. If this is a final assessment—less is OK and might be better/easier to grade.
  - e. Then list the category/objectives and the subpoints underneath.
2. Clinic or Performance-based Course: Think about what you expect from your students at the end of their course experience
  - a. List each expectation.
  - b. Itemize how skilled you think the student needs to be to be minimally competent (or, if you believe your course is designed to teach more than minimal competence, itemize those skill levels).
  - c. If you team-teach, think about all of the judgments about student performance your colleagues have stated when you have worked with them, or engage them in this discussion.
  - d. These skills and minimum levels then become the stated objective, at a satisfactory level on the rubric.
  - e. List the things you have seen students do when you believe they are performing the skill incorrectly; this becomes the "unsatisfactory" level.
  - f. What do the skill performances look like when they are done by your best students? This is "excellent."

---

<sup>5</sup> It should be noted that rubrics come in many forms. The materials include an outline form of a rubric and a grid form of a rubric. The important part of creating a rubric is to consider the specific teaching goal and the discrete information/skill which is being assessed. It is also critically important to convey to the students what each level of performance looks like. This tells the students what is expected of them.

## Cooperative Exercise:

1. Divide into groups depending on what you teach—Clinical, Doctrinal, or LRW.
  - a. Start by discussing the skills and/or performances you want your students to master by the end of the semester.
  - b. Group those skills/performances into categories/objectives
- c. Pick one skill and/or performance you discussed in (a.) and (b.) above. Write down what qualities you would look for to fill in the assessment portion of the rubric. Use the following guidelines:
  - a. *Descriptors of the criteria used for classifying work or assigning points for an element*
    1. Describe the characteristics of the performance or work that must be present for the work to be assigned to a given level of achievement. These descriptions may include the following types of information:
      - A. Descriptions of the general characteristics of work assigned to each level of quality.
      - B. Specific, concrete examples or telltale signs of what to look for at each level of performance. These examples are useful for providing specific feedback to students without writing marginal notes.

Examples may include characteristics that contribute to a higher rating (*e.g., assertions are always supported with empirical evidence or a cited work*) or common errors that lead to a lower rating (*e.g., frequent errors in spelling or grammar*).
  - b. Now assign points to each of the objectives.

**Remember—Rubrics are very fluid. It is expected and common to change the rubric each time it is used.**

**Contact me if you need any assistance—I would even be happy to preview your rubrics.**

**Sandra Simpson**

**Assistant Professor of Legal Research & Writing**

**Gonzaga University School of Law**

**[slsimpson@lawschool.gonzaga.edu](mailto:slsimpson@lawschool.gonzaga.edu)**

**509-313-3809**

## Helpful Websites

<http://uwf.edu/cutla/rubricdevelopment.cfm>

### **AACSB Web site**

[http://www.aacsb.edu/Resource\\_Centers/Assessment/rubric.asp](http://www.aacsb.edu/Resource_Centers/Assessment/rubric.asp)

### **The California State University**

[http://www.calstate.edu/itl/sloa/links/using\\_rubrics.shtml](http://www.calstate.edu/itl/sloa/links/using_rubrics.shtml)

### **Honolulu Community College**

Site based on a workshop provided by Dr. Mary Allen (The California State University System)

<http://honolulu.hawaii.edu/intranet/committees/FacDevCom/guidebk/teachtip/rubric.htm>

### **Kennesaw State University**

<http://edtech.kennesaw.edu/intech/rubrics.htm>

### **Seattle University CETL**

<http://www.seattleu.edu/cetl/cetlresources/online.html#Evals>

### **Texas Center for Educational Technology**

<http://www.tcet.unt.edu/START/instruct/general/rubrics.htm>

## **Collections of Rubric Links**

California State University

<http://www.calstate.edu/itl/sloa/links/rubrics.shtml>

Georgia State University

Includes rubrics for essay questions, logs and journal writing, lab write-ups

<http://www2.gsu.edu/~mstnrhx/457/rubric.htm>

Marquette University

Research, writing, and oral presentation rubrics

<http://marquette.edu/library/training/rubriccollection.html>

North Carolina State University link to an extensive collection of rubrics hosted by MindLink

<http://www.ncsu.edu/midlink/ho.html>

Winona State University

<http://www.winona.edu/AIR/rubrics.htm>

Rubric Template<sup>6</sup>

(Describe here the task or performance that this rubric is designed to evaluate.)

	<b>Beginning</b>	<b>Developing</b>	<b>Accomplished</b>	<b>Exemplary</b>	<b>Score</b>
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	
Application	Description of identifiable performance characteristics reflecting a beginning level of performance.	Description of identifiable performance characteristics reflecting development and movement toward mastery of performance.	.	Identifies the issue and situates it in policy and facts. Explains the significance of the issue.	
Stated Objective or Performance	Description of identifiable performance characteristics reflecting a beginning level of performance.	Description of identifiable performance characteristics reflecting development and movement toward mastery of performance.	Description of identifiable performance characteristics reflecting mastery of performance.	Description of identifiable performance characteristics reflecting the highest level of performance.	
Stated Objective or Performance	Description of identifiable performance characteristics reflecting a beginning level of performance.	Description of identifiable performance characteristics reflecting development and movement toward mastery of performance.	Description of identifiable performance characteristics reflecting mastery of performance.	Description of identifiable performance characteristics reflecting the highest level of performance.	
Stated Objective or Performance	Description of identifiable performance characteristics reflecting a	Description of identifiable performance characteristics reflecting	Description of identifiable performance characteristics reflecting	Description of identifiable performance characteristics reflecting the	

<sup>6</sup> [http://edweb.sdsu.edu/triton/july/rubrics/Rubric\\_Template.html](http://edweb.sdsu.edu/triton/july/rubrics/Rubric_Template.html)

	beginning level of performance.	development and movement toward mastery of performance.	mastery of performance.	highest level of performance.	
Stated Objective or Performance	Description of identifiable performance characteristics reflecting a beginning level of performance.	Description of identifiable performance characteristics reflecting development and movement toward mastery of performance.	Description of identifiable performance characteristics reflecting mastery of performance.	Description of identifiable performance characteristics reflecting the highest level of performance.	

Written by Your Name. Last updated mm/dd/yy.

## Example of Outline Rubric

### Rubric for Office Memorandum Second Semester—Statutory Memo

Name \_\_\_\_\_

Section \_\_\_\_\_

Overall Assessment \_\_\_\_\_

1. **Heading** \_\_\_\_\_/0  
Proper form as laid out in the book
2. **Question(s) Presented** \_\_\_\_\_/10  
**Very Good (A)**—Student uses roman numerals, block indents on the left, and uses single space. Student also states this as a question, uses significant facts to support the claim (and give the reader a clear picture of what is going on), cites the law and what the statute means, writes in the active voice, and puts the questions in logical order and in the order they are presented in the paper. The questions are also stated generally—meaning the names of the parties are not used, for example. Question is very readable on the first read.  
**Good (B)**—Student uses roman numerals, block indents on the left, and uses single space. Student also states this as a question, uses some facts to support the claim (but not enough to fully describe the situation), cites the law, writes in the active voice, and puts the questions in logical order and in the order they are presented in the paper. The questions are also stated generally—meaning the names of the parties are not used, for example. Question is not readable on the first read.  
**Fair (C)**—Student uses roman numerals, block indents on the left, and uses single space. Student also states this as a question, student does not use facts to support the claim; student does cite the law but not specific enough; student writes in the active voice; and student puts the questions in logical order and in the order they are presented in the paper. The questions are not stated generally—meaning the names of the parties are used, for example. Question is not readable on the first read.  
**Significant Improvement Needed (D)**—Student does not follow instructions on how to physically present a question presented (i.e. student does not block indent). It is not presented as a question; there are no facts used to support the claim; the law is not cited; the law is not described; student struggles with the active voice; the questions are not in logical order and are not stated generally.
3. **Short Answer** \_\_\_\_\_/10  
**Very Good (A)**—Student directly answers the question with a Yes or No. Student follows the direct answer with a two or three sentence explanation that really gets to the heart of why the court will decide one way or another. No authority is discussed here.  
**Good (B)**—Student directly answers the question. Student follows the direct answer with a two or three sentence explanation. That explanation, however, does not adequately get to why the court will decide one way or another. Student does not discuss authority.  
**Fair (C)**—Student does not directly answer the question. Student does have two or three sentences which answer the question. Student does not demonstrate that he/she really understands why the court will decide one way or another. Student does not discuss authority  
**Significant Improvement Needed (D)**—Student does not follow instructions on how to give a short answer: student does not answer the question; student is not clear as to the reason why this is the answer; student discusses authority here.
4. **Facts** \_\_\_\_\_/20  
**Very Good (A)**—Student starts with a paragraph that tells who the client is and what the client wants or what the problem is, and the student provides a framework for the problem. Student then introduces the legal problem by telling what happened. It is clear from the fact pattern’s organization what the elements of the rule are. Further, the student only includes relevant facts and facts that are necessary to paint the picture and tell the story. Student cites to the source of the facts after every sentence. Facts are objectively presented. Lastly, the last

paragraph includes what relief the client wants or what the student was asked to analyze. The reader is left with a clear picture of what happened.

**Good (B)**-- Student starts with a paragraph that tells who the client is and what the client wants or what the problem is, and the student provides a framework for the problem. Student then introduces the legal problem by telling what happened. It is only somewhat clear from the fact pattern's organization what the elements of the rule are. Further, the student does include relevant facts and facts that are necessary to paint the picture and tell the story, but the student also includes some irrelevant facts. Student does not consistently cite to the source of the facts after every sentence. Facts are objectively presented. The last paragraph includes what relief the client wants or what the student was asked to analyze. The reader is left with a clear picture of what happened.

**Fair (C)**—Student does not start with a paragraph that tells who the client is and what the client wants or what the problem is. The student does provides a framework for the problem. Student then introduces the legal problem by telling what happened, but it is not organized well. It is only somewhat clear from the fact pattern's organization what the elements of the rule are or it is not clear from the fact pattern's organization what the elements of the rule are. Further, the student does include relevant facts and facts that are necessary to paint the picture and tell the story, but the student also includes some irrelevant facts. Student does not cite to the source of the facts after any sentence. Facts are not always objectively presented. The last paragraph does not include what relief the client wants or what the student was asked to analyze. The reader is left with an unclear picture of what happened.

**Significant Improvement Needed (D)**—Student does not start with a paragraph that tells who the client is and what the client wants or what the problem is. The student does not provide a framework for the problem. Student does tell what happened but it is not organized in a way to help the reader understand what happened. It is not clear from the fact pattern's organization what the elements of the rule are. Student needs to rethink the importance of the fact pattern's organization. Further, the student does not include enough relevant facts that are necessary to paint the picture and tell the story. Student does not cite to the source of the facts after any sentence. Facts are not objectively presented. The last paragraph does not include what relief the client wants or what the student was asked to analyze. The reader is left with an unclear picture of what happened.

5. **Applicable Statutes Section:** \_\_\_\_\_/5

a. Students lists sections **and text** of the major statutes

6. **Discussion Section** \_\_\_\_\_/100

**Very Good (A)**—Student's first paragraph is in the thesis paragraph form and lays out the general rules and any necessary the sub rules and lays out how each will be discussed in the paper. Student then starts his/her first StREAC following the same order laid out in the thesis paragraph. It is clear from the student's organization and words where each StREAC starts and ends. Each paragraph contains a topic sentence that signals the reader as to its purpose, direction, and point in the analysis; introduces the legal issue/sub issue to be addressed in the paragraph; summarizes the basic idea in the paragraph; provides a roadmap for the reader. Also present in the topic sentences is the thread which ties all the paragraphs in that StREAC together. Each paragraph ends with a conclusory sentence which ties the paragraph together and ties it to the other paragraphs.

Student analyzes the questions by applying the applicable statutes. Student breaks down the statutes into elements and analyzes them separately (with its own StREAC); and where appropriate, the student uses plain meaning, court interpretation, canons of construction, and legislative history. Student uses the most persuasive authority to support his/her points. Both sides are presented where appropriate.

**Good (B)**-- Student's first paragraph is in the thesis paragraph form and lays out the general rules and any necessary the sub rules and lays out how each will be discussed in the paper. Student then starts his/her first StREAC following the same order laid out in the thesis paragraph. It is sometimes unclear from the student's organization and words where each StREAC starts and ends. Most paragraphs contains a topic sentence that signals the reader as to its purpose, direction, and point in the analysis; introduces the legal issue/sub issue to be addressed in the paragraph; summarizes the basic idea in the paragraph; provides a roadmap for the reader. The thread which ties all the paragraphs in that StREAC together is not always present. Most paragraphs ends with a conclusory sentence which ties the paragraph together and ties it to the other paragraphs.

Student analyzes the questions by applying the applicable statute(s). Student breaks down the statutes into elements and analyzes them separately (with its own StREAC); and where appropriate, the student uses plain

meaning, court interpretation, canons of construction, and legislative history. Student uses the most persuasive authority to support his/her points. Both sides are presented where appropriate.

**Fair (C)**—Student’s first paragraph is in the thesis paragraph form and lays out the general rules and any necessary the sub rules, but the student does not lay out how each will be discussed in the paper. Student then starts his/her first StREAC following the same order laid out in the thesis paragraph. It is generally unclear from the student’s organization and words where each StREAC starts and ends. StREAC form is confused. A few paragraphs contains a topic sentence that signals the reader as to its purpose, direction, and point in the analysis; introduces the legal issue/sub issue to be addressed in the paragraph; summarizes the basic idea in the paragraph; provides a roadmap for the reader. The thread which ties all the paragraphs in that StREAC together is not present in most paragraphs. Student’s paragraphs do not end with a conclusory sentence which ties the paragraph together and ties it to the other paragraphs.

Student analyzes the questions by applying the applicable statute(s). Student breaks down the statutes into elements, but does not analyzes them separately (with its own StREAC); and where appropriate, the student uses plain meaning, court interpretation, canons of construction, and legislative history. Student does not use the most persuasive authority to support his/her points. Both sides are not presented.

**Significant Improvement Needed (D)**—Student’s first paragraph is not in the thesis paragraph form. It is generally unclear from the student’s organization and words where each StREAC starts and ends. StREAC form is confused. Student’s paragraphs do not contain topic sentences that signal the reader as to its purpose, direction, and point in the analysis; introduces the legal issue/sub issue to be addressed in the paragraph; summarizes the basic idea in the paragraph; provides a roadmap for the reader. The thread which ties all the paragraphs in that StREAC together is not present in the topic sentence. Student’s paragraphs do not end with a conclusory sentence which ties the paragraph together and ties it to the other paragraphs.

Student analyzes the questions by applying the applicable statute(s). Student does not break down the statutes into elements, and does not analyzes them separately (with its own StREAC); and where appropriate, the student does not use plain meaning, court interpretation, canons of construction, and legislative history. Student does not use the most persuasive authority to support his/her points. Both sides are not presented

7. Conclusion: \_\_\_\_\_/5

**Very Good (A)**--It is clear what the rules are, what the issues are, and what the sub issues are. The student’s conclusions are clear. The student’s reasons for his/her conclusions are clear.

**Good (B)**--It is mostly clear what the rules are, what the issues are, and what the sub issues are. The student’s conclusions are mostly clear. The student’s reasons for his/her conclusions are mostly clear. More reasons are needed to support the student’s conclusions.

**Fair (C)**—It is somewhat clear what the rules are, what the issues are, and what the sub issues are. The student’s conclusions are somewhat clear. The student’s reasons for his/her conclusions are not clear. More reasons are needed to support the student’s conclusions.

**Significant Improvement Needed (D)**—It is not clear what the rules are, what the issues are, and what the sub issues are. The student’s conclusions are not clear. The student’s reasons for his/her conclusions are not clear. More reasons are needed to support the student’s conclusions.

8. Format \_\_\_\_\_/30

Student uses 1 inch margins, 12 point New Times Roman type, proper citation form, and no plagiarism problems. Students get 30 points on a graded assignment for format issues. Once 30 problems are noted, the student loses all the points and the grader stops commenting on the formatting issues-including citation problems.

9. Paper is free of editing problems \_\_\_\_\_/20

Students can have up to 20 editing errors. Once 20 editing errors are noted, the grader stops noting the errors and student lose 20 points on a graded assignment.

## **Outcomes at the end of two terms in Sixty-Plus**

**At the end of two terms in Sixty-Plus, the goal is that students should be able to perform all of the following skills at a Satisfactory level and should not be performing any of them at an Unsatisfactory level.**

### **1. Interviews clients appropriately**

#### **A. Identifies client goals**

##### ***Excellent***

After interviews and as case progresses, can state accurately all key goals identified by client, sees lesser goals where they exist, and can imagine other potential goals client might have after further questioning.

##### ***Satisfactory***

After interviews and as case progresses, can state accurately all of the key goals identified by the client and some additional lesser goals identified by client.

##### ***Unsatisfactory***

Misses or misunderstands one or more key goals identified by client and sees no lesser goals identified by client. Routinely assumes client's goals to be what student think they should be.

#### **B. Identifies legal and non-legal issues implicit in situation but not explicitly identified by the client.**

##### ***Excellent***

After client interviews, can list full range of legal issues that might be relevant to solving the client's problems. Can also list full range of non-legal issues that might assist or impede resolving client's problems. Understands the difference between legal and non-legal issues.

##### ***Satisfactory***

After client interviews, can list main legal issues that might be relevant to solving the client's problems. Can also list one or more major non-legal issues that might assist or impede resolving client's problems. When assisted by supervisor or colleagues, can generate more complete list of both legal and non-legal issues.

##### ***Unsatisfactory***

After client interviews, usually has no idea what the legal issues are. Regularly lists potential legal issues that are not germane the client's problems. Rarely identifies non-legal issues that affect resolution of client's problems.

#### **C. Uses appropriate tone and words when speaking to clients**

##### ***Excellent***

Speaks in language that is understandable to the client but not patronizing. Speaks with clear diction and loudly enough for client to hear but not so loud as to be uncomfortable. Tone is reassuring to client. Adjusts tone and words based on client's questions, comments and body language.

##### ***Satisfactory***

Makes consistent efforts to speak in language that is understandable to the client but not patronizing, and succeeds in that effort most of the time. When told he or she is not speaking loudly enough or too loudly, adjusts volume. When told tone or words make client uncomfortable, adjusts tone or language.

***Unsatisfactory***

Uses gratuitous legalese, offensive words or phrases, or uses tone of voice that makes the client uncomfortable. Consistently speaks too softly or too loudly. Is unaware of effect of own tone or language on client.

**D. Understands when to give or not give legal advice**

***Excellent***

Understands difference between giving legal advice and providing general legal information in client encounters and public speaking engagements. Never gives legal advice in intake interview other than pre-arranged protocol; gives legal advice in later encounters with client only after consultation with supervisor. Understands policy behind rule.

***Satisfactory***

Understands difference between giving legal advice and providing general legal information in client encounters and public speaking engagements. May slip on occasion and give legal advice outside protocols, but upon reflection understands mistake and discusses with supervisor, then modifies future behavior.

***Unsatisfactory***

Gives legal advice during intake interviews and/or speaking engagements; when confronted with problem, doesn't understand distinction between providing legal advice versus general legal information. Legal advice often incorrect.

**E. Exhibits empathy for client's situation**

***Excellent***

Accurately understands client's feelings about issues and events under discussion through observation of client and verification with client. Can articulate client's point of view about situation. Responds appropriately to emotional content of client's words and body language.

***Satisfactory***

Understands main parameters of client's feelings about issues and events under discussion. Understanding is accurate most of the time. Can begin to articulate client's point of view about situation although some aspects are sketchy. Makes effort to respond appropriately to emotional content of client's words and body language.

***Unsatisfactory***

Ignores or misses client's expression of feelings. Does not respond to emotional content of client's words or body language or responds inappropriately (e.g. expresses anger to the client or continuously changes subject when client is trying to express emotional reaction to events.)

**F. Knows when client values and goals are different from student's values and goals and addresses differences to ensure good representation of client**

***Excellent***

In discussions with supervisor, partner, or with other members of firm, student regularly articulates own values about case or client goals, and student regularly articulates client's values and goals about case, and student can see where those goals and values are similar or different. Student initiates discussions about differences with supervisor or colleagues. Student understands how own feelings might affect representation of client and takes steps to ensure feelings do not interfere with client representation. Student discusses differences with client when appropriate, does not discuss differences with client if not appropriate, and discusses differences in a manner that respects client autonomy.

***Satisfactory***

Student can recognize when client values or goals are different from own values or goals in situations where student's feelings are interfering with client representation. When asked to discuss topic, student can do so and demonstrates basic insight into any problems and addresses them.

***Unsatisfactory***

When student's feelings about the client's values and goals produce strong feelings that lead to clouded judgement, student fails to recognize source of problem and does not address the problem even when asked to do so.

**2. Prioritizes and accurately assesses a range of legal and non-legal options to help client achieve goals.**

**A. Prioritizes tasks in light of time and resources available, and probable consequences of identified options, and understands strengths and weaknesses of options analytically and practically**

***Excellent***

Focuses time and attention of options most likely to produce results for clients, but also spends some time eliminating less likely options. Has in-depth understanding of all relevant strengths and weaknesses of options through analysis of law and practical understanding of how systems work. Understands consequences to client based on client's goals.

***Satisfactory***

Focuses time and attention on options most likely to produce results for client. Has basic and accurate understanding of most relevant strengths and weaknesses of options through analysis of law. Asks questions about practical effect of options and effect of options on client's life.

***Unsatisfactory***

Spends too much time researching options that have very little likelihood of helping client or too little time researching options that have good likelihood of helping client. Assesses strength of options without conducting adequate research or without being able to accurately state strength and weaknesses of options. Procrastinates.

**B. Researches resources to accurately identify and assess options**

***Excellent***

Finds basic legal options in appropriate legal sources, such as cases, statutes, court rules, hornbooks, or regulations. Can use books and computer research. Knows which type of resource is appropriate. In addition to basic sources, brings in legal knowledge from other

disciplines to make creative analogies and arguments. Finds non-legal resources such as assistance programs, medical services, etc. or finds accurate, up-to-date referral information where client can learn about non-legal options.

***Satisfactory***

Routinely goes to appropriate legal resources such as cases, statutes, court rules, hornbooks or regulations to identify legal options. With help, can use books and computer research. Knows which resources are appropriate. Can find obvious non-legal resources or referrals.

***Unsatisfactory***

Misses key legal resources when researching the law. Always asks other people to tell him or her what the law is instead of looking for the law himself or herself. Quotes the law based on memory and does not verify current accuracy. Usually does not look for non-legal resources or referrals.

**C. Appropriately seeks assistance from other people to further identify options.**

***Excellent***

In addition to researching resources, knows when to ask and asks other people such as lawyers, other interns, librarians, court clerks, staff, or experts for insights that will help the student find information. Only asks other people after researching options in obvious places. When asking others for information, clearly identifies issue and explains what his or her research has revealed. Verifies information provided by others with own research.

***Satisfactory***

When asked to do so by supervisor, talks to other people such as lawyers, other interns, librarians, court clerks, staff or experts for insights that will help the student find information. Usually talks to others when supervisor suggests. Verifies information provided by others with own research.

***Unsatisfactory***

Never or rarely asks other people for additional insight even when supervisor suggests it would help and cannot find information any other way. Conversely, asks other people to give him or her all the answers without doing appropriate prior research.

**3. Presents options and consequences to client in an understandable format**

***Excellent:*** Accurately and clearly identifies strengths and weaknesses of options in writing and orally, provides opinion based upon client's goals and needs in an appropriate fashion, and adjusts opinion based upon client's responses and additional information.

***Satisfactory:*** Accurately identifies most of the major strengths and weaknesses of options in writing and orally; provides opinion based upon client's goals and needs in a fashion appropriate to the client. With help, readjusts opinion based upon client's responses and additional information.

***Unsatisfactory:*** Cannot identify major strengths and weaknesses of options. Is a poor communicator, in writing or orally. Never notices the need to adjust opinions based on client's response or additional information.

#### **4. Identifies ethical issues when present in casework, and acts consistent with rules of ethics in the particular jurisdiction of practice**

**Excellent:** Sees ethical issues when present in a case. Researches and analyzes ethics issues correctly. Sees broader ethics implications not necessarily delineated in ethics rules. Acts based on good judgment and good understanding of ethics rules.

**Satisfactory:** Sees glaring ethics issues when present in a case, and understands that other ethics issues are implicated when pointed out by a supervisor, student or staff. With help, able to analyze and research ethics issues correctly. With guidance, can see broader ethical implications not necessarily delineated in ethics rules. Makes adequate decisions consistent with ethical practice.

**Unsatisfactory:** Ignores ethics issues even when raised by a supervisor, staff or student. Does not understand what rules of ethics require. Cannot see broader ethical implications not necessarily delineated in ethics rules. Cannot reach a conclusion about projected action or makes bad choices.

#### **5. Communicates with third parties (e.g. judges, other attorneys, witnesses, agency staff, etc.) when necessary to help resolve client problems**

##### **A. Demonstrates good understanding of rules of confidentiality**

**Excellent:** When communicating with third parties, only reveals information as necessary to assist client; when it becomes advantageous to reveal a client confidence or secret to assist client, seeks and obtains client permission first. Keeps client apprised of communications with third parties.

**Satisfactory:** When communicating with third parties, reveals only information that is already public or which is clearly not protected information under rules of ethics. Seeks permission prior to revealing client confidence or secret.

**Unsatisfactory:** Does not understand what information is confidential; casually reveals to persons outside the law firm details of client's situation. Does not keep client informed when speaking to third parties.

##### **B. Written and oral communication is understandable and persuasive to the audience**

**Excellent:** Writes in plain English, clearly and says as little as possible to make cogent points. Communications are well-organized and easy to follow.

**Satisfactory:** Writes grammatically and without obvious errors. For the most part, communications are understandable and say what student intends.

**Unsatisfactory:** Communications contain errors or sound unprofessional. Audience cannot easily understand what student is trying to communicate.

##### **C. Tone is appropriate under the circumstances**

**Excellent:** Student has clear understanding of who the audience is; considers in advance intended tone (e.g. adversarial, persuasive, informative, cooperative, etc.) and achieves desired tone.

**Satisfactory:** Student adjusts communications based on intended audience; considers intended tone and achieves it most of the time.

**Unsatisfactory:** Student fails to consider intended audience; conveys tone that interferes with intended outcomes of communications.

## **6. Works professionally with staff, other interns, and supervisors.**

**A.** Treats staff, other interns, and supervisors with respect.

**Excellent:** Is prompt for appointments with others; asks for help respectfully; critiques others with respect. Volunteers to help when appropriate and possible. Is direct in asking for help and conveying information. Includes all relevant parties when engaging in tasks.

**Satisfactory:** Isn't late very often and, when late, calls to inform relevant parties; Keeps most people informed of tasks. Asks for help when needed and provides help when asked.

**Unsatisfactory:** Is frequently late or fails to call when late sporadically; Does not keep relevant parties informed. Does not assist others. Is rude.

**B.** Either follows office policies and procedures or makes a case for an exception or change in policy or procedure where warranted, understanding reasons for procedures.

**Excellent:** Has read intern procedure manuals and has good understanding of how office systems work; follows systems consistently. When student fails to understand how systems work, asks for guidance. When student believes that following an office procedure is not good for achieving client goals, or that there is a better way to achieve those goals, respectfully discusses alternate process with supervisor.

**Satisfactory:** Has good understanding of how office systems work; follows office policies most of the time.

**Unsatisfactory:** Ignores office policies and procedures. Changes policies or procedures without any discussion with supervisor or staff.

**C.** Mentors junior intern in second term.

**Excellent:** Provides basic orientation to junior intern in first two weeks, is available to junior intern to problem-solve office or course-related issues. Attends all client meetings and other significant events as outlined in manual. Helps when needed but is not too directive when not needed. Observes junior intern's strengths and weaknesses and provides constructive critique to assist them.

**Satisfactory:** Provides basic orientation to junior intern in first two weeks. Attends all client meetings and other significant events as outlined in manual, or misses only once with good justification. Makes effort to provide other assistance with course or cases, at least when asked by junior intern.

**Unsatisfactory:** Fails to provide orientation to junior in first two weeks. Misses more than one meeting or fails to have justification or provide notification when missing any meetings with junior intern. Does not pick up on requests for help from junior.

**D.** Shows independence in thought and action; takes responsibility for actions, is organized and exhibits good time management skills.

**Excellent:** Generates theories without prodding and explores them on his or her own. Keeps track of tasks required for management of clinic work well in advance and completes most tasks in a timely fashion; adjusts time-frame for tasks as factors develop; enters court dates and other external timelines in database calendar and also enters dates to monitor progress on completing tasks. Calculates statute of limitations for any new claim or theory. If unable to complete a task, asks for help in a timely fashion.

**Satisfactory:** Generates theories with assistance and follows up on suggested actions. Has basic list of tasks under control and keeps up most of the time. Puts external dates and deadlines in calendar system of database. Calculates statute of limitations.

**Unsatisfactory:** Is never sure what he or she is supposed to be working on; scrambles to complete tasks on time or is chronically late completing tasks; when unsure what to do, hides that fact from supervisor and partner. Never calculates or writes down external dates and deadlines.

**7. Has a working knowledge of a range of civil law and procedure affecting elderly people in the United States and is able to apply that knowledge competently**

**A. After meeting with a client over sixty, can identify a wide range of approaches to explore in general civil problems**

***Excellent***

Has rudimentary understanding of many civil legal issues affecting the elderly, and has very detailed understanding of some areas such as family law, consumer law, contracts law, housing law, government benefits, property law, probate and estate planning. Knows where to find more specific information about these areas of the law.

***Satisfactory***

Has rudimentary understanding of a wide range of civil legal issues affecting the elderly, including basic concepts in family law, consumer law, contracts law, housing law, government benefits, property law, probate and estate planning. Knows where to find more specific information about these areas of the law.

***Unsatisfactory***

Does not understand basic legal concepts in most areas of civil law related to the elderly. Gets basic concepts confused, such as not understanding the difference between Medicare and Medicaid or not understanding what a trust is.

**B. Understands basic rules of civil procedure and applies them appropriately**

***Excellent***

When generating legal theories, independently thinks about which procedures will or will not work. Looks up specific rules and language to make arguments.

***Satisfactory***

When prodded, figures out how procedures will affect legal work. Explores procedural rules when asked.

***Unsatisfactory***

Consistently forgets about role of procedure in pursuing legal strategies; mis-reads or remembers incorrectly what the rules require.

**C. Can draft basic estate planning documents appropriate to the needs of most middle-income or low-income clients**

***Excellent***

Thoroughly researches every aspect of a client's estate and verifies ownership interests and methods of passing assets. Can draft a Will, and Durable Power of Attorney, a Medical Power of Attorney, a trust, a deed and other documents needed to assist a client. Suggests changes to template language when in the best interests of the client. Understands what the provisions mean in the documents and can explain them to the client. Determines which documents best suit the needs of a specific client.

***Satisfactory***

Understands the facts related to a client's entire estate (both probate and non-probate) and can draft a Will, a Durable Power of Attorney and a Medical Power of Attorney consistent with the laws of Michigan and using templates. Understands what the provisions mean in each document and can explain those concepts to a client. Understands why specific documents are or are not useful to a particular client. Understands that other documents may be needed to meet the client's goals and knows how to find out more about those documents (e.g. a deed, a trust, etc.) and with help can draft those documents.

***Unsatisfactory***

Fills in blanks in estate planning templates without understanding what the provisions mean. Fails to verify ownership or other status of assets. Does not distinguish between probate and non-probate assets or figure out how assets will pass after death.

**D. Is sensitive to specific challenges facing older persons and how those challenges affect legal representation**

***Excellent***

Creates an environment that maximizes client's ability to participate fully. Is aware of legal arguments specific to an aging population (e.g. garnishability of Social Security, duress arguments in probate or contracts).

***Satisfactory***

Has basic understanding of aging process and is sensitive to hearing loss, loss of vision or mobility concerns. Is respectful toward client (e.g. does not address client by first name) and speaks directly to client and not to third parties.

***Unsatisfactory***

Ignores needs of client such as hearing loss, vision loss, mobility issues or cognitive impairments. Speaks too fast and does not pick up on cues that client is not following conversation. Is disrespectful of the client.

**8. Participates in the local community as a lawyer and understands the role lawyers play in regional life**

**A. Presents legal information to local groups of citizens or advocates or creates structures that improve ability of office to provide legal information in the future**

***Excellent***

Can present information about legal topics to a group of non-lawyers in an understandable fashion. Creates other avenues for disseminating useful legal information to a wide range of people.

***Satisfactory***

Can present information about Sixty Plus services or legal topics to a group of non-lawyers in an understandable fashion. When questioned, understands the difference between general information and prohibited legal advice.

***Unsatisfactory***

Never speaks to anyone outside of the office about legal issues. Fails to show up for speaking engagement or presents information in a way people cannot understand it or incorrectly.

**B. Is aware of local or regional networks that influence policy or practice in chosen area of law**

***Excellent***

Knows about a variety of policy task force, bar association, continuing education or other groups that influence the laws that affect target group of clients. Participates in one or more meetings.

***Satisfactory***

Knows about a variety of policy task force, bar association, continuing education or other groups that influence the laws that affect target group of clients. Considers how, in the future, to participate in such groups.

***Unsatisfactory***

Fails to discover anything about policy, bar association, continuing education or other groups that influence the laws that affect target group of clients. Has no plans to participate in any such groups in the future.