Fall 2020

# High-Performance Brain Training for Law Students Final Report

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# Final Report

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## Overview:

- During the 2018-2019 academic year, in partnership with the UIC John Marshall Law School (JMLS), research clinicians from the University of Texas at Dallas Center for BrainHealth delivered High Performance Brain Training (SMART) to 3L students, culminating in them graduating and taking the Illinois Bar Exam in July 2019.

- Students received SMART onsite at JMLS from Center for BrainHealth clinicians, training entailed 9 hours of in-classroom training, plus booster sessions and clinician-participant touchpoints over the remaining course of their 3L academic year through their eLearning platform.

- In total, 49 students completed the study's pre-training assessment (including direct performance measures and self-report questionnaires). The post-training assessment was administered after the final SMART session, 6 weeks later, with 40 students completing this outcomes assessment.

- Also obtained were general bar exam passage information and academic outcome measures for both the SMART-trained students and the non-trained 3L cohort that took the July 2019 Illinois Bar Exam.

- Although SMART training was not found to have a significant effect on bar exam passage on its own, the measured cognitive gains and the observed patterns in academic outcomes (GPA and bar exam) are encouraging,

- Students who completed SMART demonstrated significant gains in key cognitive/learning skills, including aspects of memory (recall of critical information, strategic attention), reasoning (big-picture interpretation, application), and innovation (fluency of ideas) and reflected a promising trend in self-reported reduction of depressive symptoms.

- Even though academic outcomes were not found to be significantly different between SMART and non-SMART-trained 3L cohorts, the bar passage rate was higher in the SMART-trained cohort relative to the non-trained students.

- After two attempts at the Illinois bar exam (July 2019 and February 2020), the SMART trained 3L cohorts substantially out-performed the non-SMART cohort.

## Recruitment

Potential participants were identified through Professor Rodney Fong at JMLS, who serves as the Associate Dean for Academic Achievement, Program Assessment, and Bar Preparation Programs. Only students beginning their third year and who were planning to graduate in May 2019 and take the Illinois bar exam for the first time in July 2019 were invited to participate. The study aimed to answer questions specific to cognitive training applications in the third-year student who is preparing to take the bar exam (i.e., all students being at the same level in terms of their coursework, bar exam prep, etc.).

The recruitment process began when Professor Fong emailed a description of the study to all students identified as meeting the general study criteria. The email included links to an informational video, the training schedule, and the study interest form. The informational video consisted of an introduction and description of the study by JMLS Dean Darby Dickerson, followed by a brief summary of the neuroscience research conducted by the UTD Center for BrainHealth and an overview of the training and learning outcomes by Dr. Lori Cook and Jill Hill. The video concluded with a walkthrough of the enrollment process and study timeline by Professor Fong.

Students interested in participating were given the opportunity to complete a study interest form. This process yielded a total of 51 applications out of a potential 155 students. An electronic copy of the study consent form was provided upon confirmation of their qualification for their review before the face-to-face informed consent session. Informed consent was obtained the evening or morning before the participant's pre-training assessment from on-site study clinicians. Every effort was made to explain program specifics and answer any questions. Students were assured that their decision to participate in this study (whether yes or no) would have no bearing on their academic status at JMLS. Forty-nine students enrolled in the study. Upon completing their participation, students received a total stipend of $750. See Table 1 for demographic characteristics of study participants.

Table 1. Study sample demographics

| Sex | Age | Race |
|---|---|---|
| F = 35 (71%) | Mean = 28.36 yrs. | 37% White |
| M = 14 (29%) | SD = 6.12 yrs. | 24% Asian |
|  | Range = 24 – 54 yrs. | 22% Hispanic |
|  |  | 14% Black/African-American |
|  |  | 2% Unknown (did not disclose) |

**High Performance Brain Training for Law Students - Description**

The SMART program provides training on metacognitive strategies to improve top-down cognitive control functions of strategic attention, integrated reasoning, and innovation. That training is strategy-based and provides practical ways to employ all the strategies in a synergistic, integrated manner during real life cognitive activities. SMART has been investigated across several different populations in the context of multiple research studies, including randomized clinical trials.[1] For example, SMART has previously demonstrated effectiveness in promoting gains for typical and disadvantaged adolescents in the classroom,[2,3,4] healthy adults,[5,6,7,8] adults with brain injury,[9] adolescents with brain injury/concussion[10], and college student-athletes.[11]

For JMLS, the content was tailored as closely as possible to the needs of the targeted student population—3Ls preparing for the bar exam and entering the practice of law—both during the core training and the practical/timely applications delivered through monthly engagement modules to help facilitate adoption, including modules on job search, client relations, stress solutions, and bar exam prep strategies.

The following section outlines the cognitive skill areas targeted in the training:

**Strategic Attention** focuses on adopting strategies to prepare (prime) the brain to attend and efficiently manage time and cognitive resources. This is done by blocking distractions and inhibiting irrelevant input to prioritize daily tasks, intentionally single-tasking, and building in regular mental breaks to recharge cognitive energy.

A major challenge for law students is the incredible volume of information they must process on a daily basis. The Strategic Attention strategies provide tools to help manage time and information. It is easy to get stuck in the weeds in terms of hyper-focusing on details; much time is wasted trying to memorize everything. When study time is not used efficiently, the overwhelming feelings of information overload and burn-out can quickly follow. Strategies related to Strategic Attention allow students to feel more in control of their workload and provide tangible tools to reduce the chronic stress that plagues the over-taxed, distractible brain of a law student. Additionally, these strategies provide scientifically-based guidance on how the brain achieves optimal focus, an essential component of successful studying.

**Integrated Reasoning** engages a deeper level of input processing by abstracting the essence of information and synthesizing meaning. The deeper level processing necessitated by Integrated Reasoning is dependent upon simultaneous implementation of strategic attention skills. Strategies to build Integrated Reasoning exert cognitive control to "zoom in" to the details or steps to a goal, then rapidly "zoom out" to synthesize and abstract big picture ideas, followed by "zooming deep and wide" to construct generalized application of derived ideas, interpretations, or goals completed.

Integrated Reasoning is a skill essential to the type of thinking and writing expected of law students and attorneys. The successful law student can hone in on the critical facts without over-focusing on memorizing details. The critical thinking component required of every law student is the ability to construct an understanding of the principle of law in a way that allows application to other scenarios. This requires the student to "zoom in" on key facts, "zoom out" to grasp the overarching principle, and "zoom deep and wide" to find applications to other contexts. Additionally, these strategies help the student adopt a mindset where they internalize concepts and can state them in their own words, moving away from the rote memorize-and-recall approach.

**Innovation** works hand-in-hand with Integrated Reasoning by stressing the need to derive interpretations, solutions, and approaches to tasks from divergent perspectives and outcome possibilities. Practicing Innovation increases abstraction capacity and pushes the individual to recognize more expansive problem-solving opportunities to mitigate shallow thinking and getting stuck in status quo approaches.

Innovation introduces mental flexibility strategies that can help students in reading/interpreting case law, legal writing, and crafting answers to essay questions. These strategies challenge students to consider information from various perspectives and recognize multiple solutions. As a law student and future attorney, the ability to analyze an issue from either side helps deepen understanding of a concept and strengthen an argument. Additionally, Innovation strategies push participants to think critically beyond the information given to cultivate new approaches, both academically and personally. Tapping into these strategies helps students engage frontal lobe reasoning in situations where stress might otherwise trigger an emotionally-charged or poorly-reasoned course of action.

## Project Timeline

The timeline of project activities was as follows:

### August–September 2018: Program Kickoff
- Announce program to incoming 3L class; disseminate applications to interested students
- Select SMART cohort from applications (target: 50 students)
- Students review terms of training and sign commitment contract
- Informed consent was performed on-site by study clinicians prior to initiating training

### September 14–16, 2018: Training Commenced
- Training included 9 hours of direct training, plus booster session(s) and clinician-participant touchpoints over the course of 18-month grant period
- Initial 6 hours of training (Day 1 and Day 2)
  - Began with pre-training assessment
  - SMART delivered in two 3-hour blocks over the course of 2 consecutive days for 2 separate training groups in a classroom setting at the UIC JMLS campus

### October 26–27, 2018: Training Day 3
- Third 3-hour block of in-person training was spaced 6 weeks from initial training
  - Training focused on integrating strategies with intensive focus on adoption and application to students' own needs, incorporating discussion and feedback based on their initial experiences with them (i.e., successful applications, obstacles, etc.).
  - This interaction culminated in administration of the post-training assessment

### November 2018: Touchpoint
- Communication from clinicians to participants
- Content included: targeted reminders, tips, and strategies for applying training principles to final exams

### January 25–26 and February 1–2, 2019 – Virtual Training Booster/Refresher
- 1.5 hours in length, delivered via Zoom videoconferencing software to mitigate travel demands
- Elicited both spoken and typed responses to various activities and challenges through the audio and chat interfaces.
- Aimed at re-orienting students to the strategies and re-emphasizing adoption
- Differed from the in-person trainings mostly in terms of group size (limited to 10-11 students each). Students signed up for one of four sessions that were offered, thus affording more opportunity for individuals to have direct interaction with the 2 clinicians facilitating each session.

### February–May 2019: Targeted Bar Exam Application
- Students received communication from clinicians each month from February through May.

- Each month's content focused on specific applications of SMART, including modules for:
  - Job search
  - Practice of law
  - Stress and resilience solutions
  - Bar exam study and exam day

## July 2019: Bar Exam
- All students (with the exception of 1) completed the Illinois Bar Exam

## Early October 2019: Illinois Bar Exam Results Released
## October–December 2019: Compilation and Analysis of Data
- Conducted analyses of program results in terms of direct performance measures and real-life report as well as JMLS objectives (data on bar exam passage and GPA)

## December 6, 2019: Presentation of Findings
- Hosted a half-day, by-invitation conference titled "*High-Performance Brain Training for Law Students: Can Neuroscience Increase Bar Performance*?" held at the UIC Discovery Partners Institute in Chicago.
- Attended by 14 people (Dr. Lori Cook, Jill Hill, Professor Rod Fong, two student participants, and nine guests). The small-group format allowed more interaction and discussion.
- Also included two study participants, who shared their first-hand experiences and perspectives
- The agenda included an Introduction to SMART; presentations on factors affecting bar exam performance, the Brain Training program, and outcomes of domains; lunch, with questions for two participants; and an open discussion on next steps.
- The program was recorded for future viewing.

## March 30, 2020: Original End of Study
- Study extended to September 30, 2020

## April 6, 2020: February 2020 Bar Results
- Bar results released for the February 2020 Illinois bar exam. Of the 40 students who have sat for the Illinois bar exam, 34 of 40 (85%) passed the bar exam on their first or second attempt.

## April–July 2020: Prepare to Share SMART Training with 1L Students
- Meet to develop a plan to share training with JMLS 1L law students.
- Decide to introduce 1L students through first year course, Expert Learning.
- Teach Expert Learning professors about SMART Training.
- Integrate SMART Training with Expert Learning curriculum.

## August–September, 2020: Introduce SMART Training to 1L Students
- Introduce Strategic Attention to students during weeks 1 and 2 of Expert Learning.
- Introduce Integrated Reasoning to students during weeks 3 and 4 of Expert Learning.
- Conduct student survey on assess to SMART Training.

**Findings**

*Bar Exam Passage*

Table 2. Bar exam passage information for full 3L cohort [JMLS graduates in May 2019; first time takers of the Illinois bar exam (UBE)]

| Cohort | First Time Taking | | | Projected Passing Second Attempt (256-265)* | | |
|---|---|---|---|---|---|---|
| | # Passing | # Taking | % Passing | # Passing | # Taking | % Passing |
| All | 92 | 155 | 59% | 110 | 155 | 71% |
| SMART | **27** | **39** | **69%** | **33** | **39** | **85%** |
| Non-SMART | 65 | 116 | 56% | 77 | 116 | 66% |

Overall, as demonstrated in Table 2, the passage rate for first-time bar exam takers was higher in the SMART-trained cohort (69%) relative to the non-SMART-trained students (56%). Moreover, when exploring those who would be projected to pass on their second attempt (based on first-time scores in the range of 256–265, with a passing score of 266 or better), the spread between groups becomes even more apparent, with the SMART cohort's projected passage rate climbing to 85%, relative to the non-SMART passage rate of 66%.

*On April 6, 2020, the results from the February 2020 Illinois bar exam were released. As predicted, the SMART trained 3L cohorts again out-performed the non-SMART cohort. Based on their first and second attempts at the bar exam, 34 of the 40 of the SMART trained cohort, or 85%, have passed the bar exam. For the non-SMART Trained cohort taking their first or second bar exam, only 86 of 125, or 68.8%, have passed, a difference of 16 points.*

More formal statistical analysis yielded results suggesting that the probability of passing the bar exam was not significantly increased by SMART alone (odds ratio,1.3, $p = .51$), as the key predictors of bar passage were found to be (in order of importance): Final GPA, LSAT, and Race. These findings align with previous literature exploring factors contributing to bar exam passage. For example, a logistic model found that for every 0.2 unit increase in GPA, the odds of passing the bar relative to the odds of not passing the bar (odds ratio) increased by a factor of 2.4 ($p < .0001$), as illustrated in Figure 1.

*Final GPA*

Promisingly, there was an observed increase in the SMART cohort's mean GPA over the course of their 3L year [Cumulative GPA Post-Fall > Cumulative GPA Pre-Fall ($p$ =.003); Final GPA > Cumulative GPA Post-Fall ($p$ <.0001)], as illustrated in Figure 2.

However, the Final GPA was not found to be significantly different between SMART and non-SMART 3L cohorts (change of .053 units, $p$ = .40).
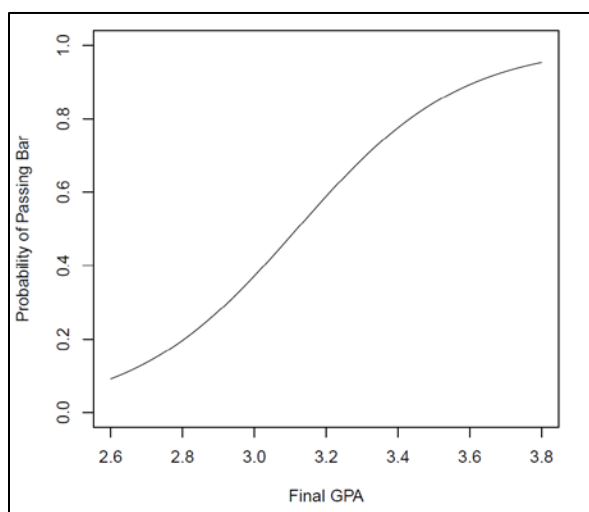


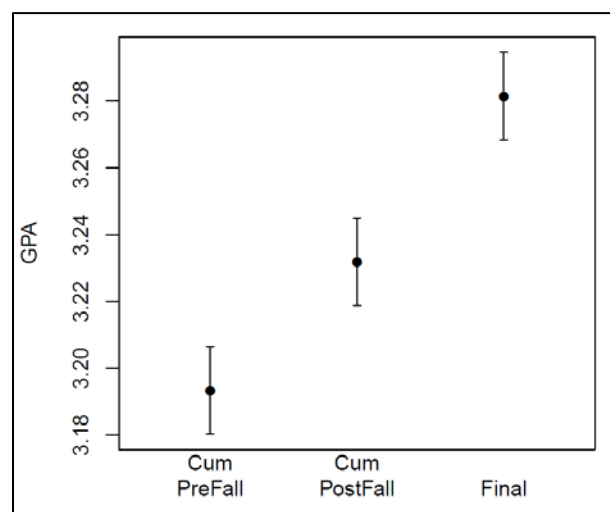Figure 1. Probability of passing the bar by Final GPA

Figure 2. GPA during 3L year for SMART cohort

*Direct Cognitive Performance Measures*

The following are results from the Brain Performance Index that was administered before and after SMART, which included both direct performance cognitive/learning measures and self-report questionnaires.

**Strategic Learning** (Figure 3a)
Students demonstrated significant gains in recall and expression of key details from a lengthy text *(p < .001)*, particularly relevant for enhancing their ability to identify and retain critical information in detail-laden legal materials.

**Integrated Reasoning/Interpretation** (Figure 3b)
Students also exhibited improved ability to generate and express high-level applications of the information (i.e., take-home messages) gleaned from a lengthy text *(p = .027)*. Engaging in this "big-picture" or "top-down" approach to thinking has been shown to enhance learning effectiveness and promote beneficial brain effects.

**Innovation** (Figure 3c)

Significant gains were also noted in the students' ability to identify and express multiple themes from a picture *(p = .017)*, suggesting enhanced fluency of ideas and reflecting greater perspective taking.

**Strategic Attention/Memory** (Figure 3d)

Students demonstrated significant gains in their strategic control of attention/memory *(p = .022)*, in that they were more effective in their ability to inhibit less important information (i.e., filtering) while focusing on more important information (i.e., prioritizing). This strategic attention skill is key to maximizing memory efficiency, particularly as cognitive demands escalate and students encounter greater volumes of information and tasks to manage.

**Well-Being**

Students completed the *Depression Anxiety Stress Scales* (DASS), a 21-item self-report questionnaire designed to measure the negative emotional states of depression, anxiety, and stress. Although there were no statistically significant reductions in symptoms in these areas reported over the 6-week interval, analyses did reveal a promising trend in self-reported reduction of depressive symptoms *(p = .075)*, an encouraging finding given the relatively short time interval.
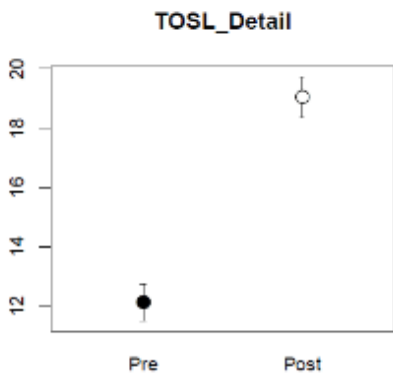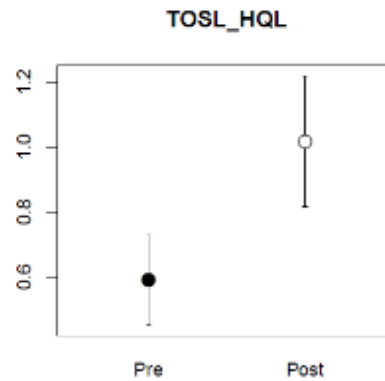


Figure 3a. Strategic learning gains
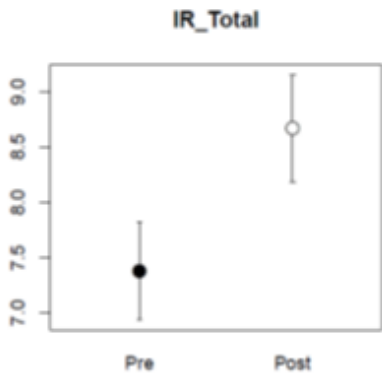


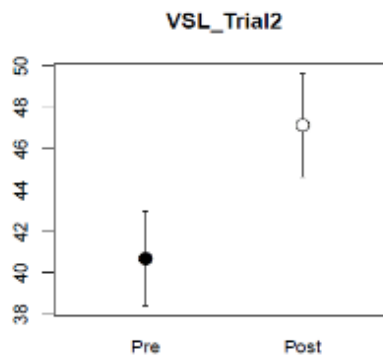Figure 3b. Integrated reasoning gains



Figure 3c. Innovation gains



Figure 3d. Strategic attention/memory gains

**Impressions & Feedback**

Overall, the training team was impressed with the students' abilities, insights, and level of engagement. Student attendance for the in-person training sessions and virtual booster session was high. The slight decline in student participation over the course of the three core training sessions was likely attributable to several case-specific factors. For example, students who communicated with us about their absence cited aspects such as an unexpected emergency that came up on the day of training and unforeseen work/scheduling conflicts with the session time(s).

Having the opportunity for multi-modal delivery of the information was valuable. The combination of time-intensive, in-person training followed by less time-intensive, online interactions (including tele-delivery of a shorter "virtual" session as well as self-directed online activity modules with video or text-based content) helped to improve accessibility to the training materials over an extended timeframe and to enhance individualized student learning and adoption of the strategies trained.

Professor Fong also shared some positive feedback from students, including some suggesting that this training would have been beneficial to have even earlier in their law school experience (i.e., during the first year). The following are comments shared by the students themselves, organized by cognitive domain:

*Strategic Attention*
- Recognizing when my brain is tired and learning ways to recharge was helpful.
- Reducing distractions and trying to eliminate multi-tasking have made me more efficient and have improved the quality of my work.
- Implementing an interval system for study time with short breaks built in has helped me maintain focus.
- Using the elephants and rabbits framework was critical for me in prioritizing my to-do list in order to manage several tasks with very close deadlines.
- Using the elephant framework in group meetings is helpful to keep our study group on task and be more productive.
- Using these strategies to prioritize my daily tasks has helped balance my home duties, school work, and family life so I do not become overwhelmed.
- Building in brain breaks has helped maintain my energy for studying; before, I would work for much longer but would feel unproductive and burned out.
- The brain breaks helped me give my brain needed rest to regain focus during long study days, and I still use this technique every day at my job.
- I sit down every night and determine my elephants for the next day, write them on a post-it, and stick it to my planner. This helps me get started on the right track the next day.
- I have learned to tackle the biggest priority of the day in the morning when I feel the best instead of wasting my brain energy on easier tasks.
- By identifying the time of day I felt most alert and productive, the techniques helped a great deal in making the most of my study opportunities while also working full time.

*Integrated Reasoning*
- Thinking first of the big picture and focusing only on the details important to that big picture has greatly improved my answers on essay questions.
- I have started looking at the bigger topical picture of my reading assignments and then focusing the most time on relevant aspects of the reading so I am not wasting energy over-focusing on sections that aren't as pertinent. I still read it all, but I now know where to devote my energy to retain information.
- In hearing the facts of a case (at work) I am able to generalize the issues that come up and take notes on those bigger concepts as I listen to the client. I am now able to quickly organize the facts of the case based on the legal issues, which helps me research faster.
- When given an assignment, I look at the big picture of what is being asked to make sure I understand what I need to do, then I can focus on the details of getting it done.
- Strategy of "zooming out" helped me to look at MBE and essay questions differently than I otherwise would have.

*Innovation*
- For very rule-based subjects, I have been trying to make the content more engaging by reviewing my notes on the concepts, then going for a walk and making up scenarios for people, places, and things I encounter, utilizing the rules and concepts to determine how they would affect the scenarios I create. This has helped me visualize and understand these concepts on a deeper level.
- Looking at the bigger picture rather than getting too stuck in the details helps me be able to consider multiple perspectives and see new solutions.
- Considering multiple perspectives and angles could help meetings be more productive, especially when the topic is controversial and people get stuck in the "one right answer" mentality. Getting in the habit of stepping back and analyzing the problem from the other side's point of view can help develop new insights about the problem and make connections that would otherwise not have been made.

*Overall*
- Tips from this program led to more purposeful studying
- It helped me manage the immense amount of information required in Bar prep.
- It helped me retain and recall elements of the law by learning to relate general principles to specific examples.

## Discussion

Although we were not able to show that SMART training had a significant effect on bar exam passage for this 3L cohort, the observed patterns in academic outcomes are encouraging and point to SMART's potential as a meaningful neuroscience-based learning support for law students. Moreover, several significant gains were demonstrated by SMART-trained students in key higher-order cognitive/learning skills, including aspects of memory (recall of critical information, strategic attention), reasoning (big-picture interpretation, application of information), and innovation (fluency of ideas). There was also a promising trend in self-reported reduction of negative emotional state (depression symptoms) for students after completing SMART.

From discussions among the clinicians, Professor Fong, and the participants at the December 6, 2019 Conference, several questions emerged from these pilot efforts to motivate future study. For example, is training that is distributed over a single academic year enough time to modify behaviors for a high-stakes exam, such as the bar exam? If not, how much time is needed to modify behaviors? When is the optimal time to begin training? Perhaps the 3L year is not the optimal time to initiate such training. Would there be an advantage to making this training available for 1L students? Is the timing of the training as important as the circumstances under which the training is introduced to the students? Can the training be integrated into the curriculum so that the principles and strategies can be reinforced through their continued coursework? What are the ideal situations and modalities to institute the training (in-person, in-course, through eLearning)? Can the training be taught to educators in the law schools who would then train the students, i.e., utilizing a train-the-trainers model?

Although the probability of passing the bar exam was not significantly increased by SMART alone, the projected (and actual) 16-point difference between groups by the second attempt is notable and something to further explore. For example: Did the gains in cognitive performance attributable to SMART Training increase the SMART-trained cohort's eventual chances of passing the bar exam?

## Potential Next Steps
**Create a program of training for law students from their first year through the bar exam:**
- Connect the cognitive skills with law school skills to determine the optimal time to teach each cognitive skill
- Develop standard training materials to be adapted for the school
- Include training materials explaining the neuroscience supporting the skills
- Determine ideal times and intervals for boosters to reinforce the skills
- Develop booster materials to reinforce the skills
- Identify potential situations when a student might have need for individualized reinforcement
- Determine ideal times and intervals for boosters to hone the skills before the bar exam

- Develop booster materials to hone the skills before the bar exam

**Explore the intersection of neuroscience training with non-cognitive barriers:**
- Growth mindset
- Resilience
- Belonging
- Imposter syndrome
- Stereotype threat

**Explore the model of "training the trainer"**
- Who would be the ideal person or group of person in a law school to train the students?
- How long does it take to train the trainers?
- What is the optimal training format, e.g. in person, online, or a combination of both?

## Extension Period

Based on the positive results shown during the initial grant period, JMLS requested an extension of the grant period for an additional six months, from March 31, 2020 to September 30, 2020, to explore introducing the SMART Training to incoming JMLS first-year law students. During the extension period, JMLS and the Center for BrainHealth developed a hybrid program to deliver the cognitive training to first-year law students using online technology and train the academic support professionals to facilitate in-class exercises and discussions with law students. The exercises and discussions were coordinated with the learning experiences of the students to maximize the effect.

After a meeting between JMLS and Center for BrainHealth clinicians, it was decided to introduce the cognitive skills through Expert Learning, a ten-week, one-credit course required for all first-year students during their first semester. The course focuses on the lawyering skills used by law students, such as reading and briefing cases, participating in and actively thinking during class discussions, taking class notes, synthesizing and deconstructing rules of law, organizing the materials into a course outline, and preparing for and taking essay and multiple-choice exams. In addition, students learn study strategies, time management, and self-regulated learning. Students are also introduced to non-cognitive mindsets, such as growth mindset, grit and resilience, lack of belonging, imposter syndrome, and stereotype threat. (A copy of an Expert Learning syllabus from fall 2020 is attached.) Expert Learning is paired with a doctrinal course, e.g. Torts, Contracts, or Property, to provide substantive context for introduction of the lawyering skills. The classes are taught by the academic support staff and adjunct professors.

The planning consisted of three steps. The first step entailed conducting a planning meeting with Professor Fong, Dr. Cook, Ms. Hill, and Professor Michael Loch, an Academic Support Specialist in the JMLS Academic Achievement Department. Professor Loch, a former middle school teacher with expertise in learning theory, was the primary person overseeing the Expert Learning course for the past year. This group

created a plan to integrate the SMART Training with the Expert Learning curriculum. The second step was to train the Expert Learning professors, educate them about the SMART Training, and develop the lesson plans for the integration. The last step was to devise a method to deliver the SMART Training to the students and produce the materials for the Expert Learning class.

In March 2020, the COVID-19 virus struck the United States, and the proposed in-person meetings were all moved to virtual meetings. In addition, planning for the Expert Learning classes had to consider the probability that the Expert Learning classes would be online and that delivery of any lessons would be in an online format.

In preparation for the first planning meeting, Professor Fong and Professor Loch were provided access to the SMART Training website to view the training videos. During these meetings, the group decided that Dr. Cook and Ms. Hill would also record videos introducing the three SMART strategies: Strategic Learning, Integrated Reasoning, and Innovation. In the videos, Dr. Cook would introduce the strategies and share the neurological benefits. Ms. Hill, a lawyer and clinician, would demonstrate how the law students could apply the strategies to their law studies. The law students would be given access the SMART Training videos through the UTD portal.

Later, the group decided that Professor Fong would join Dr. Cook and Ms. Hill to create a separate video introducing the SMART Training to the law students. The video would provide credibility and relevance to the SMART Training by connecting what the students were learning with how the cognitive training could enhance their studies.

Initially, it was thought that the SMART Training would be assigned before the first class. The SMART Training consisted of thirty to sixty minutes of introductory videos and thirty minutes of actual training. But there was concern that the students would be overwhelmed by all the assignments for their first week of classes and not complete the SMART Training module. Intentionally designed as a flipped class, Expert Learning required students to complete assignments in advance of each class. For the first class, students had to view several videos on reading and briefing cases and non-cognitive mindsets, read one new case, answer questions about the videos and the new case, and write a short essay. This Expert Learning assignment, when added to the reading assignments from their other four courses, was already a full week of studying.

Instead, Professor Loch suggested that, to maximize the value of the initial SMART module, it should be assigned to the students between the first and second classes when law students, often feeling overwhelmed by the magnitude of their first week assignments, would find the module on Strategic Attention more relevant and beneficial. The hope was that the SMART Training would rescue the students from drowning in their assignments. The SMART strategies of prioritizing daily tasks, intentionally single-tasking, and building in regular mental breaks to recharge cognitive energy would make more sense to the students and the applications to their study schedule would be more apparent.

As a way of showing that the SMART Training strategies could be beneficial, starting in the first class, professors demonstrated one of the SMART strategies by giving the class a five-minute break after the first hour to allow students to recharge. This practice has been continued in every Expert Learning class.

The second module of SMART Training, Integrated Reasoning, was assigned to the students after their third Expert Learning class. This class focused on getting ready to create a course outline, an effective learning tool to organize and understand the concepts and prepare for assessments. Students completed exercises on deconstructing rules of law into elements and using a chart to identify facts that illustrated each element.

The Integrated Reasoning strategies of Zooming In, Zooming Out, and Zooming Deep and Wide paired well with the ways that students needed to work with the legal concepts. To start the process of outlining a course, students need to take the rules from statutes and cases and organize them by deconstructing the rules into elements. Then students need to review their case briefs, class notes, and casebooks to extract facts that illustrates the concepts and match them to the appropriate elements. For example, pulling a chair out from a person about to sit down is a classic case showing intent through knowledge to a substantial certainty. By "zooming in" on the facts and arguments associated with each element, students learn how to filter relevant vs. irrelevant facts and learn the rules through examples.

Students can utilize the strategy of "zooming out" when they explore the policy reasons for areas of law to help them understand the concepts or even utilize in an analysis. They also need to zoom out and learn how each element is related to other elements within a group of similar legal theories, like intentional torts. The strategy of "zooming deep and wide" expands a student's viewpoint to alert them to common elements among several causes of action, like intentional torts. Facts can be used to illustrate more than one element within a tort or even in different torts, such as transferred intent, or cases may provide examples for various causes of action, like assault and battery. "Zooming deep and wide" also helps students stretch their understanding by seeking to apply learned principles and rules of law to cases with facts that differ from the initial examples. Students need to be flexible in their exploration of the legal theories and the multiple levels of analysis.

Lastly, the third module of SMART Training, Innovation, was appropriately matched with the seventh Expert Learning class on reviewing past exams to prepare for class assessments. The innovation strategies stress the need to derive interpretations, solutions, and approaches to tasks from divergent perspectives and outcome possibilities. For example, these strategies can help guide students when examining past exams and dissecting sample answers. What a professor desires from an exam answer is not readily apparent because future assessments will never be exactly the same as before. Instead, professors challenge students by creating new problems with different facts requiring different interpretations, solutions, and approaches. There is rarely one correct answer to any problem, except multiple-choice questions. To show

their competency, students must analyze the new facts and employ their problem-solving skills, which invites different approaches and innovative solutions. Additionally, students can utilize the Innovation strategies to help them adopt and practice non-cognitive aspects critical to success as a law student, such as having a growth mindset and being able to use perceived failures as opportunities.

To prepare the Expert Learning professors to lead class discussions, the group scheduled three two-hour virtual training sessions. The professors consisted of five from the full-time Academic Achievement staff, including Professor Fong and Professor Loch, and five adjunct professors. All of the full-time Academic Achievement staff and adjunct professors had prior teaching experience at the law school. All of the full time Academic Achievement staff and four of the five adjuncts had taught Expert Learning before and were familiar with the lesson plans. The professors had access to the SMART Training videos and viewed one module before each meeting. Dr. Cook and Ms. Hill summarized the main strategies of each module, and the discussions that followed focused on integrating the strategies with the Expert Learning lesson plan. In addition, during the semester the Expert Learning professors met every Friday to debrief the classes and prepare for the following week.

Since the grant period expired on September 30, 2020, during the sixth week of Expert Learning, we were not able to report on the overall effectiveness of this approach. As an alternative, we conducted a survey of the first-year students who had access to the SMART Training on September 25-27, 2020 to learn how many of the students viewed the videos and their reactions to the videos. The survey also asked why students had not viewed the videos.

Of the 314 first year students, 151 students (48%) responded to the survey. Of the 151 students, 43 viewed the SMART Training and 108 did not view the training. For those who did not view the training, their reasons were: they did not have enough time (33); they did not know the videos were available (19); and they did not think the videos would be helpful (4). Fifty-two students planned to review videos when they had time. Based on these results, 85 students did not view the SMART training videos because they did not have enough time, and one could infer, they did not prioritize the SMART training. At the time of this survey, between weeks 5 and 6 of Expert Learning, students had access to the first two modules, Strategic Attention and Integrated Reasoning, but not the last modules on Innovation.

For those students who did review the training videos, most found the Strategic Attention content helpful. Students who viewed the SMART Training commented that this module helped them sort through the multitude of assignments, prioritize tasks, avoid multitasking, and even take a break to allow their brain to recover. The Expert Learning professors also commented that in addition to providing useful strategies, the training provided students with a vocabulary and framework to allow them describe the challenges they were having with their assignments.

It is important to note that Strategic Attention was assigned between the first and second weeks of Expert Learning, when students were being assigned large amounts of reading in all of their classes. This period is typically when students feel overwhelmed by their assignments and look for ways to more efficiently complete their study tasks. Some of the comments were:

- It was interesting to see how our brains work and how we need to take care of ourselves.
- The solutions provided enabled me to apply them to my own schedule and think about how I can adjust my daily schedule.
- [O]ne key take away for me was handling my to-do list using the Power of Two.
- I find the prioritizing tasks and taking breaks to be incredibly useful.
- [I]t helps break things down so they're easier to think of instead of just seeing all the work you have to do and feel overwhelmed.
- Before doing the SMART training, I was under the impression that multitasking was a great skill to have, turns out that it is the opposite.
- I thought explaining how and why people get distracted was helpful.
- I was especially surprised to find out how much time it takes to resume focus on a task after being interrupted.
- I did not know that multitasking can actually affect your brain's neural connections!
- Taking breaks was an important one for me.

In addition, there were two additional comments to note.  One recognized the neuroscience foundation for the study strategies (provided by Dr. Lori Cook) and the other appreciated the application to legal studies (provided by Ms. Hill).

- I enjoy the neuroscience explanation for their rationale.
- It was helpful hearing these strategies from someone who had been through law school, and was also in the field of brain science, to pinpoint specific actions we can take to be successful.

For those who reviewed the second module on Integrated Reasoning, the comments revealed that it helped them to look at the cases and materials in different ways. This module was assigned between the third and fourth class of Expert Learning, when students were organizing their rules and cases to prepare a course outline. The strategies of Integrated Reasoning helped the students work within the multiple levels of legal theories, causes of actions, rules, elements, and definitions. Some of the comments were:

- [I]t helped me focus on zooming in (getting detail) and zooming out (explaining the bigger picture).
- Reading case after case, it's sometimes hard to maintain a sense of perspective of how things relate to each other and at what level.
- Studying the law requires viewing things as multilayered is something that helps with understanding.

- I am guilty of zooming in and getting so caught up, that I sometimes forget to zoom out.
- [I]t really helps for you to take a look at what you're doing from various levels to gain perspective and see the bigger picture.
- [I]t refocuses one's attention to think differently on how one thing affects another.
- It provides great illustration as to how implement integrated reasoning not only in law school, but our everyday life as well.

The last survey question asked what could be done to "to make the training more accessible in future Expert Learning classes." Comments shared by the students fell into these groups.
- Students wanted access to the materials before the beginning of law school, even during the summer, while some students suggested receiving the material during 1L Orientation.
- Students revealed that they were overwhelmed by the assignments given to them during the first few weeks of class and viewing the training was a low priority compared to assignments given in courses with more credit hours.
- Students commented that during the first couple of weeks of school, they received so many school-related communications that they could not sort through and evaluate the messages. These students wanted multiple messages reminding them of the training.
- Students would have viewed the training if it were required for the Expert Learning course or integrated into a class discussion or exercise.
- Students felt that the one-hour videos were too long. Students suggested delivering the training in shorter clips or delete some of the content entirely.

As mentioned above, 85 students, more than half who responded to the survey, did not view the SMART training videos because they did not have enough time and did not prioritize the SMART training among the many assignments they received from their courses.

We know that our entering students are overwhelmed by the amount of assignments when they enter school, especially the reading assignments. Yet, there are so many foundational skills we want them to know and learn before taking their journey. We have learned that we need to be thoughtful of how much work we can assign without being counterproductive. We need to consider the timing of the assignments and avoid the risk of overloading them. The student comments confirmed that certain considerations are critical to the students when deciding to access the materials: (1) when students are given access to the materials in light of other assignments and (2) how the materials are introduced to the students.

In addition, we still need to determine how to market the training to the students so that they will prioritize the training in light of their other assignments. How do we convince students of the value and benefits of cognitive training? Students at a professional school may believe that they know how to study and learn, so what more will they gain?

But it is not until they reach the professional level, with a challenging and demanding course-load, that they realize they need to become more efficient and effective learners. SMART Training provides those strategies.

We have learned that our students are receptive to learning about non-traditional topics, such as non-cognitive mindsets. These mindsets were introduced to the students in Expert Learning through articles and video recording of experts in the field. We reinforced the mindsets by providing time to discuss the concepts in class, including describing how the mindset come about and adversely affect performance. Students have openly talked about growth mindset in class. And many students have been receptive to discussing lack of belonging or imposter syndrome with their Expert Learning professor in a mandatory meeting during the third week of class.

Learning from these past experiences with non-cognitive mindsets, when introducing soft skills like cognitive training, we must articulate the benefits and relevance of the training and connect the benefits directly to what they are experiencing with their studies. Telling the students about the benefits and then showing them the benefits in class might do the trick. We will also need to develop specific exercises or discussion opportunities to reinforce the strategies in subsequent semesters.

**Future Directions**

We learned that one year of SMART training in the third year has value, but likely does not give students enough time to incorporate these concepts into their routines for a high-stakes exam. But the training did help increase their overall GPA.

We learned that we can integrate SMART training into the curriculum and there are appropriate times when the SMART training pairs well with specific lawyering skills and student experiences. Also, a skills-based course, like Expert Learning, is a good conduit to introduce SMART training because the benefits of the SMART strategies are highlighted when integrated with study skills and doctrinal course materials.

We learned from this study and our prior work with Texas Tech University School of Law that integrating SMART during new-student orientation or the first couple of weeks of school is not ideal. We also learned that SMART elements should be mandatory instead of voluntary and chunked into smaller components. We also learned that at least some students were interested in receiving SMART during the summer before their 1L year, maybe starting in June.

Assuming we can work out the issues of timing and marketing, we are left with some logistical challenges. How do we provide the SMART Training strategies? Is this model of training law school professors as facilitators, while partnering with the Brain Performance Institute to provide the SMART training, sustainable? Is it better to train the law school professors as "trainers" to carry out both the neuroscience and law school training? How do we provide "booster" training in subsequent semesters?

**Featured Center for BrainHealth Science [1-11]**

SMART* is an evidenced-based program with substantial research backing. A sample of studies published on SMART are below:

1.  Chapman, S.B., & Mudar, R.A. (2014). Enhancement of cognitive and neural functions through complex reasoning training: Evidence from normal and clinical populations. *Frontiers in Systems Neuroscience*, 8, 69. doi: 10.3389/fnsys.2014.00069
    http://journal.frontiersin.org/Journal/10.3389/fnsys.2014.00069/abstract

2.  Gamino, J.F., Chapman, S.B., Hull, E.L. & Lyon, R. (2010). Effects of higher-order cognitive strategy training on gist reasoning and fact learning in adolescents. *Frontiers in Educational Psychology, 1.* doi:10.3389/fpsyg.2010.00188
    https://www.frontiersin.org/articles/10.3389/fpsyg.2010.00188/full

3.  Gamino, J.F., Motes, M.M., Riddle, R., Lyon, G.R., Spence, J.S., & Chapman, S.B. (2014). Enhancing inferential abilities in adolescence: New hope for students in poverty. *Frontiers in Human Neuroscience, 8,* 924.doi: 10.3389/fnhum.2014.00924
    https://www.frontiersin.org/articles/10.3389/fnhum.2014.00924/full

4.  Motes, M.A., Gamino, J.F., Chapman, S.B., Rao, N.K., Maguire, M.J., Brier, M.R., Kraut, M.A., & Hart, J., Jr. (2014). Inhibitory control gains from higher-order cognitive strategy training. *Brain and Cognition, 84*, 44-62.
    http://www.sciencedirect.com/science/article/pii/S0278262613001541?via%3Dihub

5.  Chapman, S.B., Aslan, S., Spence, J.S., Hart, J., Bartz, E.K., Didehbani, N., Keebler, M.W., Gardner, C.M., Strain, J.F., DeFina, L.F., & Lu, H. (2015). Neural mechanisms of brain plasticity with complex cognitive training in healthy seniors. *Cerebral Cortex*, 25(2), 396-405. doi:10.1093/cercor/bht234
    https://academic.oup.com/cercor/article/25/2/396/300778

6.  Chapman, S.B., Aslan, S., Spence, J., Keebler, M.W., DeFina, L.F., Didehbani, N., … D'Esposito, M. (2016). Distinct brain and behavioral benefits from cognitive versus physical training: A randomized trial in aging adults. *Frontiers in Human Neuroscience, 10*, 338. doi: 10.3389/fnhum.2016.00338
    https://www.frontiersin.org/articles/10.3389/fnhum.2016.00338/full

7.  Chapman, S.B., Spence, J.S., Aslan, S., & Keebler, M.W. (2017). Enhancing innovation and underlying neural mechanisms via cognitive training in healthy older adults. *Frontiers in Aging Neuroscience, 9*, 314.
    doi: 10.3389/fnagi.2017.00314
    https://www.frontiersin.org/articles/10.3389/fnagi.2017.00314/full

8. Motes, M.A., Yezhuvath, U.S., Aslan, S., Spence, J.S., Rypma, B., & Chapman, S.B. (2018). Higher-order cognitive Training effects on processing speed-related neural activity: A randomized trial. *Neurobiology of Aging, 62*, 72-81. http://www.sciencedirect.com/science/article/pii/S0197458017303421?via%3Dihub

9. Vas, A., Chapman, S., Aslan, S., Spence, J., Keebler, M., Rodriguez-Larrain, G., … Krawczyk, D. (2015). Reasoning training in veteran and civilian traumatic brain injury with persistent mild impairment. *Neuropsychological Rehabilitation, 26*(4), 502-531. doi: 10.1080/09602011.2015.1044013. http://www.tandfonline.com/doi/full/10.1080/09602011.2015.1044013

10. Cook, L.G., Chapman, S.B., Elliott, A.C., Evenson, N.N., & Vinton, K. (2014). Cognitive gains from gist reasoning training in adolescents with chronic-stage traumatic brain injury. *Frontiers in Neurology, 5*, 87.doi: 10.3389/fneur.2014.00087 https://www.frontiersin.org/articles/10.3389/fneur.2014.00087/full

11. Nguyen, T. (2017). Neurocognitive effects of gist reasoning training in student-athletes with concussions, ADHD, and learning disabilities (Unpublished doctoral dissertation). University of North Texas, Denton, Texas. https://digital.library.unt.edu/ark:/67531/metadc1011782/?q=nguyen

\*The program is based on the Strategic Memory Advanced Reasoning Training (SMART) protocol developed at the Center for BrainHealth. Specific outcomes are not guaranteed. Individuals may use the tools in different ways. Participants must complete all sessions and continue to use SMART strategies to achieve maximum benefit.

# UIC JOHN MARSHALL LAW SCHOOL

**Expert Learning**
**JD-401 (One credit hour)**
**CRN 44568**
**Professor Fong**
**Fall 2020**

## SYLLABUS

**Course Overview:**   The course will teach students the essential study strategies, lawyering skills and exam taking techniques that students need in order to succeed in all of their courses.

Expert Learning is designed as a flipped class; the lectures are presented online in 10 minute blocks and available on Blackboard the week prior to class. The synchronous class period consists of learning activities that reinforce the lectures, with the instructor overseeing the work and guiding discussions. The sessions are 2 hours each week, the asynchronous materials are approximately 1 hour per week, and other outside work will be 1 hour per week.

**Class Meeting Times**   Wednesday – 10:00 a.m. – 12:00 p.m.

August 26, 2020 – October 28, 2020

Room: None; this section is completely online. Zoom links will be provided.

**Professor Rodney Fong**

**Office:**   S-305 (off campus Fall 2020 semester)

**Phone:**   (312)427-2737 ext. 312

**Email:**   rfong@uic.edu

**Office Hours:**   By appointment only

**Course Materials:**     There are no casebooks or textbooks for the course.

All reading assignments and other materials, such as videos and articles, will be posted on the course Blackboard page.

**Learning Objectives:**     By the end of the semester, students should be able to begin:

1. Implementing individualized study strategies and techniques for law school and life-long learning;

2. Managing time and prioritize tasks;

3. Preparing for class, participate and learn from class, and prepare for exams and other assessments;

4. Learning beyond memorization and to think analytically and critically;

5. Applying the study strategies and learning techniques to all of their courses; and

6. Identifying emotional barriers to learning and implement intervention strategies.

Note: These outcomes are formative and developmental, i.e. students will be introduced to these skills and shown how they apply in law school. Students need to adapt these skills to other courses in their first and subsequent semesters. In addition, students should constantly practice these skills to reach a level of competency and ultimately, mastery.

**Attendance:**     Students are expected to complete the assignments listed in this Syllabus before each class session and to participate actively in class.

Preparation for each class is essential. I will call on students without prior notice. Each student is expected to contribute to the class discussion.

Pursuant to ABA standards and the policy of this law school, you will not be allowed to take the final examination or to receive credit for this course if you are absent for more than 25% of the scheduled classes (more than 2 absences). You are permitted 2 additional absences for religious observance.

Late Arrivals: Please be on time. Note that coming to class 15 minutes late or later may be considered an absence.

**Expected Workload:**     Under ABA Standard 310, each credit hour corresponds to at least one hour of classroom or direct faculty instruction (synchronous and asynchronous) and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different time period.

**Examinations:**    There will be two quizzes, each quiz worth 15% of the course grade, and a final examination, worth 40% of the course grade. The quizzes and final exam will be closed-book exams.

**Grading:**    Your grade in Expert Learning will be based upon the following:

- 25% - Submission of completed weekly assignments, including Blackboard exercises.
- 5% - Participation in a meeting with your professor
- 15% - Essay Quiz
- 15% - Multiple Choice Quiz
- 40% - Final Exam

You will see the due dates of the ungraded assignments and graded exams below in the week-by-week schedule. Following the schedule is a general rubric that should help guide you to writing well for this class and all other law school classes.

This class is not subject to either Curve 1 or Curve 2, and each section is graded independently. Further, no grade bumps will be used for this class.

**Academic Integrity:**    As an academic community, UIC is committed to providing an environment in which research, learning, and scholarship can flourish and in which all endeavors are guided by academic and professional integrity. All members of the campus community—students, staff, faculty, and administrators—share the responsibility of insuring that these standards are upheld so that such an environment exists. Instances of academic misconduct by students are governed by law school policies on academic integrity and professional misconduct as well as by the UIC Student Disciplinary Policy. Additional information may be found at https://www.jmls.edu/policy/.

| Disability Accommodations: | The University of Illinois at Chicago is committed to maintaining a barrier-free environment so that individuals with disabilities can fully access programs, courses, services, and activities at UIC. Students with disabilities who require accommodations for full access and participation in UIC programs must be registered with the Disability Resource Center (DRC), https://drc.uic.edu/. Please contact DRC at (312) 413-2183 (voice) or (312) 413-0123 (TDD). |
|---|---|
| Other Policies: | The law school's policies on attendance, class recordings, grading, academic grievances, and other matters may be found at https://www.jmls.edu/policy/. |
| Online Expectations: | For each class presented in an online, synchronous format, you are expected to be logged in with your camera on at the time class begins. Eating food is discouraged during class. |

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### Class Topics & Assignments

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**Week 1, Week of August 24**

| Topic | Before Class: Due August 30, 2020 at 11:59 p.m | After Class |
|---|---|---|
| Reading & Understanding Cases | View videos posted on Blackboard<br><br>Read *Western Union v. Hill*, located on Blackboard<br><br>Complete Blackboard quizzes based on videos & case reading | Case Brief Assignment Due – August 30, 2020 @ 6pm |
| Neuroscience Training | View videos posted on Blackboard<br><br>Read articles on Blackboard | |
| Normalizing Struggle & Adopting a Growth Mindset | View videos posted on Blackboard<br><br>Read articles posted on blackboard | |
| Developing Resilience | View videos posted on Blackboard<br><br>Complete on Blackboard:<br>• "Why Law School?" | |

| Week 2, week of August 31 | | |
|---|---|---|
| **Topic** | **Before Class** Due August 30, 2020 at 11:59 p.m | **After Class** |
| Learning Outcomes | View on Blackboard<br><br>Complete Blackboard exercise | |
| Maximizing Classroom Learning & Notetaking | Read:<br><br>ABC Tips on Notetaking | Class Notes Assignment Due – September 6, 2020 @ 6:00 p.m.<br><br>**Gather rules for Assault, Battery, Governing Law for a Contract, and Nuisance** |
| Transitioning Study Strategies for Law School - Learning Effectively | Complete Blackboard exercise | |
| Time Management & Prioritizing Tasks | Read articles posted on Blackboard<br><br>Complete before Meeting with Professor (located on BB):<br><br>• Competence Self-Assessment<br><br>• Course Goals<br><br>• Blank Weekly Schedule | |

| Week 3, Week of September 7, 2020 | | |
|---|---|---|
| **Topic** | **Before Class**: Due September 6, 2020 at 11:59 p.m | **After Class** |
| Rule Deconstruction & IRAC Organizational Format | View videos on Blackboard:<br><br>Bring rules for Assault, Battery, Governing Law for Contract, and Nuisance to class | |
| Getting Ready to Outline the Course | View videos on Blackboard:<br><br>Download and review the Law School Process chart | Pre-outline Chart due – September 13, 2020 @ 6:00p.m. |
| Neuroscience | View videos posted on blackboard | |
| Lack of Belonging & Imposter Syndrome | View videos on Blackboard<br><br>Read articles posted on Blackboard | |
| **Mandatory 1:1 Meetings Begin – Please be prompt** | | |

| Week 4, Week of September 14, 2020 | | |
|---|---|---|
| **Topic** | **Before Class**: Due September 13, 2020 at 11:59 p.m | **After Class** |
| Essay Exam Taking Tips; Rule Synthesis; More IRAC | View videos on Blackboard<br><br>Complete Shopping List exercise (located on BB) | IRAC assignment due September 20, 2020 at 6 p.m. |

| Week 5, Week of September 21, 2020 | | |
|---|---|---|
| **Topic** | **Before Class**: Due September 27 @ 11:59 p.m. | **After Class** |
| Multiple Choice Question (MCQ) Test Taking Tips | View videos on Blackboard:<br><br>Complete on Blackboard – MC questions (don't submit) | |
| **Graded Multiple Choice Quiz In-Class** | | |

| Week 6, Week of September 28, 2020 | | |
|---|---|---|
| **Topic** | **Before Class**: | **After Class** |
| Essay Exam Taking Tips Revisited | View videos on Blackboard | Building a Plan, Part 1 due on October 4, 2020 at 6 p.m. |
| **Graded Essay Quiz In-Class** | | |

| Week 7, Week of October 5, 2020 | | |
|---|---|---|
| **Topic** | **Before Class**: Due October 4 @ 11:59 p.m. | **After Class** |
| Preparing for Exams: Connecting the Course Outline to the Answer | View videos on Blackboard | Revised MC IRAC from Midterm due October 11, 2020 at 6 p.m. |

| Week 8, Week of October 12, 2020 | | |
|---|---|---|
| **Topic** | **Before Class**: Due October 11 @ 11:59 p.m. | **After Class** |
| Fine-Tuning & Diagnosing Multiple-Choice Questions Performance | View videos on Blackboard: | Building a Plan, Part 2 due October 18, 2020 at 6 p.m. |

| Week 9, Week of October 19, 2020 | | |
|---|---|---|
| <u>Topic</u> | <u>Before Class</u>: Due October 18 @ 11:59 p.m. | <u>After Class</u> |
| Reinforcing Good Habits Preparing for Exams: Reviewing Past Exam Questions & Answers | View videos on Blackboard: | Prepare for final |
| Professionalism | | |

| Week 10, Week of October 26, 2020 |
|---|
| **FINAL EXAM – In Class** |
| |

Name_____

| Elements | 3 – Exemplary | 2 – Proficient | 1 – Novice | 0 – No attempt | Score |
|---|---|---|---|---|---|
| **Legal Theory/Issue** | Issued ID'd with specific facts, party/ies, and legal theory | Includes two of the following: facts, parties, theory | Includes 1 of the following: facts, parties, theory. | No issue presented. | |
| **Rule** | Complete rule used, including required sub-rules | Rule used; sub-rules, if required, are missing | Main rule is incomplete | No rule listed | |
| **Analysis (basic)** | All sub-elements matched to facts. Use "because" or similar word to link facts to rules. | Most sub-elements addressed. Link to rules may not be clear. | Some sub-elements addressed; link to rules unclear. | Most sub-elements not addressed. No link to rules. | |
| **Analysis (Advanced)** | Ambiguous facts thoroughly discussed. Counterarguments provided for hot issues. | Ambiguous facts addressed. Counterarguments not fully developed. | Ambiguous facts may be mentioned, but no clear discussion. | Ambiguous facts ignored. | |
| **Conclusion** | Each sub-IRAC concludes on the sub-issue. Overall conclusion matches the analysis | Most sub-IRACs conclude the sub-issue. Overall conclusion matches the analysis | Some sub-IRACs conclude the sub-issue. Overall conclusion does not match the analysis. | Little or no attempt to conclude sub-issues. Overall conclusion does not match analysis. | |
| **Assignment Specific Criteria** | TBD | TBD | TBD | TBD | |
| **Total** | - | - | - | - | __/15 |