Assessment Plan for the School of Law
UNIVERSITY OF NORTH DAKOTA
I. Objectives of the Program of Legal Education.

a. Statement of Objectives

The School of Law offers its curriculum and student services in support of the following Learning Outcomes and objectives and curricular objectives.

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<th>Learning Outcomes</th>
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<tr>
<td>LEARNING OUTCOME 1: Foundational Knowledge</td>
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<tr>
<td>Our curriculum will provide students with foundational knowledge. After completing our program of legal education, students will:</td>
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<tr>
<td>a. Understand core substantive and procedural legal doctrines and foundational legal concepts</td>
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<td>b. Understand legal systems and institutions at the local, state, tribal, national, and international levels</td>
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<td>c. Understand the role of attorneys in society and the profession/have a holistic view of the attorney’s role</td>
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<td>d. See connections among areas of doctrinal knowledge, lawyering skills, and professional values</td>
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<td>LEARNING OUTCOME 2: Foundational Skills</td>
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<td>Our curriculum will provide students with education and training in foundational skills necessary to the legal profession. After completing our program of legal education, students will have developed competencies in:</td>
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<td>a. Legal analysis</td>
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<td>b. Legal research</td>
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<td>c. Written communication</td>
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<td>d. Oral communication</td>
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<tr>
<td>e. Identifying and assessing issues</td>
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<tr>
<td>f. Critical thinking</td>
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<tr>
<td>g. Interviewing</td>
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<tr>
<td>h. Investigation</td>
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<tr>
<td>i. Active listening</td>
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<tr>
<td>j. Counseling</td>
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<td>k. Advocacy</td>
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<td>l. Negotiation</td>
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<td>m. Technology</td>
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<td>n. Problem solving</td>
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LEARNING OUTCOME 3: Ethics and Professionalism

Our curriculum will emphasize ethics and professionalism in legal practice and provide students with the tools to identify and resolve ethical and professional dilemmas. After completing our program of legal education, students will understand the ethical and professionalism issues and consequences concerning:

a. Attorney-client relationships
b. Interactions with legal tribunals and other legal professionals
c. Conduct and decorum
d. Law practice management
e. Personal and professional wellness and stress management
f. Independence and self-sufficiency as legal professionals
g. The attorney's obligations as a legal professional

LEARNING OUTCOME 4: Leadership, Collaborative, and Adaptive Skills

Our curriculum will provide students with the skills and knowledge to solve problems and function effectively in any setting. After completing our program of legal education, students will have the abilities to:

a. Learn from experience
b. Self-reflect and "other"-reflect
c. Recognize possible pitfalls, admit mistakes, and self-correct
d. Engage in innovative and creative problem analysis, including imagining and implementing solutions
e. Be sympathetic and empathetic; manage self-empathy and engage in self-care
f. Exercise leadership and teamwork skills
g. Collaborate and cooperate in multiple roles
h. Effectively work with and for diverse individuals and communities
i. Identify and adapt to customs of practice
LEARNING OUTCOME 5: Service to Society

Our curriculum will emphasize an attorney’s obligation to serve society. After completing our program of legal education, students will understand and be able to address:

a. The obligation of attorneys to critically examine and improve the law
b. The responsibility of attorneys to contribute to society and community
c. The responsibility of attorneys to serve justice
d. Gaps in legal services, especially to impoverished and underrepresented populations

The School of Law also offers certificates in Indian Law and U.S. Air Transportation Policy. In addition to the Learning Outcomes listed above for the general program of legal education, students completing one of the certificate programs will be expected to meet additional Learning Outcomes.

Certificate Program Learning Outcomes

Indian Law Certificate Learning Outcomes.

After earning a certificate in Indian Law, Students will be able to understand and address:

a. Federal Indian Law and Tribal Law
b. What is ‘Indian Country’
c. The operations and procedures of tribal legal systems and institutions
d. The unique roles of attorneys in Indian Country
e. The distribution of regulatory and adjudicatory jurisdiction between tribes, states, and the federal government
f. The special role history plays in shaping Indian law and policy
g. Why some areas of the law work differently in Indian Country than anywhere else in the United States

U.S. Air Transportation Policy Certificate Learning Outcomes.

After earning a certificate in U.S. Air Transportation Policy Students will be able to understand and address:
b. Relationship of Objectives with Mission

The School of Law’s curriculum is “designed to produce competent and ethical lawyers with entry-level proficiency and professional self-sufficiency.” We strive to instill in our students an appreciation of the special responsibilities that accompany the professional status they will occupy by virtue of their legal education. Beyond the required curriculum, the School of Law offers upper-level courses that include not only the standard School of Law subjects, but also specialized subjects that draw on the expertise of our faculty.

The UND School of Law’s overarching institutional goals are embodied in its Mission Statement:

<table>
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<th>School of Law Mission Statement</th>
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<tr>
<td>The University of North Dakota School of Law seeks [1] to educate students for professional service in the law and law related professions, [2] to explore legal issues of special significance to North Dakota and the region, [3] to attract a well-qualified and diverse student body and to assist students in making career decisions, [4] to promote improvements in the law and legal system, the legal profession, and the administration of justice, and [5] to further the overall goals and objectives of the University of North Dakota.</td>
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In addition to the mission statement, the School of Law has adopted a Curricular Mission Statement:

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<th>School of Law Curricular Mission Statement</th>
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<tr>
<td>The curricular mission of the University of North Dakota School of Law is to produce well-rounded legal professionals with the necessary skill set to serve as effective, innovative, and ethical leaders. Our distinct character as one of the smaller public law schools in the nation informs our program of legal education, which is designed to produce competent and ethical lawyers with entry-level proficiency and professional self-sufficiency in any setting and reflects a cooperative and collaborative approach to teaching and learning. Our curricular goals are to facilitate each student's professional and personal development and to promote the highest professional standards, critical thinking, self- and other-</td>
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awareness, creative problem-solving skills, life-long learning, and a commitment to serving society.

c. The Curriculum

Our program of legal education is designed to produce competent and ethical lawyers with entry-level proficiency and professional self-sufficiency in any setting. Our program further reflects a cooperative and collaborative approach to teaching and learning. UND educated attorneys are well-rounded legal professionals with the necessary skill set to serve as effective, innovative, and ethical leaders. Our distinct character as one of the smaller public law schools in the national informs our program of legal education.

The specific requirements of our curriculum can be found at:
http://law.und.edu/students/policy-manual/index.cfm

d. Constituencies

Formal and organized input to the assessment process:
1. Faculty
2. Students
3. Alumni

Informal input to the assessment process:
1. State Bar of North Dakota
2. Federal, state and tribal judges
3. Employers

Faculty, students, and alumni are the program’s primary constituencies who provide formal, organized input to the assessment process. These primary constituencies are asked for feedback many times throughout the year, both formally and informally, and their input is utilized for continuous program improvement.

The following is a list of activities that take place to collect input from our constituencies regarding the degree program:

1. The School of Law holds an Assembly every semester. The purpose of this meeting is twofold: first, to establish communication channels with the students and to listen to their perceptions of the program and the School of Law; and second, to share changes in the curriculum with the students, and to receive their opinions on changes that have already been instituted.

2. Graduating students are asked to complete an online survey primarily dealing with employment, but can include other questions related to assessment of the program of legal education.
3. The North Dakota State Board of Bar Examiners provides the School of law with information regarding the performance of its graduates after each administration of the Bar Exam.

4. Randomly selected graduating students are invited to a group exit interviews each year. Feedback from these meetings is communicated to the Chair of the Curriculum & Assessment Committee, as well as suggestions made by the students for improving the program in the future.

5. Faculty and staff who receive informal feedback regarding the program of legal education from students and employers are encouraged to share that information with the Curriculum & Assessment Committee.

6. Every three years the School of Law conducts a general Alumni Survey, which is sent those alumni who graduated in the previous five years. This survey inquires of graduates what they wish they would have learned in law school to better prepare for their positions, as well as the perspective of more experienced graduates, who can offer their opinions on what is expected of newly hired attorneys.

e. Processes to Establish and Review Mission Statements and Educational Objectives

1. The School of Law Mission Statements are reviewed once every three years by the Curriculum & Assessment Committee and the Dean to determine whether modifications should be recommended to the faculty to reflect the School of Law’s evolving priorities.

2. The Program Educational Objectives are reviewed once every three years by the Curriculum and Assessment Committee and the Dean, to ensure that the existing Learning Programs and objectives truly represent the School of Law’s educational mission at that point in time.

3. Faculty ask alumni for any input on modifications to the Mission Statement and Learning Programs and objectives once every three years.

4. Faculty ask students for any input on modifications to the Mission Statement and Learning Programs and objectives once every three years.

5. Faculty vote on any proposed changes.

The next revisit of the program objectives is scheduled for the 2019-2020 academic year. This process is scheduled to be repeated every three years thereafter. The Curriculum & Assessment Committee is responsible for initiating and overseeing the process implementation.
II. Program Outcomes Assessment

The School of Law has established a comprehensive cyclical process to assess student learning. The outcome assessment process takes the following steps:

Step 1 – Each spring semester the Curriculum & Assessment Committee will identify one or more objectives under the Learning Outcomes to be assessed during the following year. It is expected one or more objectives under each Learning Outcome will be assessed at least once every three years.

Step 2 – The Curriculum & Assessment Committee will identify a method for collecting the data necessary to conduct the assessment. If the assessment requires the participation of students in any particular class, the Committee will consult with the faculty member teaching that class to ensure a minimum of disruption to the course.

Step 3 – Collect data according to the schedule identified in Step 2. The Committee will also assemble the qualitative and quantitative information identified in Section I(d) above from the various School of Law constituency groups to the extent available.

Step 4 – Analyze the data collected in Step 3. The compiled data is analyzed to assess achievement of outcomes and to establish a point of reference for future evaluations.

Step 5 – Each spring semester the Committee will report to the faculty on the results of the assessment activity. The faculty will determine what, if any action to take as a result of the assessment activity. The Committee will consider the results of the assessment activity as it engages in Step 1 for the following year.

*Adopted by Faculty Vote on September 16, 2016*
UND SCHOOL OF LAW ASSESSMENT PLAN

The UND School of Law’s overarching institutional goals are embodied in its Mission Statement:

The University of North Dakota School of Law seeks [1] to educate students for professional service in the law and law related professions, [2] to explore legal issues of special significance to North Dakota and the region, [3] to attract a well-qualified and diverse student body and to assist students in making career decisions, [4] to promote improvements in the law and legal system, the legal profession, and the administration of justice, and [5] to further the overall goals and objectives of the University of North Dakota.

The School has further defined these goals in its Educational Objectives (2000 Self Study, p.5). The first of these objectives – which commits to a goal of educating students for professional service in the law and law related professions – has been more specifically described as including education to students that will:

a. Develop basic skills (such as legal analysis, legal research, writing, advocacy, negotiating, and interpersonal communications) that are necessary for the practice of law and law-related professions,

b. Provide fundamental instruction, with an emphasis on creative and effective teaching, and comprehensive library resources in a broad range of legal and law-related subjects,

c. Emphasize the ethical and professional responsibilities of lawyers and promote the development of student perspectives on the role of law and lawyers in a diverse society, and

d. Prepare students for the technological advances changing the practice of law, the nature of client concerns, and the administration of justice.

2000 Self Study, p.5.

With the ultimate aim of assessing how the School is meeting its Educational Objectives, and using that assessment to further improve the School’s success in meeting those objectives, the School’s Curriculum Committee proposed a multi-phase plan to not only meet the University’s departmental assessment criteria (see Table 1), but also serve the School’s own need to conduct a more expansive, deeper study of our curriculum and institutional success.

Table 1: UND Departmental Assessment Criteria

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<tr>
<th>Student Learning Goals &amp; Objectives</th>
<th>Educational Experiences</th>
<th>Assessment Methods</th>
<th>Timeline</th>
<th>Responsibilities</th>
<th>Use of Results and Process for Documentation &amp; Decision-Making</th>
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<tr>
<td>What are our program’s goals and objectives? What will students be able to think, know, do or feel because of a given educational experience?</td>
<td>How will the goals and objectives be met? What program experiences (courses, seminars, research, etc.) help students achieve the desired outcomes?</td>
<td>What assessment methods will we use to collect data about what our students have learned? What are our criteria for success? How will we know the objectives have been met? What level of performance meets each objective? How will we interpret and evaluate the data?</td>
<td>When will we collect data? How often?</td>
<td>Who will be responsible for collecting, interpreting and reporting the results?</td>
<td>How will the results of assessment be used? Who needs to know the results? How can we convince them that the goals and objectives have been met? How can we improve our program and assessment process?</td>
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</table>
The Curriculum Committee’s first step in this multi-phase plan involved using a “funnel” approach to identify the more particular skills and learning achievements inherent in each of the broader Educational Objectives, and then defining each of those skills or achievements. The second phase involved designing an assessment plan that targets those skills or achievements – i.e., the Committee identified assessment tools to measure the learning progress of our students toward each of these skills or achievements, and proposed (1) methods (including time frames) for using those tools and (2) specific ways in which the results from those methods will be collected and used. The third phase of the overall assessment process will be to begin the actual assessment, using the methods proposed. This phase will likely be ongoing, so as to facilitate a more accurate longitudinal study, and ensure continued efforts to improve student learning. The fourth phase will be to actually collect data from the assessment methods, and use that data in the way contemplated by the plan. The Committee sees this entire plan as one that will require revisiting at regular intervals, to modify as need be to meet our changing institutional objectives.

I. Identifying Student Learning Competencies

In terms of the first phase of this whole process, the Curriculum Committee identified more particularized “Student Learning Competencies” that serve our School’s broader Educational Objectives and Mission. The Committee then proposed that some or all of these Student Learning Competencies (listed below in numbered bolded text) would be the focus of the School’s Assessment Plan. The Committee then engaged in discussions with the School’s faculty to discuss these competencies, and received consensus on them.

To assist in understanding the competencies, each is followed by italicized, narrative text offering further explanation and examples. That narrative text was created by the Committee to serve only as a guide in interpreting the specific competencies and not as a list of specific skills or attributes each graduate must possess. The graduate’s decisions whether to practice law after graduation, and the kind and location of that practice, will affect the relevance of these more specific explanations and examples.

(1) Each School of Law graduate should be able to understand and competently apply legal doctrine.

Understanding legal doctrine means understanding substantive rules of law at varying levels of specificity. One level means understanding a particular rule by understanding its origin (as to source and underlying policy) and development over time, its meaning, the meaning and scope of its parts, the relationship of the parts, and distinguishing the general rule from the exceptions. Another level means understanding how one particular rule relates to other rules within the same substantive category of law, by understanding the scope of the relevant category, the sources of rules in that category (including the authority and interrelationship of the sources), and common aspects of procedure, policy and remedy. Still another level means understanding how that category of law interrelates and overlaps with other categories of law.

Competent application of legal doctrine means effectively using doctrinal comprehension to assess and predict legal outcomes based on specific factual scenarios.

(2) Each School of Law graduate should be able to competently identify legal issues present in different factual scenarios.

Competent issue identification means applying knowledge of a broad spectrum of legal doctrines (see (1) above) to given factual scenarios in order to recognize which facts (usually comprising an

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1 See Lisa G. Lerman, “Teaching Legal Analysis: An Inventory of Skills,” *The Law Teacher* (Fall 1993).
event or occurrence) implicate which doctrines (or parts thereof). Issue identification thus requires competence in terms of recognizing the legal significance of particular facts (including the legal significance of absent facts), creativity in terms of both considering many possible doctrines that may be implicated and considering many possible ways of looking at a particular set of facts, and competence in terms of identifying relevant facts in light of those doctrines and prioritizing the relative importance or significance of each of the issues identified.

(3) Each School of Law graduate should be able to understand and apply competent legal analysis.

Understanding and applying competent legal analysis requires an understanding not only of legal doctrines (see (1) above), but also of the underlying sources behind those doctrines and how those sources work. Notably, judicial opinion as a source of doctrine is particularly important to understand – i.e., how those opinions are structured and their component parts, why and how the law and facts of other cases are used, why and how statutes, constitutional provisions, regulations, or other sources of rules are used, why and how secondary sources of rules are used, what non-law factors contributed to the court’s analysis, and why and how the opinion differs from previous judicial opinions, and whether justifiably so. School of Law graduates must be able to use these methods of analysis in order to answer particular legal issues presented to her/him. More specifically, after issue identification (see (2) above), the graduate should be able to use legal analysis to (1) apply the law to the pertinent facts in the problem s/he is analyzing – which in turn requires the analyst to draw analogies or make distinctions between the facts of relevant judicial opinions and the facts of the problem s/he is analyzing, and then construct arguments based on those comparisons and from different points of view – and then (2) derive answers to those issues and explain which answer is most persuasive (and why).

Implicit in competent legal analysis is also the ability to engage in critical thinking (see (5) below).

(4) Each School of Law graduate should be able to understand and apply competent legal synthesis.

Competent legal synthesis is a part of competent legal analysis (see (3) above). But more specifically, it addresses the process of identifying multiple sources of law on a particular topic and how they relate to one another, so that larger patterns or trends can be recognized as emerging from those sources, and a rule or rules can be derived therefrom. Thus, competent legal synthesis must recognize and explain the significance of the similarities and differences between multiple sources of law.

(5) Each School of Law graduate should be able to understand and apply competent legal problem solving techniques.

Competent legal problem solving means having the ability to identify and diagnose a problem, generate alternative solutions and strategies, develop a plan of action and implement the plan, while recognizing how new information and new ideas may hinder or assist the solution. In the context of solving legal problems, the graduate must specifically possess the competencies and skills already noted (see (1)-(4) above), as well as the other competencies on this list in order to “determine what legal constraints or tools exist that relate to the problem, integrate the legal and non-legal factors that affect the problem, and develop some advice, an argument, or a strategy.” This kind of critical thinking requires thoughtful deliberation about the purpose and

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2 See id.
3 See id.
4 See ABA SECTION OF LEGAL EDUCATION AND ADMISSION TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM. REPORT ON THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 138-140 (1992) [the MacCrate Report].
5 See Lerman, supra fn. 1.
outcome of the analysis beyond just the more direct questions being answered. The critical legal thinker will make a deliberate attempt to understand, for example, why one rule was established rather than another rule, whether another rule would have been better, what the particular rule accomplishes and what interests it serves, whether ambiguity exists in the rule and the consequences of that ambiguity, whether the rule makes any false assumptions, how the rule has evolved over time, the economic impact of the rule, and the other aspects of societal impact of the rule.6

(6) Each School of Law graduate should be able to understand how the legal system functions.

Understanding how the legal system functions requires, first, a basic understanding of the different components of the legal system, including (among others) the courts (federal, state, and tribal), administrative agencies, legislatures, and forums for alternative dispute resolution. Further, each graduate must not only understand the different avenues affording dispute resolution and problem solving, but also appreciate the differences between those forums, appreciate the aspects of each forum that may more favorably bear on his/her case, and understand the process and requirements for using each forum.

(7) Each School of Law graduate should be a competent legal researcher.

Competent legal research requires designing a coherent and effective research plan, including identifying issues and key words for use in searching legal sources. Each School of Law graduate should be able to use legal finding tools, both paper and electronic, to locate and aid in evaluating all major legal sources, including, but not limited to, cases, statutes, administrative regulations, and secondary sources, both legal and nonlegal. With assistance of reference librarians, the graduate should be able to locate legislative history materials, such as bills and committee reports. Each graduate should understand where sources fall in the hierarchy of authority, their validity, and the means to update them.

(8) Each School of Law graduate should be a competent oral communicator.

Within the legal context, competent oral communication requires using appropriate words (especially legal terms of art), proper grammar, and when possible, a clear, audible, and appropriately paced speaking style while maintaining a respectful, effective demeanor toward the audience. Where oral communication is a vehicle for legal problem solving, it must also be well organized in that it clearly identifies and states the legal issue(s), the determinative and necessary explanatory facts of the case, the legal rule(s) relied upon, and the source(s) of each rule, taking cognizance of the hierarchy of authority in the citations employed. The oral presentation should then apply the rule(s) to the facts of the case to solve the legal problem, clearly answer questions, address possible counterarguments to the position taken, consider the policy implications of the legal context, clearly state the relief sought, and argue in the alternative, where appropriate. Competent oral communication within the legal context also requires mastering all common legal speaking formats, including, but not limited to, motions argument, trial advocacy, appellate arguments, public presentations, presentations to groups of peers, presentations to legal supervisors, communications with clients and adversaries, and both transactional and litigation negotiations.

(9) Each School of Law graduate should be a competent legal writer.

Competent legal writing requires using appropriate words (especially legal terms of art), and proper grammar, punctuation, spelling, and citation. Where the writing is a vehicle for legal problem solving, it must also be well organized in that it clearly identifies and states the legal issue(s), the determinative and necessary explanatory facts of the case, the legal rule(s) relied upon, and the source(s) of each rule, taking cognizance of the hierarchy of authority in the

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6 See id.
citations employed. The writing should then apply the legal rule(s) to the facts of the case to solve the legal problem, address possible counterarguments to the position taken, consider the policy implications of the legal context, clearly state the relief sought, and argue in the alternative, where appropriate. Competent legal writing also requires being able to write many kinds of legal documents including, but not limited to, interoffice memoranda, client and demand letters, basic contracts, appellate briefs, scholarly research papers, and answers for the essay portion of the bar examination, as well as having the tools to draft legal documents not previously encountered.

(10) Each School of Law graduate should be aware of his/her professional role within society, and understand and exercise sound, ethical professional judgment.

Each graduate should appreciate and exercise sound professional judgment, which requires a recognition of ethical and fiduciary duties to clients and the legal system as a whole; practicing law with dignity, civility, and honor; maintaining, nurturing, and developing a sense of professional ethics; understanding and adhering to the governing rules of professional conduct; developing an awareness of one’s own individual values and how they interrelate with professional ethics and governing rules of professional conduct; and balancing the personal and professional components of one’s life.

Social awareness involves focusing on and serving the needs of the community or general public. Each School of Law graduate should appreciate the need for providing pro bono services to the public and serving as a mentor both inside and outside of the legal profession. The graduate should also appreciate the need to actively volunteer, participate, and serve in various professional, legal, political, religious, civic, and charitable organizations throughout the community.

II. Identifying Methods and Use of Assessment

As mentioned above, the second phase of the Curriculum Committee’s plan involved designing an assessment plan that would, first, identify assessment tools to measure the learning progress of our students toward each of the identified particularized skills or achievements, and secondly, propose both methods (including time frames) for using those tools and specific ways in which the results from those methods will be utilized. In order to identify assessment tools, the Committee has looked to the School’s current curriculum and academic programming, and considered what tools might be more effectively used to assess learning within that framework. Given that the first round of assessment was to begin in the Spring semester 2006, the Committee: (1) identified effective, specific means for assessment during Spring and Summer 2006; (2) created a standard matrix of competencies for use by assessors during that time period; and (3) plans to disseminate – as early as possible but no later than January 10, 2006 – the standard matrix to all Spring 2006 assessors, as well as to other Spring 2006 instructors and extern supervisors so that they, too, will be informed about this assessment process and begin considering how it could be used in their own courses or externships. The Committee then engaged in discussions with the School’s faculty to discuss these assessment methods, and received consensus on them.

The Committee considers this first round of assessment as a pilot process – i.e., one that seeks to make substantial and significant assessments of student learning, yet will serve as a trial run of our assessment methods before implementing them on a broader scale. The Committee will collect and collate data from this initial assessment (see part IV. below), and will use that data, as well as insights learned about the assessment process and chosen methodology, to inform and improve on the School’s future rounds of assessment. In that regard, the Committee will continue its study of assessment methods that would be most effective for semesters after Spring 2006.
A. Methods of Assessment During Spring and Summer 2006

In identifying effective means of assessment during this initial period, the Committee considered (1) specific law student activities that, if assessed, would reflect a broad spectrum of curricular experiences and competencies, and (2) the specific tools that could best capture assessment of student learning reflected in those activities. With regard to the former, the Committee concluded that the following six sources of student activity assessment were most suitable for this particular period (i.e., Spring and Summer 2006) because they will reflect not only curricular student performance, but also extracurricular student performance, externship performance with judges and lawyers, and professional examination performance before and after graduation:

1. Instructor Assessment of Select Course Performances

At least six identified School of Law courses will take part in this pilot assessment – Advanced Legal Research, Alternative Dispute Resolution, Brief Writing and Appellate Advocacy, Clinic, Indigenous Peoples in International Law, and Natural Resources. Reflecting a range of law student learning and competencies, one of the courses is a First Year course, while the other five are Second and Third Year courses. (For a full description of each of these courses and the student experiences that will likely be assessed in each, please see Appendix I.) In addition, this one component of the pilot process alone will involve direct assessment by at least six instructors at the School, which reflects not only a large percentage of faculty and therefore substantial collective effort, but also reflects a broader base of assessment for gathering and interpreting data, as well as for testing the assessment process itself.

The general process for assessment in these courses will be that the instructor will select particular student experiences in the course (whether assignments, problem exercises, exams, or other experiential activities) and use a standard matrix of competencies to record assessment of student performance. The instructor will get that standard matrix (as described more fully below) from this Committee, along with instructions that s/he may refer to the narratives for each of the competencies (given in part I. above) as a guide in defining the competencies, but is not limited to those narratives and may further specify (on the matrix) the particular components of each competency that s/he is evaluating. In addition, the instructors have been given an explicit assurance that these assessments are not meant to replace, interfere with, or reflect upon the instructor’s grading of the students in these courses. Instructors who for their own purposes wish to relate these competency assessments to their course grading may of course do so, but this institutional assessment process does not ask for that correlation.

2. Externship Assessment

Three law student externships will take part in this pilot assessment – the North Dakota State District Court Externship (Spring 2006), the Federal Court Externship (Summer 2006), and the United States Attorney’s Office Externship (Summer 2006). These externships provide Second and Third Year law students with a broad range of experiences that develop and draw on varying levels of competencies, all within the supervision of highly competent and well-respected judges and attorneys. (For a full description of each of these externships, please see Appendix II.)

The general process for assessment in these externships will be that the students’ office supervisor(s), in conjunction with the Assistant Dean of the UND School of Law, will select particular student experiences (whether oral presentations, witness interviews, written research memoranda, court orders, briefs, motions, pleadings, jury instructions, or other activities) and use a standard matrix of competencies to record assessment of student performance. Each supervisor will get that standard matrix (as described more fully below) from this Committee, along with instructions that s/he may refer to the narratives for each of the competencies (given in part I. above) as a guide in defining the competencies, but is not limited to those narratives and may further specify (on the matrix) the particular components of each competency that s/he is evaluating.
3. **Moot Court Assessment**

Students performing in the Spring 2006 UND School of Law Moot Court competition will submit written appellate court briefs and participate in oral arguments before a mock appellate court. In a process kept separate from scoring for purposes of competition advancement, the School’s Director of Legal Writing will be assessing student performance in the written briefs, and collating assessment data from individual competition judges with regard to the oral arguments. The Director will use a standard matrix of competencies (described more fully below) in both regards. That matrix will be given to her by this Committee, along with instructions that she may refer to the narratives for each of the competencies (given in part I. above) as a guide in defining the competencies, but is not limited to those narratives and may further specify (on the matrix) the particular components of each competency that she is evaluating. She, in turn, will design an assessment sheet for the individual competition judges based on the matrix of competencies. The Director has identified Competencies 2, 3, 4, 7, 8, and 9 as those that will be assessed for the briefs and oral arguments.

4. **Committee Assessment of Research Paper Samples**

A special committee will convene in the Spring Semester 2006 to assess a sampling of research papers from two courses, *Environmental Law* and *Federal Indian Law*, as well as a sampling of Independent Writing Projects. The committee will include faculty members with expertise in the substantive doctrines discussed in the research papers. All papers submitted to the committee will be anonymous, to ensure confidentiality, and this assessment will be kept independent from any grading of the students. In other words, the goal of this committee sampling will be to afford another way to objectively measure student learning. When assessing the research papers, the committee will use the standard matrix discussed below, and may use the narratives for the competencies (given in part I. above) as a guide in defining the competencies, but is not limited to those narratives and may further specify (on the matrix) the particular components of each competency being assessed. The sampling assessment will likely focus on Competencies 1, 3, 4, 6, 7, and 9.

5. **Bar Examination**

Bar Examination passage is one form of comprehensive assessment of law students post-graduation. It has the benefit of testing on a large number of substantive law areas, and testing the students’ overall judgment in distinguishing particular areas of law and legal issues from others. The scores needed to pass the Examination are designed to reflect the level of competence required of a legal practitioner. In addition, most states include a standardized multi-state portion of the Bar Exam along with a state-specific portion. The multi-state portion tests a large number of substantive areas of law that are considered essential and basic for the general legal practitioner across the United States. The state-specific portion emphasizes testing on the particular state’s laws, to reflect the minimum level of competence required of a general legal practitioner in that state. The testing agencies lie outside of and are independent from the UND School of Law, which lends an additional layer of objectivity to the assessment process.

Performance of the School’s graduates on the July 2006 Bar Examination (as seen from measures on the North Dakota and Minnesota Bar Exams) will thus be considered by the Curriculum Committee in light of competencies tested on the exam. The Committee will use the standard matrix discussed below in order to report the competencies identified. In addition, the Committee will compare this performance with the historical performance of UND School of Law graduates on the Bar Examination over the last five years (see Appendix III).

6. **Multistate Professional Responsibility Examination**

The Multistate Professional Responsibility Examination (MPRE) is another form of standardized assessment of law students to determine whether they meet a particular competency level of a general legal practitioner in the United States. Specifically, the MPRE tests the students’ knowledge of and appreciation for their ethical, and other, responsibilities as legal professionals. In other words, the
exam tests a more global understanding of the legal professional role, beyond what the Bar Examination may test. Passage of the MPRE is required by many states, in addition to passing the Bar Exam, to ultimately determine whether that student will be admitted to practice within the state. Law students may take this exam before or after graduation, but typically they take the exam before graduation, during their last year of law studies. This exam is administered and scored by an agency outside of and independent from the UND School of Law, which lends an additional layer of objectivity to the assessment process.

Because individual performance on the MPRE is not made available to the School, yet can in part be determined within data reported on Bar Examination passage, the Curriculum Committee will use that data from the Summer 2006 Bar Exam to assess the MPRE performance of those students who took that Bar Exam. The Committee will consider that data in light of competencies tested on the exam, and will use the standard matrix discussed below in order to report the competencies identified.

With regard to specific tools for assessment in these activities, as mentioned above, the Committee created a standard matrix that each assessor will use to report assessment of any or all of the ten competencies specified in this plan. The matrix is further described below.

B. The Standard Matrix of Competencies

In creating a specific tool that could be used in this pilot period of assessment, the Committee concluded that it would be most helpful to have one standard matrix that each and every assessor would use, no matter what the student activity/experience being measured, and no matter what the competency or competencies being assessed. This would not only be helpful to the assessor, in terms of identifying specific competencies being measured, but would also help ensure more accurate cross-comparison of individual assessment results. In addition, the Committee designed the matrix to leave room for individual specification or “tailoring” of assessment by each assessor, so that more information about the assessment process could be collected. As illustrated in Table 2 below, the standard matrix includes all ten competencies, yet allows for further elaboration by each assessor in terms of defining each of the competencies and defining each of the student activities/experiences being assessed. In addition, each assessor will be given instructions that suggest use of the narratives provided for each competency in part I. above, but only as a guide, not a mandate, for defining the competencies.

Critical, too, is the need for each assessor to report the measurement scale being used for each assessment. To that end, the Committee will request that each assessor attach to his/her completed matrix a report of the scale of measurements used. These measurements may be in the form of a scoring range (by point total or percentage), or letters, or other symbols reflecting the scale from lowest to highest level of competencies. Qualitative labels also should be specified (next to the numbers or letters on the scale used) by the assessor to indicate the varying levels of competency. And finally, each assessor will also be asked to indicate which levels on their measurement scale relate to the following three standard levels of competency – “above the competency level of a competent legal practitioner” (or “A” for short); “equal to the competency level of a competent legal practitioner” (or “E” for short); and “below the competency level of a competent legal practitioner” (or “B” for short). These three designations will serve as universal reference points for cross comparison between different assessments, as well as reference points relating student skill levels to the levels of competency expected after law school, in the practicing Bar. An example of a measurement scale, qualitative labels, and indication of the three universal levels of competency is given in Table 3. However, it is important to note that each assessor’s placement of these reference points on any given scale will vary with the difficulty and type of task being assessed, and the relative level of competency which the student has attained by that given point in time in his/her education.
### Table 2: Standard Matrix for Assessment

<table>
<thead>
<tr>
<th>Competency</th>
<th>Assessment 1</th>
<th>Assessment 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[specify here the student activity being assessed]</td>
<td>[specify here the student activity being assessed]</td>
</tr>
<tr>
<td></td>
<td>[in boxes below, specify student competency score*]</td>
<td>[in boxes below, specify student competency score*]</td>
</tr>
</tbody>
</table>

**Competency 1:** understand & competently apply legal doctrine
- [assessor may indicate further definition here]

**Competency 2:** competently identify legal issues
- [assessor may indicate further definition here]

**Competency 3:** understand & apply competent legal analysis
- [assessor may indicate further definition here]

**Competency 4:** understand & apply competent legal synthesis
- [assessor may indicate further definition here]

**Competency 5:** understand & apply competent legal problem solving techniques
- [assessor may indicate further definition here]

**Competency 6:** understand how the legal system functions
- [assessor may indicate further definition here]

**Competency 7:** competent legal research
- [assessor may indicate further definition here]

**Competency 8:** competent oral communication
- [assessor may indicate further definition here]

**Competency 9:** competent legal writing
- [assessor may indicate further definition here]

**Competency 10:** aware of professional role, and understand & exercise sound, ethical professional judgment
- [assessor may indicate further definition here]

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*Each instructor should attach a written explanation identifying the scoring scale s/he used and a description of each level of mastery it corresponds to, as well as also denote where the following three categories fall: “above the competency level of a competent legal practitioner” (or “A” for short); “equal to the competency level of a competent legal practitioner” (or “E” for short); and “below the competency level of a competent legal practitioner” (or “B” for short).
Table 3: Example of Assessment Scale

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Outstanding – exhibits unusually high level of</td>
<td>“A” (above the level of a</td>
</tr>
<tr>
<td></td>
<td>competency for task</td>
<td>competent legal practitioner)</td>
</tr>
<tr>
<td>9</td>
<td>Excellent – exhibits a high level of competency</td>
<td>“E” (equal to the level of a</td>
</tr>
<tr>
<td></td>
<td>on task</td>
<td>competent legal practitioner)</td>
</tr>
<tr>
<td>8</td>
<td>Very Good – exhibits a higher than expected</td>
<td></td>
</tr>
<tr>
<td></td>
<td>level of competency on task</td>
<td></td>
</tr>
<tr>
<td>6-7</td>
<td>Above Average – meets the level of competency</td>
<td>“B” (below the level of a</td>
</tr>
<tr>
<td></td>
<td>expected on task</td>
<td>competent legal practitioner)</td>
</tr>
<tr>
<td>5</td>
<td>Average – falls at or just below the level of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>competency expected on task</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Below Average – clearly falls below the level</td>
<td></td>
</tr>
<tr>
<td></td>
<td>of competency expected on task</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Poor – fails to exhibit all but minimal competency on task</td>
<td></td>
</tr>
<tr>
<td>0-2</td>
<td>Little or no competency exhibited</td>
<td></td>
</tr>
</tbody>
</table>

III. Using the Assessment Tools

The third phase of the overall assessment process will be to begin the actual assessment, using the methods proposed. As mentioned above, assessment will begin in the Spring 2006 semester. However, the School anticipates that assessment will be an ongoing, long term process beyond that, so as to facilitate a more accurate longitudinal study, and continue the School’s efforts toward improving student learning.

IV. Collection and Use of Data

The fourth phase of this initial assessment process will be to aggregate data collected from the assessment methods identified in Section II of this Plan, and use the data for review and where appropriate revision of the School's curriculum and academic program. As assessment data is collected it will be aggregated in an Institution Assessment Matrix. (See Table 4 below.) The Institution Matrix will correlate the various student activities and experiences assessed with relevant student competencies identified in Section I of this Plan, and will report the data showing the level at which students perform for each competency. The Institution Matrix will thus offer in one place an overview of the extent to which each competency is being assessed as well as student performance for each competency over a number of different experiences and assessment methods. The Institution Matrix would then be the primary source for faculty consideration, perhaps in an annual retreat or special curriculum discussion, for revisions to the curriculum and academic program.
Table 4: Example of Assessment Scale

<table>
<thead>
<tr>
<th>Competency 1:</th>
<th>Instructor Assessment of Select Course Performances</th>
<th>Externship Assessments</th>
<th>Moot Court Assessment</th>
<th>Committee Assessment of Sample Research Papers</th>
<th>Bar Exam</th>
<th>MPRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>legal doctrine</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Competency 2:</td>
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<td></td>
<td></td>
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<tr>
<td>legal issues</td>
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<tr>
<td>Competency 3:</td>
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<tr>
<td>legal analysis</td>
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<td>Competency 4:</td>
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<tr>
<td>legal synthesis</td>
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<tr>
<td>Competency 5:</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>legal problem solving</td>
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<tr>
<td>Competency 6:</td>
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<tr>
<td>legal system</td>
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<tr>
<td>Competency 7:</td>
<td></td>
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<td></td>
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<tr>
<td>legal research</td>
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<td></td>
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<tr>
<td>Competency 8:</td>
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<tr>
<td>oral commun.</td>
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<tr>
<td>Competency 9:</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>legal writing</td>
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<tr>
<td>Competency 10:</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>professional role &amp; professional judgment</td>
<td></td>
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<td></td>
<td></td>
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</tbody>
</table>

*Upon completion of data collection and aggregation, each block will be filled with percentages that correspond to each of the three universal levels of competency (A – above the level of a competent legal practitioner; E – equal to the level of a competent legal practitioner; and B – below the level of a competent legal practitioner).
APPENDIX I

Course Descriptions and Assessment Goals

**Advanced Legal Research**

Description: This course enables students to refine and expand their legal research skills. Topics covered include North Dakota legislative history, federal legislative history, practitioner's resources, non-legal resources, and Computer Assisted Legal Research (CALR).

Assessment Goals: In the Spring 2006 semester, the instructor of the *Advanced Legal Research* course will assess student performance on one course experience – a federal legislative history research assignment. The assignment will primarily reflect Competency 7.

**Alternative Dispute Resolution**

Description: This course provides a survey of mediation, arbitration, and emerging methods of alternative dispute resolution. Students are required to engage in small and large group discussions, simulated negotiations and mediations in addition to regular reading assignments. Students may satisfy course requirements by writing a paper.

Assessment Goals: In the Spring 2006 semester, the instructor of the *Alternative Dispute Resolution* course will likely assess student performance on one or two course experiences, including a written paper or an oral presentation. These assessments will likely focus on Competencies 4, 5, and 6, and (depending on the exercise) either Competency 8, or Competencies 7 and 9.

**Brief Writing and Appellate Advocacy**

Description: This First Year, second semester course builds upon the skills acquired in the *Legal Process* course over the first semester. It teaches the student to make the shift from objective, predictive analysis to persuasive analysis. Students will further develop their research and analytical skills by advocating their hypothetical client's position through clear written and oral communication. Each student will learn to communicate with his/her client by letter, engage in a settlement conference, and draft a settlement contract. Additionally, each student will research and draft a full-length brief for an appellate case and argue it against a student opponent in moot court.

Assessment Goals: In the Spring 2006 semester, the Director (and instructor) of the *Brief Writing and Appellate Advocacy* course will assess student performance on two course experiences – the final written court brief and the appellate oral argument. These assessments will likely focus on Competencies 1, 3, 4, 7, 8 and 9.

**Clinic**

Description: The first of two Clinic courses examines lawyering skills in the context of the role of a lawyer in the legal system (and in society in general) by engaging students in representing clients in cases likely to involve hearings before state or Federal courts and/or administrative tribunals. Third Year students have the opportunity to appear in court pursuant to the North Dakota Student Practice Rule. This clinic focuses on traditional and client centered lawyering roles and in narrowing the gap between law on the books and law in practice. Emphasis is placed upon ethical and professional concerns inherent in the awesome responsibility of having a client. Students develop skills in interviewing, negotiation, case planning, discovery practice, organizing, formal and informal advocacy, trial practice, transactional practice (including
business planning), law office management and fact investigation and structuring. Empathy, strategic thinking, decision-making, working across cultures, communication, collaboration, cognition, narrative structuring, observation, generalization from experience and critique of institutions and roles are key conceptual basis for developing these skills. This is a time-intensive endeavor and students should plan on devoting an average of 25 hours a week to clinic activities. Instruction methods include role playing, brainstorming, decision-making, lecture, journaling, web-site posting, discussion, simulation, individual and group supervision with faculty and learning from classmates, clients and community partners. Active involvement in all facets of this educational enterprise is required, and risk-taking and openness to change are encouraged. The matters handled by the Clinic are to some extent a product of the collective choice of the clinic group, but have in the recent past, included landlord–tenant, employment, civil rights, public benefits and refugees’ issues. There are no prerequisites, but Evidence, Pretrial Practice and/or Professional Visions are recommended. Enrollment is limited and application to the Clinical Programs Office is required. A short orientation program is mandatory and takes place by arrangement several days before the start of the semester.

The second course in the Clinic program engages Third Year students in the practice of law under the North Dakota Student Practice Rule. Students in this clinic work on the same kinds of cases and develop the same skills as described above, but lawyering skills are examined through the lens of their effects on social ordering. This Clinic program emphasizes the exploration of alternative conceptions of lawyering roles – including cause lawyering, law and organizing, concerted action, cognitive, therapeutic and collaborative approaches to legal practice. In addition, the skills of community organizing, collaboration, alternative dispute resolution, lobbying, administrative rule-making and class action and precedent setting litigation are engaged in and discussed. The focus of the Clinics’ work is on expanding or changing the fabric of legal practice. Instruction methods include role playing, brainstorming, decision-making, lecture, journaling, web-site posting, discussion, simulation, individual and group supervision with faculty and learning from classmates, clients and community partners. Active involvement in all facets of this educational enterprise is required. Risk taking is encouraged, as is creativity and openness to change. Clinic I is prerequisite, and Evidence, Pretrial Practice, Professional Visions and/or ADR are recommended. Enrollment is limited and application to the Clinical Programs Office is required. A short orientation program is mandatory and takes place by arrangement several days before the start of the semester.

Assessment Goals: In the Spring 2006 semester, the Director (and instructor) of the Clinic courses will assess student performance in a number of course experiences, including class discussions, individual student meetings, grand rounds, case selection meetings, role-play exercises, client-student interactions, other lawyering tasks, and student journals. Assessment will also take place at both the beginning of the semester (to get a baseline of student competencies) and then again closer to the end of the semester. These assessments will likely focus on Competencies 1, 2, 3, 4, 5, 6, 8, 9, and 10.

Indigenous Peoples in International Law

Description: This course encompasses both international law and comparative law aspects, as it exposes students to international law and institutions that relate to indigenous peoples and engages students in a comparison of the doctrines and policies that individual countries have developed regarding indigenous peoples. Topics addressed in this course include the legal structure of claims by indigenous peoples, group rights and their relationship to universal human rights, the human genome diversity project, self-determination in international law, indigenous children, land and territory of indigenous peoples, and international financial institutions and their impact on indigenous peoples. There are no prerequisites for this course. Credit will be based on a research paper or final essay exam based on the student's election.
Assessment Goals: In the Spring 2006 semester, the instructor of the *Indigenous People in International Law* course will assess student performance on the final research paper. This assessment will likely focus on Competencies 1, 2, 3, 4, 5, 6, 7, and 9.

**Natural Resources**

Description: Nearly one-third of the United States is owned by the federal government, and this course addresses the laws and legal doctrines that govern it. In the first weeks of the semester, this course will examine the history of federal land ownership and the policies used to manage it. The course will also address the relationship between the executive and legislative branches and between federal and state governments in resource management. After exploring the operation of laws with broad application, such as the National Environmental Policy Act and the Endangered Species Act, this course will examine the laws governing the management of specific resources, such as minerals, rangelands, forests, wildlife refuges, national parks and wilderness. Throughout the course, the class will examine the economic and social dimensions of resource conflicts. There are no prerequisites for this course. Credit is based on a final examination.

Assessment Goals: In the Spring 2006 semester, the instructor of the *Natural Resources* course will assess student performance on the final exam. This assessment will likely focus on Competencies 1, 2, 3, 4, 5, 6, and 9.
APPENDIX II
Externship Descriptions and Assessment Goals

North Dakota State District Court Externship

Description: The objectives of the externship program with the District Court for the Northeast Central Judicial District of North Dakota are to provide law students with instruction in professional skills, legal writing and strategy, professional responsibility, and civil and criminal practice not otherwise available with the law school curriculum. Externs work closely with the judges and judge’s staff, presenting an opportunity unequaled in the law school curriculum to develop legal research and writing skills. Externs also have a unique chance to observe state court proceedings and gain understanding and insight into the professionalism expected of practicing attorneys both in written and oral advocacy.

Externs are expected to draft legal opinions, research and analyze legal issues and summarize the results in written memoranda, and assist with hearing and trial preparation work as necessary, including preparing jury instructions. With regard to criminal law, these tasks may include researching applicable penalties, reviewing legal briefs and drafting legal memoranda for the court’s consideration. With regard to civil law, these tasks may include researching various legal issues, and preparing legal memoranda and draft opinions for the court. In addition to the written work assigned by the field supervisor, externs also will be required to satisfactorily complete a classroom component of the externship program. This component requires students to meet, at minimum, in class for eight hours and satisfactorily complete all reading and written assignments, as well as any other requirements for the class as may be assigned by the faculty supervisor. Externs must maintain accurate time and activity sheets during the externship. At a minimum, the faculty supervisor considers the following factors in determining whether the student has successfully completed the externship requirements:

- amount of time devoted by the extern to the placement,
- the quality of the extern’s work product,
- class attendance, quality of classroom work and the extern’s final evaluation.

This externship accepts up to three students per semester.

Assessment Goals: In the Spring 2006 semester, the faculty supervisor and field supervisor(s) of the North Dakota State District Court Externship will assess student performance in at least two different experiences, most likely including one written task and one task requiring oral communication skills. This assessment, overall, will likely gauge student performance on most (if not all) of the ten Competencies.

Federal Court Externship

Description: The objectives of the externship program with the United States District Court for the District of North Dakota are to provide law students with instruction in professional skills, legal writing and strategy, professional responsibility, and civil and criminal practice unique to attorneys who are associated with the federal court, and civil and criminal federal practice not otherwise available with the law school curriculum. Externs work closely with the judges and judge’s staff, presenting an opportunity unequaled in the law school curriculum to develop legal research and writing skills. Externs also have a unique chance to observe federal court proceedings and gain understanding and insight into the professionalism expected of practicing attorneys both in written and oral advocacy. Externs also have the opportunity to observe and participate in mediation conferences and trials whenever possible.

Externs are expected to draft legal opinions, research and analyze legal issues and summarize the results in written memoranda, and assist with hearing and trial preparation work as necessary,
including preparing jury instructions. With regard to criminal law, these tasks may include researching applicable penalties, reviewing legal briefs and drafting legal memoranda for the court’s consideration, and interpreting guideline calculations. With regard to civil law, these tasks may include researching various legal issues, and preparing legal memoranda and draft opinions for the court. In addition to the written work assigned by the field supervisor, externs also have a writing requirement and a requirement to meet regularly with their faculty supervisor. The writing requirement may be satisfied by either: (1) a daily or weekly journal created during the course of the externship, or (2) a ten-page paper. Journals should contain the extern’s reflections on the work done as well as the proceedings observed during the externship. These reflections should examine the extern’s experiences in the context of larger issues, such as professional responsibility; the lawyer’s relationship with the court, witnesses, or adversaries; public policy; individual rights; legal ethics; and justice. Papers should be similarly reflective in content, but the extern may choose one experience or issue to examine at length. In terms of the requirement that each extern meet regularly with his/her faculty supervisor, three types of such meetings are used: Informational and Instructional Meetings, Periodic Evaluation and Feedback Meetings, and the Final Evaluation Meeting. Externs must also maintain accurate time and activity sheets during the externship. At a minimum, the faculty supervisor considers the following factors in determining whether the student has successfully completed the externship requirements: amount of time devoted by the extern to the placement, the quality of the extern’s work product, the extern’s journal or paper, and the extern’s final evaluation. This externship accepts one student per judge per summer.

Assessment Goals: In the Summer 2006, the faculty supervisor and field supervisor(s) of the Federal Court Externship will assess student performance within various experiences, most likely including, at minimum, one written task and one task requiring oral communication skills. This assessment, overall, will likely gauge student performance on most (if not all) of the ten Competencies.

**United States Attorney Externship**

**Description:** The objectives of an externship program with the United States Attorney’s Office are to provide law students with instruction in professional skills, legal writing and strategy, professional responsibility unique to attorneys who represent the United States, and civil and criminal federal practice not otherwise available in the law school curriculum. The externship also provides the opportunity to observe when and how federal laws are enforced, to reflect on whether justice is served in individual federal cases, and to understand the role of public policy and professionalism in an adversarial system. In particular, externs have opportunities to observe both criminal and civil proceedings in federal court, including initial appearances, preliminary hearings, arraignments, motion hearings, pretrial hearings, depositions, bankruptcy hearings, mediation conferences, and trials whenever possible. Externs are also included in legal strategy discussions and settlement or plea negotiations when appropriate.

Externs are expected to draft legal pleadings and briefs, prepare discovery, research and analyze legal issues and summarize the results in written memoranda, and assist with hearing and trial preparation work as necessary. With regard to criminal law, these tasks may include drafting indictments, plea agreements, briefs in response to pretrial motions, and appellate briefs; organizing and preparing documents for hearings and/or trials; and researching various legal issues. With regard to civil law, these tasks may include drafting answers, complaints, bankruptcy plan or schedule objections, bankruptcy adversary complaints; preparing discovery requests and responses and deposition outlines; drafting nondispositive, dispositive and appellate motions and briefs; and researching various legal issues. In addition to the written work assigned by the field supervisor, externs also have a writing requirement and a requirement to meet regularly with their faculty supervisor. The writing requirement may be satisfied by either: (1) a daily or weekly journal created during the course of the externship, or (2) a ten-page paper. Journals should contain the extern’s reflections on the work done as well as the
proceedings observed during the externship. These reflections should examine the extern’s experiences in the context of larger issues, such as professional responsibility; the lawyer’s relationship with the court, witnesses, or adversaries; public policy; individual rights; legal ethics; and justice. Papers should be similarly reflective in content, but the extern may choose one experience or issue to examine at length. In terms of the requirement that each extern meet regularly with his/her faculty supervisor, three types of such meetings are used: Informational and Instructional Meetings, Periodic Evaluation and Feedback Meetings, and the Final Evaluation Meeting. Externs must also maintain accurate time and activity sheets during the externship. At a minimum, the faculty supervisor considers the following factors in determining whether the student has successfully completed the externship requirements: amount of time devoted by the extern to the placement, the quality of the extern’s work product, the extern’s journal or paper, and the extern’s final evaluation. This externship accepts two students each summer.

Assessment Goals: In the Summer 2006, the faculty supervisor and field supervisor(s) of the United States Attorney Externship will assess student performance within various experiences, most likely including, at minimum, one written task and one task requiring oral communication skills. This assessment, overall, will likely gauge student performance on most (if not all) of the ten Competencies.
APPENDIX III
Bar Exam Performance of UND Law Graduates

Successful Passage on North Dakota Bar Exam

2005  94%  (30 passed out of 32 takers)
2004  84%  (36 passed out of 43 takers)
2003  75%  (24 passed out of 32 takers)
2002  89%  (24 passed out of 27 takers)
2001  93%  (27 passed out of 29 takers)

Total:  86.5%  (141 passed out of 163 takers)

Successful Passage on Minnesota Bar Exam

2005  88%  (14 passed out of 16 takers)
2004  94%  (16 passed out of 17 takers)
2003  71%  (22 passed out of 31 takers)
2002  82%  (27 passed out of 33 takers)
2001  88%  (29 passed out of 33 takers)

Total:  83%  (108 passed out of 130 takers)

Combined total passage rate for ND and MN Bar Exam 2001-05 = 85%  (249 of 293)