From the Editors

A quiet revolution is taking place in legal education. For close to a century, law schools used the bar exam as the principal method of testing whether students were graduating with the knowledge they needed to practice law. But in 2014, new ABA Standards and Rules of Procedure for Approval of Law Schools ("ABA Standards") were adopted and implemented in time for accreditation visits occurring in 2016-2017. These revised accreditation standards require law schools to develop programmatic student learning outcomes as well as methods to assess those outcomes. (ABA Standards 301, 302, 314, and 315 – see appendix I). These new requirements are sparking some of the most significant, systemic changes to law school pedagogy that we have seen in many years.

The assessment standards stem from a broader movement in higher education from a traditional, input-based, prescriptive system of accreditation (focusing on budget, facilities, academic metrics of incoming students and the number of faculty) to an outcome-based system of accreditation. The ABA has also embraced a shift from historic output measurements, such as bar passage or job placement, to a focus on student learning outcomes and the assessments of such student learning outcomes. Law schools faced with these new standards must quickly familiarize themselves with best practices in designing student learning outcomes and assessments, and ideally schools will use this opportunity to modify and improve their programs. With such changes underfoot, the JLE devotes this issue to the new ABA Standards on assessments – on formative and summative assessment to be employed by individual faculty members as well as practices and requirements governing institutional assessment.

We begin with Steven Bahls, chair of the Student Learning Outcomes Subcommittee of the ABA Section on Legal Education and Admissions to the Bar, who participated in drafting of these new standards. President Bahls details the context and process by which these standards were developed, the comments considered by the committee and the changes made in response. In so doing, President Bahls clarifies the motivations, interpretations, and policy objectives underlying these new standards. Dean Judith Welch Wegner, co-author of *Educating Lawyers: Preparation for the Profession of Law* (more commonly known as the Carnegie Report), places these standards in the context of twenty years of conversation on pedagogy between the bar and the legal academy. She unpacks the concept of assessment and the multiple respects in which that concept is incorporated into the revised ABA Standards, with an eye to helping faculty members and law schools understand assessment and implement high-quality assessment practices rather than fall prey to erroneous assumptions or problematic practices. Most interestingly, Dean Wegner also

turns to the ABA Standards themselves and argues for an assessment of these accreditation requirements.

On institutional assessment, Dean Susan Duncan follows with her very thoughtful discussion on how law schools can implement institutional assessment practices and the role of law school deans in encouraging these changes. Andrea Curcio focuses on faculty contributions to institutional learning outcomes assessment. She prescribes a relatively simple and low cost model to measure institutional learning outcomes that does not require disruptions to an individual faculty member's pedagogical and assessment methods.

The next set of articles focuses on the micro-implementation of these standards in the classroom. Olympia Duhart responds to the major objections to implementing learning outcomes assessments and offers a number of useful techniques on how to do formative assessments in the classroom. Sophie Sparrow targets "soft skills" and their assessments. "Soft skills" are skills identified by the Whole Lawyer Survey and include such professional competencies and behavior as confidentiality, timeliness, commitment, integrity, respect, listening, responsiveness, diligence, strong work ethic, and attention to detail. Jeffrey Harrison suggests the use of pretesting as a baseline for assessing learning outcomes. Finally, Steven Friedland rounds off this set of papers with a more holistic demonstration of how to apply design theory in creating an assessment-centered classroom.

We complete this volume with our At the Lectern by Martin Malin and Deborah Ginsberg, on "Flipping the Classroom to Teach Workplace ADR in an Intensive Environment," as well as three book reviews: two reviews of Stephen Presser's *Law Professors: Three Centuries of Shaping American Law* (one by Bernard W. Bell and the other by Scott Douglas Gerber); and Thomas Morawetz's review essay on two books: Daniel S. Medwed ed., *Wrongful Convictions and the DNA Revolution: Twenty-Five Years of Freeing the Innocent* and Sharon Dolovich and Alexandra Natapoff eds., *The New Criminal Justice Thinking*). Enjoy!

Margaret Y.K. Woo
Jeremy Paul

Appendix I

ABA Standards and Rules of Procedure for Approval of Law Schools

Standard 301. Objectives of Program of Legal Education (a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession. (b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

Standard 302. Learning Outcomes A law school shall establish learning outcomes that shall, at a minimum, include competency in the following: (a) Knowledge and understanding of substantive and procedural law; (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Standard 314. Assessment of Student Learning A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.

Standard 315. Evaluation of Program of Legal Education, Learning Outcomes, and Assessment Methods The dean and the faculty of a law school shall conduct ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum